

U.S. Department of Education  
Office of Postsecondary Education

National Advisory Committee on Institutional Quality  
and Integrity

Friday, June 26, 2015

The Committee met in the Galaxy Ballroom of the Sheraton Pentagon City at 900 South Orme Street, Arlington, Virginia, at 8:00 a.m., Susan Phillips Chair, presiding.

Members Present:

Susan Phillips, Chair  
Arthur Keiser, Vice Chair  
Kathleen Sullivan Alioto  
Simon Boehme  
George Brown  
Jill Derby  
Roberta Derlin  
George French  
Anne Neal  
Richard O'Donnell  
William Pepicello  
Arthur Rothkopf  
Cameron Staples  
Ralph Wolff  
Frank Wu  
Federico Zaragoza

Staff Present:

Jennifer Hong, Executive Director  
Herman Bounds, Jr.  
Elizabeth Daggett  
Karen Duke  
Patricia Howes  
Valerie Lefor  
Donna Mangold  
Sally Morgan  
Chuck Mula  
Steve Porcelli  
Cathy Sheffield  
Rachel Shultz

Also Present:

David Musser, Program Specialist, Office of  
Federal Student Aid

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## Proceedings

(8:04 a.m.)

## Welcome and Introduction

Chair Phillips: Good morning. The new cell phone clink against the glass is an effective strategy, apparently.

Good morning, and welcome to day two of the June NACIQI meeting. I am Susan Phillips, Chair of the NACIQI.

Just a couple of preambles to the day. This would be the moment in which you check your cell phones and turn them off or to -- over. Thank you very much. And I appreciate that.

We are scheduled this morning to run up to and coming up past one o'clock. We will see how the morning goes. And our -- we are joined by a full complement of our NACIQI members.

I am going to ask folks to just go around and do introductions again so you know who is here.

This time I am going to start from the George French corner. And if you could just introduce yourself, and we will go right around.

Thank you, George.

Dr. French: Good morning. George French, president Miles College, Birmingham, Alabama.

Member Zaragoza: Good morning. Federico Zaragoza, vice chancellor, Economic and Workforce Development, Alamo College of San Antonio, Texas.

Member Derlin: Bobby Derlin, associate provost emeritus, New Mexico State University.

Bill Pepicello, president emeritus, University of Phoenix.

Member Alioto: Kathleen Sullivan Alioto, New York

and San Francisco.

Member Wu: Frank Wu, chancellor and dean, University of California, Hastings College of law.

Member Wolff: Holding down the California contingent, Ralph Wolff, former president of WASC Senior College Commission.

Vice Chair Keiser: From Florida, Art Keiser, chancellor at Keiser University.

Dr. Hong: Jennifer Hong, executive director and designated Federal Official of the NACIQI.

Chair Phillips: Susan Phillips, Chair of NACIQI.

Mr. Musser: David Musser, policy liaison and implementation, Office of Federal Student Aid and the Department of Education.

Mr. Bounds: Herman Bounds, director of the Accreditation Group.

Ms. Morgan: Sally Morgan, Office of General Counsel.

Ms. Mangold: Donna Mangold, Office of General Counsel.

Member Derby: Jill Derby, senior consultant, Association of Governing Boards.

Member O'Donnell: Rick O'Donnell, CEO of the Skills Fund.

Member Boehme: Simon Boehme, Mitchell Scholar.

Member Brown: Hank Brown, Colorado.

Member Staples: Cam Staples, president of New England Association of Schools and Colleges.

Member Neal: Anne Neal, American Council of Trustees and Alumni.

Chair Phillips: Wonderful. Thank you all for being

here and thank you for the -- those participating from the audience.

Our topics this morning have to do with learning a bit about departmental initiatives, as well as some work of the accreditation group.

We start this morning by thinking with -- learning about the Experimental Sites Initiative. And David Musser is here to help us learn about the experimental sites.

This is, again, from the Federal Student Aid perspective and Herman Bounds will be also speaking about the connection of that to the accreditation process.

In your folders are items six and seven. You will see a letter to the accreditors and a letter about the -- announcement about the experimental sites, just so that you have -- not so you can read it at this moment, but reference points.

And let me turn it over to David and Herman to start and we will -- so, the rules here, you have to press the button and we will go from there.

#### Experimental Sites Initiative, Guidance to Accrediting Agencies

Mr. Musser: Thank you so much.

Well, as I mentioned before, my name is David Musser. I am with the Office of Federal Student Aid and I work pretty closely with the Experimental Sites Initiative.

The Experimental Sites Initiative is an authority granted to Federal Student Aid and the Department by Congress to conduct some limited experiments that allows us to waive certain statutory and regulatory requirements in order to conduct experiments, to determine how changes to those requirements might -- might end up either improving the administration of the Title IV

Programs or, in general, improve student outcomes.

Recently, and, in fact, on July 31st, 2014, we published a Federal Register Notice beginning four new experiments, two of which are directly related to a form of education, a postsecondary education called competency-based education.

And many of you, I am sure, are familiar with competency-based education in a variety of different forms.

There is no Federal definition for competency-based education. However, the department has been interested in this emerging form of education, and we have sought to learn more about how competency-based education programs work, how they are designed, a little bit more about, if we can, learn about student outcomes in competency-based programs.

And we also hope to learn how the Federal Student Aid Programs can be either redesigned or changed in order to support competency-based education programs.

So, in order to achieve these goals, we created two experiments under the experimental size initiative in that July 31st Federal Register Notice.

One of them is called competency-based education, appropriately enough. The other one is called limited direct assessment.

Now, before I get into too much detail about those two, I want to try and get some nomenclature out -- out in the open and see if -- see if that helps.

So, as I mentioned, competency-based education does not have a Federal definition currently. There is no -- there is no definition in the statutes or in the regulations.

It is a well-known term in postsecondary education, and it is becoming more well-known, but there is no

specific set of rules that works around that term.

However, there is a term called "direct assessment." That is a statutory term that was passed by Congress essentially to reflect the kind of programs that -- that we often refer to as competency-based education programs.

And those programs are things that are -- that are programs where students' progress are assessed directly through assessments of competencies, things that that the students know and can do.

Direct assessment programs actually have a specific set of regulations associated with them and there are specific and -- rules that are actually from the other rules for eligible programs in the Title IV regulations.

And so, we actually have a lot of rules around direct assessment programs. And one of those rules in the normal scheme of things, is that, in order to be an eligible program, if you are offering -- if you measure student progress using direct assessment, it has to be a hundred percent direct assessment.

So, that is just a very general overview of the regulatory -- the kind of current regulatory set-up for direct assessment and competency-based education.

And we also know that there are a number of competency-based education programs that still use credit hours, and they tend to be a little bit more traditional.

They -- at least from what we can tell, they are structured a little bit more like a traditional course. They often are structured in terms. But a credit-hour competency-based program falls under the normal rules and regulations for all credit hour programs that apply.

And I -- so I want to just make sure that we have -- that is out there before we get started, talking

about the rest of it.

So, we started two experiments in 2014 around competency-based education, and one of them is called limited direct assessment. So, limited direct assessment allows a program that is offered less than a hundred percent through direct assessment to be eligible for Title IV funds.

So, that allows what many call hybrid programs to be eligible, and what we found once we had actually published the notice is that, you know, schools -- this is a very new area for schools and for accrediting agencies and they are -- in many cases, there -- some accrediting agencies had how they might approve direct assessment programs, and some didn't.

And there is no regulatory requirement that an accrediting agency approve a direct assessment program, but if they have rules to do so, then that is what they can do.

So, we went through a process, trying to find out how that we could provide some guidance to accrediting agencies about what we would expect an approval to look like for a hybrid direct assessment program, something that, under normal rules, is not permitted in terms of eligibility for Title IV funds.

So, that is the limited direct assessment experiment. The other experiment is called competency-based education, and it has less to do with the eligibility of programs and more to do with the way that Title IV funds are disbursed to students.

What we did was, recognizing that many competency-based programs are somewhat self-paced and allow students to progress at their own pace at whatever level they are capable of progressing.

Title IV funds are normally disbursed in terms, and the term system isn't -- doesn't seem to be as

useful for competency-based education programs, so we devised a new way of disbursing funds that would allow schools to disburse Title IV in two different streams.

One stream would be provided to students as they completed competency, so at the rate of the student's progress, while the other stream would be provided to students over very specific periods of calendar time to reflect the different -- the different ways that students' costs accrue in these programs.

So, a student's cost for education might increase rapidly or slowly, depending on how quickly the student went through the program, while the student's living expenses will accrue at the same pace that they always do because students have living expenses that they have to cover over a period of calendar time.

So, this is a very new way of disbursing aid, and we wanted it to apply only to competency-based programs because we were interested in finding out whether this new way of providing Title IV could be beneficial for both institutions offering competency-based and students participating in those programs.

So, in order to -- to try and do that, we asked accrediting agencies to determine whether a program is a competency-based education program in order for it to qualify to participate in that competency-based education experiment.

So, I am going to talk about that in a little bit when I get a little bit further down into the letter.

So, all of that said, those are the two experiments that we are interested in and not only did we want accrediting agencies to help us ensure that the participating programs were competency-based education programs, but we also wanted to ensure that accrediting agencies provided a general set of quality assurance actions for these programs because we -- we wanted to ensure that there is at least a baseline of quality for these competency-

based education programs.

Now, as I mentioned, there is no Federal rules around the competency-based education or accrediting agencies' approval of competency-based education programs, specifically.

So, in -- in the letter that we wrote, we tried to put together some -- some meaningful guidance based on our perspectives on competency-based education and some of the rules that are associated with those programs.

So, there are some -- in the letter, there are some general requirements for an accrediting agency's review of a competency-based education program. The first one is that the first time a new competency-based program is offered, we expect that an accrediting agency would perform a substantive change evaluation because it would be, at least in our view, a new kind of delivery of postsecondary education.

And that could occur during a reaccreditation review or in a major action that is happening at the institution.

We also expect that the accrediting agency will review the institution's use of credit hours or credit hour equivalencies and ensure that that conforms with general practice in higher education.

As I mentioned, competency-based is sort of less time-based. It is not necessarily based on structured courses in the way that many that we may perceive by traditional higher ed.

So, we are looking to ensure that there is some consistency in the way that they treat credit hours or the equivalents, if it is a direct assessment program.

And finally, we -- we hope that accrediting agencies will ensure that the institution is devoting sufficient faculty and other academic resources to its

competency-based programs, and that the program, lastly, and importantly, includes regular and substantive interaction between faculty and students.

And I am going to pause there for just a second, to talk about regular and substantive interaction. Probably, as many of you know, in our normal rules, there are two kinds of programs that are eligible for Title IV that can be offered off-site, so not in a brick and mortar setting.

One of those is correspondence education and the other is distance education. And the thing -- the primary thing that distinguishes those two things is what we call regular and substantive interaction between faculty and students.

If a program includes -- is designed to include regular and substantive interaction, then it would be considered a distance education program.

Now, again, as you all know, in order to approve a distance education program from an accrediting agency's perspective, you have to be recognized as an agency that approves distance ed.

For the purpose of this experiment, we required that a program that participates in the experiment actually have regular and substantive interaction between students and faculty.

So, whereas, in the normal scheme of things, you could have a correspondence program and be eligible for Title IV. We wanted to ensure that only distance education programs and brick and mortar programs actually participate in this experiment.

So, that is one of the things that we ask accrediting agencies to look at before we allow a program to be included in our experiment.

So, in the letter that we described some of those general requirements that we hope that accrediting agencies would look at before a program can be

included in the experiment.

And we also gave some more specific guidance, sort of our perspectives on what we would expect for regular and substantive interaction between faculty and students that might be included in an accrediting agency's review of these programs.

So, the first thing that we talked about is that we -- we would expect that students have access to what we call "qualified faculty." And what we mean by "qualified," is the faculty have appropriate credentials for the field that the student is studying, and the appropriate experience in that domain.

And we also -- so we -- that has come up a number of times in our discussions with schools, that some of these competency-based education programs have what we -- what sometimes are referred to as disaggregated faculty models, or it is sometimes called unbundled, in which there are more than one faculty member and more than one staff member who worked with students in a given course.

One person might be doing substantive reviews of students' assessments of work. Another faculty member might actually be designing the course and yet, another, might be coaching or tutoring students.

But it is important to note that our perspective has always been that, for the purposes of regular and substantive interaction that the faculty member must be qualified. And, "qualified" means, for these purposes, someone who is -- who has the appropriate credentials based on the accrediting agency's expectations.

So, we always expect the students had access to qualified faculty and an opportunity to interact with them, so that -- and that could mean when they are struggling or when they just want to have more support.

But we also looked for the program, itself, to be

designed to ensure regular and substantive interaction.

And so, what I mean by that is that we -- we hope that a program is set up to actually ensure that that kind of opportunity for interaction is sort of always set up and something that would normally happen between students and instructors.

And we actually wanted -- we went into a little bit more detail about what we mean by "regular" and "substantive" in this context. So, when we say "regular," we mean predictive -- predictable regularity, and that could mean some event-driven interactions.

So, if you always have substantive interactions when a student completes an assessment, that would be a very predictable and regular way of ensuring interaction between your students and your faculty.

But at any rate, it doesn't have to be based on any specific kind of event, and you could also have discussion groups or something similar, but it does need to be predictable and regular in terms of the program is designed.

When we say "substantive," we mean something pretty specific, and we refer to interaction that a student that is relevant to the academic subject matter and in which the student is engaged.

So, any time that a student speaks with a faculty member about the subject matter that they are studying, that would be a substantive interaction.

So, the letter also goes into a little bit more detail about assessments, which we feel is an extremely important part of the quality of competency-based education programs, and competency-based, they are designed to assess whether a student has mastered a given competency, so has the skills and knowledge necessary to perform a specific task.

And so, assessment in this context is something that we hope that accrediting agencies will look at closely.

It is not necessarily required that every single assessment have substantive feedback associated with it. However, we would hope that, just as part of any longstanding practice that an accrediting agency review an institution's assessments and that they monitor the efficacy of those assessments and ask the institution's faculty to continually review the quality of those assessments.

So, the last -- most of the last part of the letter describes the very specific requirements that we have for review of the specific types of competency-based education programs that might be in the experiment.

One of those types of programs, as I mentioned before, are course or credit programs, and those are ones, programs that measure student progress using credit hours or clock hours.

For those programs, the program must simply be included in the institution's grant of accreditation, whatever that may mean. It could be a specific approval or, as I mentioned, it could be simply included in the general accreditation of the program.

But we also ask that those programs, for the purposes of the experiment, be recognized as competency-based education programs. And when we say "recognized," in this context, we mean "identified as."

And that could -- that -- that doesn't have to be a full-scale review. It could be just a paper-based process, but what we are looking for is the -- an assurance from the accrediting agency that the program is, indeed, a competency-based education program.

So, those are the requirements for the course or credit programs. There are also some separate requirements for direct assessment programs, which are not -- in which student progress is not measured using credit or clock hours, but some other unit, and there is an equivalency between that unit and the credit hour or clock hour.

So, if the program is offered using more than 50 percent direct assessment, then we have some very specific requirements for approval of that program that is in our regulations, in 34 CFR 668.10, and we also have a "Dear Colleague" letter, GEN 13.10, in which we describe those requirements.

And for programs that are more than 50 percent direct assessment, we require a specific approval of the program by the accrediting agency and we require a specific approval of the institution's methodology for determining that equivalence between their competencies or other units and accreditor clock hours.

And that is something that we require in the normal scheme of things for 100 percent direct assessment programs.

So, there is one more category. If a program is less than 50 percent direct assessment, then the agency must have evaluated the institution's general approach for that clock-to-credit-hour equivalency and that program must be included in the institution's grant of accreditation, similar to what I mentioned with the course credit programs and also similar -- the program must be recognized as a competency-based education program.

So, before an institution actually begins participating in either of those two experiments, they will have to show us that one of -- that these things have been reviewed by their accrediting agency and they will have to give us documentation of that.

And again, that documentation doesn't have to take

a specific form, but often is a letter from the accrediting agency that it has completed that review. But, if it is a more formal review, we do often ask for a more comprehensive report from the institution, but it is not necessarily required.

And so, that is all that we indicated in the letter, so I would, you know, like to open it up, I think, for questions, if anyone has any at this time.

Chair Phillips: Frank.

Member Wu: How will you evaluate whether this is working?

Mr. Musser: How -- evaluate how competency-based education is working or the success of the experiment?

Member Wu: The latter, the success of this experiment.

Mr. Musser: So, the experiment actually is largely descriptive because, to be perfectly honest, we don't know, and we don't believe we know enough about competency-based programs to know what constitutes a successful program.

So, one of the things we are trying to learn are what kind of students enroll in competency-based education programs, and so we will be analyzing a lot of the data that they provide to us, anyway. That is the data -- we will look at enrollment data from their past enrollment, including their enrollment in the competency-based education program, the aid that they receive, and that sort of thing.

But we will also be looking at qualitative information from the institution about how they designed the program, how the program operates, and how students progress through the program.

And, not only that, but we will also be looking at how the new disbursement system affects students,

how it affects the administration of the competency-based program, and a lot of the qualitative information that we receive from institutions will help us know whether that disbursement system is working, and that is a big part of what we are interested in.

The other thing we want to learn is how institutions set up hybrid or partial direct assessment programs because there seems to be a pretty diverse array of those programs.

One -- you know, one type might be just a few courses that apply to -- as gen ed requirements for many, many programs, and in other cases, it might be 75 percent of a program, but there are just a few credit hour courses that are included in the program.

So, we are very interested in how those programs are set up and also, you know, how Title IV gets distributed when -- when we allow for them to be eligible for Title IV.

Chair Phillips: Kathleen.

Member Alioto: When do they become eligible, if it is a training program or experimental program?

Mr. Musser: So, yes. Let me give you a very quick overview of how the experiment gets set up. So, when an institution actually asks us to be -- to participate in the experiment --

Member Alioto: Yes.

Mr. Musser: -- and then we will give them an amendment to what we call their program participation agreement, which is our contract with them to receive Title IV aid.

And once they get that amendment, then we have waived whichever of these regulations, depending on the experiment that they are in, and at that time, if they have approval by their accrediting

agency, all the things that I described in this letter, and they apply to us to receive Title IV in that program, we will review their program and their administration of the Title IV programs, and then we will either approve or deny that program for participation.

So, it is a two-step process. The accrediting agency first does its review and then, once that is complete and we have documentation that you are okay with the program, then we will finish up our review and do our -- make our own determination for the program to be eligible.

Member Alioto: So, step one is the accrediting agency?

Mr. Musser: Yes, that is right.

Member Alioto: And how are you training accrediting agencies to do this?

Mr. Musser: Well, we don't have the specific training, I can look to Herman, you know, about that.

But, one of the things that is difficult about this experiment is, quite frankly, you know, this is a new form of education for us as well.

So, we certainly can't tell you how to review these programs and we -- we rely on you to help us know whether these are qualified and valuable programs for students. So, we don't have a specific program to train accreditors at this time.

Chair Phillips: Herman, do you want to say a little bit about what the regional accreditors have done?

Mr. Bounds: As David was saying, yes, we -- the whole process is new, so we do rely on the accreditors to come up with, you know, their methods of how they are going to review these programs and processes they are going to use.

Because, in many ways, you know, substantive

change is a big deal. That is why we say it is not -- you know, it is not required all the time.

I think the regionals have established some policies to look at these things. And, Susan, I am not really sure everything that they -- that the regional has -- the regionals have done to look at these programs.

I know they have gotten together and had some meetings and discussed how they want to approve the programs that participate in experiments.

Chair Phillips: There has been some discussion about how to handle this sort of review process, and I believe the consensus across the regional.

Member Alioto: We have that council in our packet.

Mr. Musser: And I would also mention that the department is interested in not necessarily providing rules for you guys as accrediting institutions, but we really are interested in collaborating with you.

So, if you have perspectives that you would like to bring to us about what seems to be a good practice in competency-based education, that is something we are extremely interested in.

In fact, you know, the more we can talk with you, the more that it enlivens our, you know, our research into these programs and will help us construct a report on these experiments that may influence policy down the road.

So, we are really interested in talking with you about what, you know, both challenges and the things that you find are valuable in terms of your reviews of these programs.

Chair Phillips: Federico.

Member Zaragoza: Has there been any effort to interface or to communicate with the Department of Labor and their industry certification programs?

Because, there are many -- and, as you know, a growing number of programs now that are being put online and actually incorporated into curriculums, looking at manufacturing, for example, the MSSE program, the NIMS, the ASC.

There is a whole litany of competency-based programs already out there, some of which are pretty successful. Some that are a work-in-progress.

Many of those have already been articulated credit-to-noncredit. You know, again, on the ground. So, this whole area really for community colleges. And I am in the workforce side of the house. I have been around for many years.

But there is kind of that whole issue of the integrity, and so I am wondering if the interface with the Department of Labor, as some of their work might not be fruitful.

Mr. Musser: Thank you. We appreciate that, and we had actually talked with the Department of Labor a number of times and it has come up in a lot of different contexts, including their focus on apprenticeships, and we will continue to work with them on the programs that are already out there.

The tax grant is another one where a number of schools have created competency-based education programs and that we have seen some successful stories there, too. So, I appreciate that. That is very helpful.

Chair Phillips: Herman. Yes.

Mr. Bounds: Thanks. And I also wanted to make -- you know, make it clear to everyone, too. Now, all -- but all, you know, all Title IV gatekeepers are, you know, able to participate in this process, and that would include national accreditors.

That would include specialized accreditors who accredit the free-standing institutions. So, it is not

just regionally-accredited institutions that can participate. I just want to make that clear.

Mr. Musser: Yes. And, actually, that is a really, really good point, and I want to emphasize that we do know that these programs have been around for a long time and many of them are nationally-accredited, and we -- we are very interested, and we don't -- we don't have that many programs right now that are in -- that are in the experiment.

Most of the schools that have applied to participate have been regionally-accredited. So, we are very interested in seeing more nationally-accredited schools participate in the experiment.

And it is open, by the way, for new institutions to apply to participate if they are interested. But, at this time, yes, we just have a few, but we would love to see more.

Chair Phillips: Ralph.

Member Wolff: That actually was my question. Are all the programs that have been approved regionally-accredited, or are there other accreditors that have submitted applications.

But, I think your answer was you welcomed them, but right now it is all regionally-accredited programs?

Mr. Musser: And I don't have the list in front of me, but I believe that there is one national accreditor that has -- that accredits an institution that is in the experiment, and I don't remember which one it was.

Member Wolff: Another question is, we talked yesterday about four-year and six-year graduation rates and issues like that, the way data is collected by IPEDS.

Has the department thought about what is time-to-degree in a competency-based program and how data will be collected, because as it becomes

increasingly an issue, typically at the undergraduate level, it is very different from a graduate program.

Mr. Musser: Yes.

Member Wolff: And how are you addressing the data collection and time to degree?

Mr. Musser: So -- well, there are two things about that. There was talk for a while about doing an impact study that would include a review of time-to-degree for students in competency-based education programs, but we eventually determined that the diversity of competency-based education programs was so great that we really couldn't rely on an impact study, a really rigorous experiment.

However, we still wanted to know what the time-to-degree was in the programs that were

participating in our experiment. So, to do that we are actually using data that schools are required to report to us, anyway through the National Student Loan Data System.

They have to report -- any time a student receives Title IV aid, they have to report the student's enrollment by program, and so we will actually have the specific program that these students are in.

We will know when and if they withdraw, when they complete, and the time that it takes them to complete.

So, for the schools in the experiment we will actually have a pretty rich source of data about how long it takes them to complete these programs.

Now, we can't compare that against traditional programs because of what I just mentioned. We can't -- we don't have a good mechanism for control in that experiment, but we will have some data on how quickly they are completing the competency-based programs.

Chair Phillips: Any questions?

Jo.

Dr. Hong: So, David, the guidance was released on June 9th. Have you or Herman heard anything from any of the accrediting agencies, gotten any feedback?

Mr. Bounds: No, I haven't gotten anything specific. I think they are probably still looking at the letter, kind of digesting the information and, like I said earlier, maybe putting some procedures in place, you know, based on the additional guidance that -- you know, that we have given them.

Mr. Musser: Yes. Yes. We haven't heard from anyone yet, but we are -- we expect to. We certainly expect to hear more questions soon.

Chair Phillips: Yes. Kathleen.

Member Alioto: One more question about the mechanism. If there are some professors who are doing some wonderful work, do they have to go through -- do they have to go through an accreditation group before coming to you, or can they just go through a regular grant application process?

Mr. Musser: Well, I want to be clear that -- well, what we are talking about is only relevant to the Title IV eligibility of these programs and their participation in the experiments.

So, if a -- you know, there are lots of ways that a program could have an excellent faculty member teaching in a competency-based format and the program simply either -- either wouldn't be eligible for Title IV or might be eligible for Title IV, but not in the experiment.

But, the letter is really focused specifically on the requirements for being in this experiment, itself. And, you know, we have a lot of regulations that we have to follow, so that is kind of why we have provided this guidance and set it up in the way that

we have.

But, specifically for the purposes of the competency -- of these experiments, there does need to be some specific accrediting agency review of programs before -- before they can participate.

Member Alioto: Unfortunate.

Chair Phillips: Anne.

Member Neal: I just want to follow up on Kathleen's question. First, I think the experimental sites and the opportunities there are exciting and I am delighted to see experiments.

I guess the one response I had to the description is it seems very proscriptive and not very experimental in terms of the kinds of things you are going to allow. Still focus on credit hours, bricks and mortar institutions, qualified faculty, substantive interaction.

It all seems very traditional to me and I am a little disappointed that it is not a little more experimental in its creation.

Mr. Musser: That is actually a very good point. We have heard -- we have heard from the community that very same perspective, and I would say that while we are requiring regular and substantive interaction and partially that is because we can't waive that.

We have heard from the community that that is -- feels a little restrictive. We think that there are a lot of ways that regular and substantive interaction could occur that don't involve a brick and mortar classroom.

And, actually, this has certainly opened up to distance ed environment. We don't need to say that these programs have to be offered in a classroom setting.

In fact, most competency-based programs that we

are familiar with don't operate in a classroom setting. They have -- a lot of them have adaptive learning tools that students use to, you know, gain access to their educational materials and to take assessments and to get feedback on assessments that have nothing to do with faculty.

But, in order for us to meet the requirements for what we call a distance ed program and for a program to be an experiment, we do believe that some level of interaction with qualified faculty is very important.

It doesn't have to be set up in a, you know, regular sessions that a student has to attend. And we are - - actually, one of the things we want to study in the experiment the innovative ways that schools find to ensure that faculty are accessible and that the program ensures that students do receive their support and instruction.

So, that is part of what we want to learn. We are being somewhat proscriptive, as you said, regarding the requirement that there be regular and substantive interaction, but we think that that can happen in a lot of different forms that are not as familiar to us and to the postsecondary field at-large.

And we really want to know what those things are, so that is kind of what we were aiming for with this.

Chair Phillips: A follow-up question that I just wanted to pose on the -- sort of what counts as a faculty.

Could a faculty member be a book? Could it be a --

Mr. Musser: No.

Chair Phillips: Well, it is a source of learning.

Mr. Musser: It is, yes.

Chair Phillips: It has to be a human?

Mr. Musser: It does have to be an individual, yes. A human.

Chair Phillips: Does it have to be touchable? Could it be on a mook, for instance?

Mr. Musser: It does not have to be in, you know, close contact. It could be someone giving a lecture. It is true.

Chair Phillips: A lecture, but not a book? You can't write a chapter, you have to give it auditorially? Could you put the book on -- I am pressing --

Mr. Musser: Yes. Yes.

Chair Phillips: -- because it is -- you know, there are lots of teachers in the world.

Mr. Musser: Yes.

Chair Phillips: And not all of them have two legs and two hands.

Mr. Musser: Yes. I think -- yes. I think, well, when we say "qualified," we just mean someone with the appropriate subject matter expertise.

Chair Phillips: Okay.

Mr. Musser: So, that is the basic requirement there.

Chair Phillips: Okay.

Mr. Musser: And when we say "interaction" we -- what we really mean is the ability that so it is not just a student who is reading a book and is not told anything about what to do with that book.

So, that is what we are trying to avoid is, you know, they maybe have a syllabus, they are just reading a book and they have to do a test at the end of the term.

So -- and that -- part of the reason that we don't accept that is there is a specific statutory

requirement that that be -- that kind of a program be treated differently than a distance education program, and that is what we call a correspondence program.

So, it is that ability for students to access the expertise of a human. That is important in this context.

Chair Phillips: Okay. So, let me push a little further.

Mr. Musser: Yes.

Chair Phillips: So, there is a -- there are study analytics programming software that allow you to go through lessons A through D, assessment occurs. There is a branching tool saying, "If you got this and this wrong, you go this direction. If you did this and this wrong, you go that direction."

It has all been programmed about what the next learning opportunity is to be, but there is no human currently following that student.

Mr. Musser: Yes.

Chair Phillips: Does that count as a teacher?

Mr. Musser: So -- yes, it doesn't, but I would have to ask a lot of other questions about other -- like, are there faculty that are available for that student to talk to if he is having trouble?

Chair Phillips: Right. Right.

Mr. Musser: If so, are there also -- is there someone that will eventually interact with them? Is there, you know, opportunities for discussion?

That is -- you know, we are certainly supportive of these adaptive learning tools and we think that that is -- the technology there is actually very powerful, but it is not the only component that is necessary for what we call regular and substantive interaction of the faculty.

Chair Phillips: Okay. Other questions before we move on?

(No audible response.)

Chair Phillips: Okay. Thank you so much for coming. This is exciting to hear about --

Mr. Musser: Thank you.

Chair Phillips: -- and we really appreciate being brought up to date on it.

Mr. Musser: I really appreciate being invited. Thanks, guys.

Chair Phillips: We have got a couple of housekeeping items before we -- we are going to just take a break and then -- so, before we take a break, some calendaring questions and also, if you have not yet signed a card for John Etchemendy, who is not able to be here -- who has got that now?

Oh. There is a card circulating in a blue folder. If you could -- if you are able to send note, that would be great.

Second is, we are looking at planning for our December meeting, and I will ask Jen to summarize how many -- or Herman to summarize how many agencies are currently on the agenda for that, or plan to be on the agenda for that.

It is something like 15?

Mr. Bounds: Yes.

Chair Phillips: Fifteen agencies that are scheduled, which is a fairly large number in the greater course of things.

So, we are looking to figure out how many days it will take us to address the recognition process needs that we will have, and also looking at that in relation to the policy agenda that we want to pursue, and our considering what dates.

So, you will see in your folders a set, a little calendar that says, "What dates can you do this?" If it is possible for you to X-out the ones that are completely not possible during December, and make sure that it comes back to Pat before we leave today. That would be helpful.

December is -- gosh, very soon, as it turns out. And also, in planning that, we are thinking about the larger question of the consent agenda.

Jen has been looking at this notion to see where we might navigate with the consent agenda and what rules to use to put something on it.

So, let me turn it over to Jen to talk a little bit about the consent agenda, and then we will move on.

#### Use of the Consent Agenda

Dr. Hong: This is item eight in your folder. There is a copy of a provision from the statute and the citation is 20 USC 1099b(n)(2).

Briefly, what it says is that the Secretary will place a priority for review for those agencies that either are the subject of the most complaints or that accredit institutions that participate most extensively in the Title IV programs.

So, keeping that in mind, the consent agenda that the NACIQI currently works under is for an agency to be put on the consent agenda, we said that there must be no third-party comments, and no compliance issues identified by the staff at the time of the final report.

So, in light of this provision, I had some concerns about continuing with those criteria for the consent agenda. I think that we ought to think about ensuring that we do not include agencies that fall into either of those two categories, either that they have been the subject of most complaints, or they have a greater share of the Title IV draw-down on the consent agenda.

However, you know, we can also expand the consent agenda by not limiting it to those agencies that have no compliance issues. If you are comfortable with deferring to the staff recommendation, even if there are compliance issues, that will help us prioritize agencies that have the greater share of the Title IV draw-down, and are the subject of the most complaints.

But, I raise that for your discussion.

Chair Phillips: The question-at-hand is what -- obviously -- let me back up.

Once we put forward a consent agenda, any member can pull an item off of the agenda, so that is -- that doesn't change. But the question of where we start is the -- is the matter-at-hand.

Right now, we use the no third-party, no issues rule, as it were, or no staff-identified issues rule.

The document that Jen is referring to suggests that there may need to be consideration for the proportion of Title IV funding, but the bulkiness of that, and the other -- and the other one that she suggested is -- is areas where the -- that might come with areas that the staff has identified a concern, but the committee is willing to let it go, with the staff agenda.

So, this is all in the context of a new, more-expedited review process where we have scaled back the next set of reviews -- Is this correct, Herman? -- are not the full 96 boxes, but it is a focused set of boxes.

Do you recall this?

(No audible response.)

Chair Phillips: Yes. Okay. So, we now -- we are coming into a period where we have some more focused reviews, some expedited reviews, fewer -- less attention to some of the less critical issues.

We have an interest in focusing a bit more on the agencies that consider the Title IV funding. We have a question about the extent to which we might be willing to have the staff recommendation, the govern -- the action.

I wanted to get your feel for that. There has obviously been different points about what items need to have more closer review, more scrutiny, more committee discussion.

Let me offer an open mic to -- what is your pleasure on how to proceed with it?

Member Alioto: I am a little confused because the item that I had on the consent decree did have third-party -- had considerable third-party comments, but the department had voted for it.

And I looked at the comments and I thought, "No. Some of them were negative, but that the overall objective of the APA in opening competitions, opening new ways of -- of accreditation for these institutions was a good idea."

But there were -- I am a little confused about what you are saying.

Dr. Hong: I will try to clarify. No oral comments at the meetings.

Member Alioto: Oh, I see.

Dr. Hong: In other words -- yes, that we didn't have to give anybody the microphone. So, no oral comments at the meeting, and that way the -- you know, you could just approve the consent agenda as-is.

If there are oral comments, then we have to pull the agency to hear the public comment.

Vice Chair Keiser: All right. But that would change now because if they get written complaints you would bring them to the meeting?

Dr. Hong: Right. So, that is the next section that Herman is going to discuss.

Vice Chair Keiser: Oh. I thought the --

Dr. Hong: Yes. He is going to propose --

Vice Chair Keiser: Well, but you have it -- you have it in this section here on the consent agenda that "those agencies that have been subject to the most complaints."

I don't know what "most complaints," means. "Most," compared to what?

Dr. Hong: Right. And I think that raises another question. I mean, if there is -- again, many complaints during the period of recognition and the --

Vice Chair Keiser: "Many" is different than "most."

Dr. Hong: All right.

Vice Chair Keiser: "Most." I don't know how you are going to deal with that. You have to count them up and each meeting we have a different scale?

Chair Phillips: Arthur.

Member Rothkopf: It seems to me, though, that the problem of consent agenda and complaints that have been considered by the staff in recommendation, the reader or anybody else can say, "Let's just step -- I don't want it on the consent agenda and just have it discussed by everybody." You know, have it as part of the regular agenda.

So, it seems to me that there is -- you know, this procedure while not perfect, makes sense in terms of allowing us to focus on what -- you know, what are the more contentious issues and on the policy issues.

But, you know, if anybody, including the readers, feel that it ought to come off that agenda, they just,

you know, tell Jennifer, and it is off the consent agenda. Right?

Dr. Hong: That is right.

But are you comfortable with continuing with the procedure of putting even those agencies that have the greater share of the Title IV -- because there is a great disparity among the Title IV accreditors and the programmatic accreditors in terms of the Title IV draw-down.

So, -- the statute is pretty explicit, that we must prioritize a review for those agencies that have the greater share of the Title IV draw-down.

It is true that any member can remove an agency off of the consent agenda, but I have concerns about the appearance of putting an agency that draws down 40 billion, for example, of the share of the Title IV on the consent agenda.

Chair Phillips: Jen, just to clarify, are you suggesting that the agencies that -- whose institutions draw down a large portion of the Title IV money would go on the consent agenda or would not go on the consent agenda? Could you clarify what you are --

Dr. Hong: Not go on the consent agenda.

Chair Phillips: So you are assuming that placing priority for review means an active nonconsent agenda review, as opposed to a consent agenda review?

Dr. Hong: Yes. That is what I am proposing.

Chair Phillips: Okay.

Vice Chair Keiser: I am still a little confused. You could have an agency that has a few number of schools that are pulling down a whole lot of money which would need the same kind of review as a very large agency that has a lot of institutions which the individual institutions are pulling down a small

amount.

So, the "most" bothers me and then the "greatest amount of Title IV" bothers me. So, I think the staff should do with each institution the same way and if there are problems, bring them forward to us, and if there are no problems, you know, let us go through a consent agenda.

I just think these are artificial and are not going to really serve us very well.

Dr. Hong: I am trying to think of ways to prioritize, especially with the forthcoming reviews. The way that I read that provision is that it refers to agencies that accredit institutions that participate most extensively.

Vice Chair Keiser: Well, what does that mean? I don't know what that means. I mean, you can have a small agency that the institutions use a lot of Title IV and then you could have a large agency with just a few of the institutions using a lot of Title IV, but they both have the same impact.

So, you know, if it is \$50 billion in Title IV, it could be nothing to a big regional, and it would be a lot to a small quasi-institutional programmatic.

Do you understand what I am saying? I think we need to deal with each institution the same way, and not -- I think staff needs to go through the -- whatever the -- if it is an expedited process, the same way, and treat each accrediting agency the same way.

And if it belongs to be on a consent agenda, we put it on it and if it doesn't, you don't. I don't see what these two artificial measures have anything to do with our review process.

Chair Phillips: And may I also suggest that a way through this might be to consider the question of placing of priority, not as a consent agenda versus regular agenda, but as a first in the agenda, as

opposed to at the end of the agenda.

I think you could consider it in a different way, so that it doesn't -- it doesn't alter the equity issue that I think Art is talking about.

Cam.

Member Staples: Thank you, Susan. I just wanted to respond to -- I think one of the comments you made earlier -- you mentioned earlier about -- and I don't know if we dispensed with it -- the idea that we would consider putting on the consent calendar items where the staff report had concerns/recommendations.

I would, as just one person, prefer not to do that. I think it is helpful -- for me, anyway, it is helpful to know that the consent agenda represents items where there is a -- where the staff is recommending an approval without conditions, without issues.

To me, that gives me some comfort in deferring to that. Anytime there is an issue, no matter how small, I think it ought to be on the regular agenda because I think that is something that we should -- we should evaluate, rather than just having, you know, the staff report relied on as a consent matter.

And that is the current process, I understand. That is our current process. Right. So, I guess I am saying I would like to keep that part of our current process.

Chair Phillips: Simon.

Member Boehme: Simon. I think yesterday demonstrated that if it wasn't for Anne pulling out two accrediting agencies, very important conversations could have not happened.

And I think -- I am not exactly sure, you know, how we should do this, and I defer to those people who have more experience in setting agenda, but -- but I think we had momentum going about really

important policy discussions, and I think when we create this agenda, we should keep in mind how we can star tab those broader conversations.

Chair Phillips: Yes. Absolutely. And I am mindful that there was a call to make sure that we have the policy discussions and the recognition discussions.

We have a carriage return, in old terms, a hard stop in between those two topics. So, it is important to make sure that we have that opportunity and to have this stemming out.

Frank.

Member Wu: So, if we imagine that out there in the world, accrediting agencies range from the strict to the lax, that is, from the ones that are doing a better job looking at colleges, to ones that are doing a worse job, I have to say in, now five years as a member of this body, I don't really have a very good sense of what agencies are strict versus lax.

What I mean by that is, I actually don't get a sense, from what we do, that we learn very much about whether these agencies are doing what they are supposed, or not doing what they are supposed to do.

What I find occupies most of our time is two categories of issues. The first are whether the agency has technically complied with DOE regs about how they do things. This giant checklist of dozens and dozens of things, some of which are important, but some of which are not that important.

And, it is not the staff's fault they look at every one. That is what the staff is supposed to do. They are supposed to find every violation and list them.

And I think, over the years, we have at least moved a little away from just looking at technical compliance, to asking what the actual substance of what we are trying to get done.

So, that is one category of what we do. The other category, it seems to me -- and we saw this with the nurses. We have seen it with others, is there is some internal issue within a profession, chiropractors and so on, that has gotten people very agitated, that as well.

And that leads to a real fight. But it doesn't actually have to do with whether the agency is strict or lax or doing a good job, doing what it is supposed to be doing. It has to do with how people define the profession or whether they think foreign schools should be granted status and so on.

The point of this is, I wonder if there is some way that we can actually do something that gets to whether accrediting agencies are doing a good job, not whether they technically comply with arcane regs or are playing some role as mediators of some internal professional dispute.

It is just a question. So, whatever we can do with our procedures that gets us to the substance of are accrediting agencies -- this specific agency, is it doing a good job as a watchdog or not doing a good job. That, it seems to me, would be preferable.

Chair Phillips: Other questions or concerns?

Yes. Hank.

Member Brown: Just to pick up on Frank's thought there, which I think is an excellent one, it strikes me what is incumbent in that process is for us to have some guidelines that perhaps give some definition and some help to the accrediting agencies as to what we are looking for.

I am not sure we have come up with that much guidance, and it doesn't have to be to the level of a regulation issue by the Secretary. It can be kind of simple things that we are looking for, and in line with what our discussion was yesterday, that may well be very helpful for everybody involved, to have some guidelines that we develop in a positive sense.

It also answers a question that I think all of us were troubled with yesterday, or at least I was, with coming up with concerns that are brought up at the last minute when someone's continuation is at stake, rather than having them have advanced guidance.

So, Frank, my thought would be that your approach or your thought process is exactly right and that, perhaps, out of our deliberations can come some guidance, some guidelines that would be helpful for everybody.

Member Wu: To build on that just briefly, one way to do that within the bounds of our authority is just in how we process things, just the process we use in these hearings and how we spend our time.

That, it seems to me, is within the control of the Chair. So, you can actually shape this.

Chair Phillips: Just a context on this and to -- I certainly have been among those who have said -- who have chafed against the 95 boxes quite publicly, and agree with the concern that I don't get the feel for "Is there quality assurance happening here?"

I do think that there is a fair amount of definitions, even just around this table about what counts as evidence of quality assurance, and I think that is a useful discussion to have.

And I am also mindful that there is actually a fairly extensive subregulatory guidance that is available to the accreditation agencies that spells out what the staff is looking for.

So, that -- it is pretty extensive. It may not be what I would be looking for, or what you would be looking for, but it is pretty extensive guidance from the entity that is going to recognize them or not. So, it is pretty compelling.

Herman, you might want to say something about

that.

Mr. Bounds: I do. And just looking at a staff's perspective, the regulatory guidance is pretty clear and, you know, that is what the agencies used to prepare their petitions.

It is on our website. You can go out, and we actually give the agencies what we call a guidelines document which explains some of the documentation that they should -- that they should provide to demonstrate compliance, to demonstrate their -- that they meet all of our regulatory requirements -- and it is -- it is specific without being proscriptive.

The one thing that everyone needs to know is that, you know, when you look at those items in 602.16 which are the standards criteria, here in the department we are -- there is a referendum. We can't proscribe what those standards say. I mean, we are prevented from doing that.

So, when we look at those policies, we look at what the agencies established and how they carry out those functions. But, we give them specific guidelines so, if there is another document given to them, it -- you know, I am just thinking from a review standpoint, you know, we don't need any confusion between what they are trying to provide to the department, and then other guidance that they might receive.

Chair Phillips: I have Arthur and then Cam.

Member Rothkopf: Yes. I would just like to endorse what Frank and Hank are saying, and maybe -- I mean, I just don't want to hear any more about the chiropractors and what is good or bad, and I wonder if we can put the chiropractors next time, if that is the only issue on the consent agenda, or whether -- I mean, we just -- we are just wasting time.

Yesterday we, you know, I don't know, we spent

several hours on something that is not critical. It is an interesting issue. I have a fanciful suggestion. We have one of the world's great authority on conflict resolution here in Simon.

Why don't we send him out and see if he can't resolve these things. It is just a -- I mean, it is a process that we need to look at what kind of job these agencies are doing in ensuring, you know, student success and enforcement of the rules, and then we shouldn't be spending time on -- hopefully. I don't know if that is legal or not, but we shouldn't be spending time on issues that we have heard over several years.

Chair Phillips: We do, I believe, have an obligation to let people speak. So, if they -- if they indicate that they want to have a voice, we do have to give that obligation. The issue for some agencies is that the content of the speech is perhaps their definition of what "quality" is, as opposed to ours. Yes.

Jen, Frank and then Cam. Oh, I am sorry. I had Cam first and then Jen, Frank and Anne.

Dr. Hong: Just to add to that, when we make the call for public comments, we try to narrow it to make sure that comments are relevant to the recognition process.

But, to the extent that someone can make that argument, we are going to permit them to have a public comment.

Chair Phillips: Cam.

Member Staples: Thank you, Susan.

And, just to echo some of the earlier comments, I think -- and I know we have talked about this before, but there is a -- as Herman said, there is a limit to what the department can do under the current regulatory scheme.

And I understand it is really that, I think the tension

is that this is a, sort of a pass/fail system. You are either approved or not approved. And it is very rare that this group where the department is recommending revoking recognition of an accreditor.

So, we have spent an enormous amount of time on a process where 99.9 percent of the time the accreditors are going to meet the regulatory requirements eventually.

It may take two and a half years of compliance reports, but -- and this group feels like it is not quite getting what it needs to get.

And I guess my sense is, really, we ought to have a different role. I mean, we ought to be engaging with accreditors and perhaps in a different time, in a different way around how to move them beyond where they are, how to help a conversation about improving the quality of what they do beyond a minimal approval level, which the department needs to find.

The department needs to say they are good enough to continue, but we are sort of trying to drive the conversation to how do we make everybody raise the bar in a way that makes more sense?

And that is not really our statutory role, but it seems that we could, through more conversations like we have had in the past when we were trying to develop policy recommendations, we can play that role, and I think that might be more where we offer some contribution.

Because, at this point, we are really mostly just double-checking what the staff knows a hell of a lot more than we will ever know about the details of compliance.

And I think that is the frustrating part for us is, we don't really think we add an enormous amount to that review process, but -- so, I guess I would just say that I think we should try to set times, and it

probably not be during our two biennial meetings where we would have separate conversations about trying to -- about the substantive issues that we have been wrestling with.

Chair Phillips: Just to, before -- I have got Frank and Anne -- I wanted to just follow up a little bit.

As we get through our agenda today, I have some ideas that have been developing to follow from our - - I will call it policy-generating discussion of yesterday, of how we might move forward in a way that is consistent with our scope and also consistent with the recognition process.

So, hold that good thought. I think we are -- I think there is a pretty strong interest on many fronts in addition to this table to move in that direction.

So -- okay. I have got Frank and Anne.

Member Wu: Briefly, to build on what Cam just said, I would like to praise the staff. They are really good at looking at these 95 boxes, and I would go as far as to say there is no need for us to double-check their work.

Or, if we are going to double-check it, we should -- that should be the least important part of what we do because we are not adding value if we are just duplicating what staff who are professionals, dedicated to this, have already done and done well.

And I would say this. To the best of my recollection, not once since we were reconstituted in 2009, have we said the staff meeting mistake on the 95 boxes.

So, we have disagreed with staff, but it has always been on some other ground, some interpretative ground or something else. It isn't that we think the staff made some error in a technical sense.

So, if what we are doing is redoing the staff's work,

that doesn't seem to me to be useful. We can do something different that is true to our mission and within the scope of what authority we have, and let the staff do what the staff does wonderfully well.

Chair Phillips: Yes.

I am sorry?

Mr. Bounds: I just wanted to say, you do well in your questions and we do well --

Chair Phillips: Mic.

Mr. Bounds: I am sorry. I am sorry, but I do want to get on the record, we do -- we do like your review of what we do. That is it, because, you know, we understand we are not perfect, so we like that you -- that you look at what we do and we like that you ask questions.

So, we do appreciate that. Yes.

Chair Phillips: Okay. Anne and Bobby, and then I -  
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Member Neal: Well, I must confess, I don't agree with Frank entirely on that. I do think we have had some disagreements with the staff interpretation in the past.

That is not to say the staff doesn't do a great job. It does. But I think more fundamentally and, again, take a slightly different position from Cam, I don't really think our job here is to serve as therapists to the accreditors and to help them get better and to hold their hand.

Frankly, we are here to decide whether or not they are reliable guarantors of educational quality, and I think we have for years taken the position that they are too big to fail, and I am not sure they are.

And we are supposed to make a determination, are they doing a good job or not. And we haven't been willing to do that and now we want to hold their

hand, and I think that that is really not our responsibility, and I think we have to fish or cut bait and say they are doing a good job or they are not.

To assist us in that regard, I guess one thing I would love to see if we could have is the number of institutions that the accreditors accredit, what their graduation rates are, four- and six-year, and we all know that those graduation rates are imperfect, but they are an insight into how these schools are performing, as we saw yesterday, provide an excellent way to look at the universe, and I wonder if we might have a summary from the accreditors of what actions they took, and what particular sections they took actions under.

Are they only focusing on governance? Are they looking at student achievement? It would be very, very helpful to sort of see where the accreditors' efforts are directed.

And I think that having that kind of more comprehensive information would help us look at what the accreditors are doing and make it much more of an informed decision as we are assessing whether or not they are doing a good job.

Chair Phillips: Thank you.

I have got Bobby and Jill.

Member Derlin: I think -- I am, among this group, relatively new, and each meeting we have some sort of extended conversation about the fact that we feel we spend too much time on the parts of our job that are routine compliance review, and not enough time on the kinds of substantive performance issues that were raised yesterday, and that Anne has raised and Frank has raised today.

I just wanted to speak that I think we need to come to a resolution. I think, if I understood what you said earlier, Susan, you hope to have a conversation that will take us toward some greater differentiation.

I want to speak on behalf of greater control of the agenda, and I understand, conceptually, that the public has a right to comment and the comments include saying anything you feel like saying.

At the same time, I think that we could control that environment more closely to limit the time spent in people just expressing dissatisfaction, generally, about a profession which really isn't related to the process of accreditation at all.

Chair Phillips: Thank you.

And Jill and Frank.

Member Derby: Well, I just want to add my voice. I think this has been a very helpful discussion.

I have also not been on the committee as long as many here, but it has certainly been my sense that I share a kind of frustration that is the majority of our time spent in the best possible way because we have a gathering of very good minds here and people very experienced in the world of higher education.

And so, I would just like to weigh-in on the point that Frank has made, and say that, in terms of my perspective on how we spend our time, I would like to see us less in the weeds.

I appreciate what Herman had said about the staff likes our input, kind of oversight role, but if we can minimize that in favor of that which promotes our capacity to provide quality assurance, I think that is a more important role that we can play, and we don't play as -- as well and as effectively, certainly, in terms of our time appropriation as I would like to see.

Chair Phillips: Thank you.

And, Frank. Oh. I am sorry.

Member Wolff: Well, I have spent one day and a couple of hours on this side of the table, but let me

speaking from someone who has had to spend a lot of time preparing applications for this committee.

I am really interested in fairness. Institutions respond to very specific guidelines and regulatory requirements and then come to the meeting based on the expectation that they are addressing what the issues were that you all identified in a follow-up review or in the staff review.

It doesn't mean that other issues aren't open for consideration but, for fairness and consistency between agencies and for notice, I think it is really important to get more clear what is really important to this committee.

There is a lot of frustration on the part of many accreditors, particularly those that have been in business for a long time that a lot of energy is spent on wording in specific policies, rather than demonstration of effectiveness or how are agencies addressing key issues.

So, I can appreciate the desire to have consent agenda, I think, for both the agencies and for this committee to do its work, but I think we need to be more clear what we are really most interested in and make the recognition process and our own meetings focus on those issues and give notice that this is going to be a question.

And that was my, both concern and suggestion yesterday in a sense, let's -- there are ways to give notice to say there are regulatory provisions that allow for a conversation.

For example, on retention and graduation, and let's figure out a way to ask agencies to respond whether that is through a regulatory process or some other.

But I -- but I think we can solve this at the December -- you know, by the December meeting. I think it is a larger question with the policy recommendations that are coming forward and reorganizing the work or the focus of the work.

And let's -- to do that and to give notice, so that agencies are prepared when they sit at the table.

And then, there is always the issue of certainly for the comprehensive review, this has got -- these issues have to be on the table. The problem is, when there is just a follow-up on two or three issues that an agency is told to come back, those are the ones yesterday that were on the consent agenda, and we want to turn those into larger inquiries or just allow them to come through the consent agenda and say, "Next time they are up in two years or whatever, these are going to be key issues."

But there is the inconsistency of the timing, and I think we need to get -- so, my ultimate suggestion is we really need to be more clear beyond wording of the policies, how are we going to address this issue of agency effectiveness, give notice to the agencies, what are the indicators we want to look at, and then make it really part of the staff inquiry and part of our discussion with the agencies.

And I would like to move as quickly as possible to do that.

Chair Phillips: So, let me just see if I can wrap my hands around this area.

We started with a conversation about what goes on the consent agenda, and you will notice that we have moved a bit from that.

Coming back to that, in particular, for the moment, we have some immediate concern because of the volume of agency review that will appear on our doorstep in December.

And so, I am going to suggest, in terms of the consent agenda, that we continue with strategy that we have been using to put things on the consent agenda, the no staff concerns, the no third-party in-person comments, and we will hear about complaints in a moment.

We will deal with the greater share of Title IV funding in a different way, making sure that it gets priority, but not necessarily via consent agenda. Perhaps a consent agenda.

And, because there is such a large volume and -- and there needs to be, I would venture to guess, enough time for it to discuss not just the agencies, but the issues that the agencies prompt us to consider.

That is going to be a challenge for this December. So, I am going to commit to working very closely with staff on figuring out how to do that.

One of the things that I am going to, I think, draw on you more so, is to see if we can get that consent agenda to you as quickly as we can so that you can pull things off as it seems appropriate, and then we can adjust our timing at the larger meeting, again, thinking about the volume of things we need to consider.

Yes.

Dr. Hong: As far as timeliness with distribution of the consent agenda, that is contingent upon completion of the final staff report.

Chair Phillips: Yes.

Dr. Hong: So, just to keep that in mind, and that kind of cuts it close.

Chair Phillips: Yes. So, this December is going to be a challenge in figuring out how to manage this. And I don't -- I don't see a consensus of how to deal with that right now, and I see much more concern at the moment of making sure that we have time and space, either December or outside of December or in some other way to have a larger discussion that will get us to a place where we can have conversations with accreditors about more meaningful definitions of "quality."

Chair Phillips: Yes, Arthur.

Member Rothkopf: I would like to see, and maybe in the staff report somewhere, but I would like every agency that comes before us to tell us how many schools, institutions it is -- it is under their jurisdiction, but also what their record is over the -- say, in the last five years, or since they were last before us, as to schools that have been terminated, put on probation, notice, some sense of what the disciplinary record has been of those, say, 300 schools, so we have a little bit -- you know, I am trying to get -- and it doesn't really get there quite as well -- to the rigor, you know, of these schools that are putting up a high bar or everyone gets through.

And so, I don't know if we can get at that, and I don't think it is beyond our authority to ask for this information. I think it is well within it.

But I think that kind of data would be interesting, and maybe when we get it, we can figure out some other things that we want to -- that we want to know about. So, that is an idea.

Chair Phillips: So, let me see what we can do, because I -- as I commented yesterday, there is a great deal of accreditory action that is not visible to anybody outside the -- the institution and the accreditors.

So, we don't know how many short leashes there are. We don't -- we don't know how many actions that we -- those are -- if we knew more about those, we might have more confidence in the -- in what we suspect is nuance in their action.

And I am also mindful, I think maybe Ralph mentioned this, but there is -- when an agency comes before us in terms of a compliance issue on X, so separate, independent, for instance, is that the occasion to have the larger discussion, or do we have it in -- when they are fully -- when they are up for the full re-recognition?

I think we have got to parse through that to think what -- when we ask what questions, or whether we ask all of the questions all of time, in which case our management -- our time management will need to be different.

So, let me -- let me just chew on this a little bit. I may draw you in -- draw a couple of you into a conversation to see if we can think through what is reasonable to ask for -- for different agencies at different times.

Dr. French: Susan.

Chair Phillips: Yes.

Dr. French: I concur. I think the question would be whether or not we would have those considerations when they are up for full or not.

But, whatever determination we make, I will concur with Art and with Anne, and more with Anne's specificity to find out were these governance issues, what were the particulars of the agency's actions.

I think that would help us tremendously, as well.

Chair Phillips: Yes. Yes.

I am going to move on at this point. We also, in this -- there is never a simple housekeeping issue.

In this issue, one of the -- probably a year ago a concern was raised about we didn't have a good feel as a committee for what happened in the complaint process, if anybody has a complaint about a particular accrediting agency, how was that handled and the disposition of that, is it something that we come to know about in the course of our review, or not?

It is akin to some of the other conversations about, you know, there are actions being taken about institutions in contexts other than the accreditation, or financial aid actions or legal actions, how was the accreditor to know about it?

We are sort of having the same question, if there are concerns -- so, I asked Herman to speak a little bit about the -- how the department addresses complaints and how that then gets worked into the information that we receive or don't receive in the course of our discussion.

So, let me turn it over to you. Yes.

Mr. Bounds: And before I get started, this, you know, the morning I am supposed to present about complaints, I leave my notes at home. So, if I -- if I backtrack or pause, just please bear with me.

So, the first thing I want to talk about are the types of complaints that we review. So, I do want to make it clear to the committee that department staff does not review any complaints that would come in from an accreditor or from any source relative to a NACIQI member.

I just want to make that real clear. We do not -- we would not see any of those type of complaints or anything that -- in that aspect.

We review complaints -- and I just say that that would happen. I just want to clear that in the air, that we wouldn't do that.

We look at basically complaints against the accreditors because our regulatory arm is at the accrediting agency, it is not at the institution -- at the institutional level.

So, we will review complaints against the accreditor.

Now, there could be a complaint that an individual filed against an institution that that person was not happy with the institution's decision, forward that to the accreditor. In turn, they didn't like how the accreditor handled it and then, that is how their complaint would get to department staff to take a look at.

And again, when we look at those complaints, we

really only look at areas specifically relative to the criteria for recognition. So -- and we are very careful that we do that when we are looking through these complaints.

We are real specific. It is either a violation or not. That is because, in many cases, the person who is submitting the complaint, there may be some litigation tied to our decision or our review of that complaint, so we are very careful that we follow the criteria specifically.

The next thing is how do we receive complaints. We get them through various ways. About 70 percent come in through email or through the mail, or from mail. Yes. So, that is one thing I do in the mornings when I get in, is scan my email to see if I got any complaints in.

They come in, you know, from six in the morning till, you know, eight o'clock at night. I mean, they just -- they will come in that way.

We also get them through the department's control mail. Those are time-sensitive, so in many cases, we will look at those. If there is an issue, we will try to address the time constraints of the control, and then inform the complainant that this needs to follow our complaint process and we do our review. And I will talk about how we review things right away after this.

And then we get congressional inquiries. Those are also time-sensitive for complaints.

All right. So, based on -- based on that information, we will -- we will then -- and a lot of complaints that come in, we find out that there is no -- you know, there is -- it is not even an issue for us to review.

You know, if there are issues that are internal to an institution, you know, questions about, you know, a faculty member, how his fairness, how his approach was to grading an exam, all those things, we get a

lot of those that we simply tell the complainant that that is not within our purview and we don't -- and then we don't look at it.

And then we get a lot of just general complaints, arguments between faculty, believe it or not. They will turn in a complaint to the accreditor. The accreditor will say, you know, we don't get into those internal matters and they are not happy, so they bring that complaint to us.

So, those are the different ways that we get -- that we get those. We try to move those fairly quickly. Again, in many cases, we will get some in, and if there is not a violation against the criteria, the person is just complaining about that the agency didn't properly review its complaint.

Then we will ask the accreditor -- we will write a letter. We will say, "Please explain to us your process in handling this complaint in accordance with -- I think it is 602.23 it says that you must handle complaints fairly, in a fair and expeditious manner. So we kind of look at how they -- at how they do that.

So, the next issue is, how would a complaint need to follow the process of NACIQI review, and then the senior department official making a decision on a complaint.

And we look at it like this, if it is a -- if we review a complaint, number one, and we don't find the accreditor, the accrediting agency at fault, there is no basis, there is no documentation, the accreditor filed its policies and procedures, and we close that complaint.

We think at that point we make a recommendation to department staff and we clearly make it staff has found that there is no basis for your complaint, there is no -- there is no violation of the criteria for recognition. Then we close that complaint out, and then we will move on to the next one that is in the queue.

There are cases where an individual will file a complaint and say the accreditor may have missed a step in their process. Then, in those cases, we will ask the accreditor "What are you going to do to change these policies going forward? How are you going to address this? There is no great harm to the complainant."

And, if those things can be fixed, then we provide a response, of course, both to the accreditor, the complainant and we explain what happened.

In most cases, the accreditors are in agreement and they will fix their policies or make a policy adjustment to address that particular issue.

Now, how -- what we see as a complaint coming through this process and then eventually getting to the senior department official, would be an area, say, we reviewed a complaint and the accreditor disagreed with our finding. They said, "No. We don't agree that we need to do this."

Then, of course, in that case, we would need to -- we would need to get that complaint in front of this body and then on to the senior department official to make a decision.

The other instance would be, if there was a complaint that came in that was so egregious, fraud, really question an accreditor's reliability then, of course, those complaints would need to come through this process.

Since I have been here a short while, about three years, the majority of the complaints that have come through have been able to be addressed as either the agency not being at fault or a minor policy adjustment to fix.

And that is basically how we handle those complaints and how that process would go through.

The thing to remember, especially with congressional complaints and those type issues, it is

the timeliness to get the complainant the results. Coming through this process, realize, it could take - - it could take nine months to get that person a decision based on when it comes through, when the NACIQI meeting is scheduled, 90 days for the senior department official to put out a letter if it follows that process, so that would be lengthy, and we think that those complaints that can't be resolved, or there are questions of reliability of the agency -- I mean, that should go through this process. The statute says that, and I think that is what we should do.

So, I am ready to answer any questions. I hope I didn't skip anything.

Chair Phillips: One clarification question. When a complaint comes in about an agency that is not currently scheduled for a compliance report or a compliance review, does a concern on the part of the department trigger that going on an agenda?

Mr. Bounds: Yes. Yes. Yes. Absolutely.

Chair Phillips: Okay.

Mr. Bounds: Yes. Absolutely. Yes. Absolutely.

Chair Phillips: Hank.

Member Brown: If you get a complaint about a specific accrediting agency, do you first refer that to the accrediting agency to make sure they have had a chance to review it and act on it?

Mr. Bounds: Yes. Very good point. If we get a complaint in against the accreditor, we always refer that back to the complainant if you have first not brought this to the accreditor's attention and exhaust the complaint procedures that the accreditor has. You have to do that first. Yes.

Chair Phillips: Anne.

Member Rothkopf: Looking at the regs, 34 CFR 602.34(c) talks about the department providing

NACIQI with material that is relevant to its recommendations, including any information department staff relied upon in developing its analysis.

And I guess I just wonder whether or not the fact that you reviewed, say, seven complaints or whatever, you may have resolved them all, but the fact that you have reviewed seven against a particular institution might be, I think, informative for us to see that.

So, I am wondering if you could at least include some sort of summary of other materials that you have looked at because it does occur to me if an accreditor is abusing an institution, there aren't that many avenues for it to express itself.

And we really would be that entity, it seems to me. So, I am wondering if you might have some way of apprising us of those complaints.

And the reason this came up, Herman, you will recall, I mean, I was recused because of something that was resolved by the department and was never given to NACIQI. It was enough to recuse me, but it was not enough to give the conclusion to NACIQI, which was that the Secretary found there were certain areas over which he had no review authority.

And it raised, I thought, very interesting and compelling constitutional issues vis-a-vis accrediting bodies and the delegation of authority to these private entities, and yet that particular determination was never shared with those of us on NACIQI.

So, it is that kind of concern that I want to raise in the context of giving us the full information that we need.

Mr. Bounds: Thanks, Anne, and that is why I wanted to make that one point earlier, that those particular instances don't come through us. That

follows another process in your particular situation.

But, Jennifer and I have talked, and we both agree that staff, we are going to start providing, as part of the review process -- if you look in the -- you know, when you open up the e-recognition, you go into the system, you can see the agency's background information.

Well, within that information, you are going to start seeing the number of complaints filed during the recognition period, and it will say in there whether that -- and, of course, the more -- those will have been resolved complaints.

If it is a complaint, again, that I stated that we find the agency has -- has committed some type of fraud or really affects their reliability, that is not going to be resolved, and you will see that as part of the documentation that -- that would come through at that time for you to review for that agency.

And that -- those complaints, we feel, would need to go through that whole process. But you will see -- because, a lot of these are minor. I mean, they really are. I mean, as you can imagine, folks complain about getting up in the morning.

And, you know, no one holds accreditors or anybody to compliance, you know, more than we do. But, in a sense, these guys, they do get bombarded with tons of unsubstantiated complaints, and those, just mentioning that there were, you know, eight complaints during the five-year review period against a particular agency, if those have been resolved, you know, that is an indication that that complaint was not as significant, or that the agency was not found at fault anywhere through that process.

But we will give you those total numbers about, you know, how many complaints have come in during that -- during that recognition period.

Yes.

Chair Phillips: Arthur.

Member Rothkopf: You know, this is -- it is maybe a particular peeve of mine, but let me put on the table an issue of -- I think it relates a little bit to complaints, but more broadly to what accreditors are going out and looking at.

We had a recent -- we have had a recent sort of, I think, shocking incident of one of our major most prestigious universities having permitted phantom courses on its campus, and they have been -- you know, the agency involved put them on probation, I guess.

I think anyone who thinks about it must know that this was not common, or that was not unique to that university. I would guarantee that there are dozens of universities with big-time sports programs who do the same thing.

And I just wonder if it wouldn't be useful to tell, inform the accreditors to say that is something we want to look at because here is one of the most egregious things that could happen, i.e., giving credit for courses that were never taken, and I just think the accreditors, probably mostly the regionals, should be on -- be advised that this is something that NACIQI or the department is concerned about and it ought to be a subject to be analyzed in appropriate cases.

Chair Phillips: Any questions, concerns about the complaint process?

(No audible response.)

Chair Phillips: Okay. Seeing none, I want to just pause here, call a brief break, 10, 15 minutes to shift gears.

The reminder of our time is devoted to pursuing the conversation that we had started yesterday to see if

we can get it into productive direction forward, and also completing our policy agenda.

So, see you back here at ten, shortly after ten, and we will go from there.

(Whereupon, the above-entitled matter went off the record at 9:48 a.m. and resumed at 10:17 a.m.)

#### Committee Discussion, Draft NACIQI Policy Recommendations Report

Chair Phillips: Thank you for rejoining us. The final item on our agenda -- published agenda today is completing our draft NACIQI policy recommendations report and then we have an item of new business, having the larger discussion that we were looking to create.

I mentioned yesterday a number of people spoke to me during the break to underscore this.

The reauthorization of the Higher Education Act is on the tracks in motion and one of the concerns for this group is to ensure that its voice is in that conversation and that that means that there's a pretty strong hope that we will be able to conclude our recommendations today to get that into that discussion.

So where we have left off, just to recap for those who have been newer to this process we started about a year ago to discuss the issues that we might want to address in this second policy recommendations report that NACIQI undertook.

We identified four areas that we wanted to focus on, developed two work groups to work on to each of those areas. We developed out of that a series of 17 recommendations in the January 2 draft.

You should have in your packet a copy of the set of -- full set of recommendations that includes the actions that we took at the 3/23/15 conference meeting that we held -- conference call meeting

that we held.

So to recap, we have at this point approved the Recommendations Numbers 1 through 11.

Those include a number of recommendations directed towards simplifying and enhancing nuance in the accreditation and recognition process as well as a number of recommendations about the relationship between quality assurance processes and access to Title 4 funds.

We still have two items on that letter category to contend with and then we have a number of recommendations to consider about the roles and functions of NACIQI.

Just in listening to our conversation over the last several days I hear the group underscoring a number of the recommendations that we have already advanced of seeking more nuance and streamlined review processes and recognition processes and I commend your -- to you your review of those items.

In the document that we have before us now you can see the changes that we approved at our March 23rd meeting, redlined or bluelined, as the case may be, and you'll find the current items on our agenda today on Page 4 at line 107 and following. This includes items -- Recommendations 12, 13, 14, 15, 16 and 17.

When we spoke about these before -- I want to make sure everybody has a copy of this --- does the audience have a copy of this?

Technical difficulties moment. In interest of the audience, which we've just learned may not have a copy of this document, we're trying to get it up on the screen for you so that you can know what we're talking about while we're talking about it.

So bear with us as we find it on the hard drive and get it projected so that at least you can see the

items.

(Pause)

Yes, Kathleen?

Member Alioto: What is meant by gainful employment?

Chair Phillips: Sally, I'll let you handle that one.

Ms. Morgan: The statute for the Higher Education Act Title 4 for a very long time has required that proprietary institutions of higher education and also any non-degree programs lead to -- offer programs that lead to employment -- gainful employment in a recognized occupation.

That's the statute. And very recently, the department has issued extensive regulations fleshing out requirements supporting the gainful employment criterion.

Member Alioto: Thank you.

(Pause)

Chair Phillips: Okay. Technical difficulties resolved and apologies for those of you tuned into this conversation without the hard copy.

What you see on the screen in a really small font is the -- a set of recommendations to date. It also shows, as Pat scrolls down, the places where we made changes based on the March 23rd conversation.

We are at this point on Page 4, line 107. Page 4, line 107 is where we resume our discussions.

Mr. WU: May I ask the chair, just to be clear, everything before that we've already approved? Is that correct?

Chair Phillips: That's correct.

Member Wu: Okay.

Chair Phillips: And just for further confusion those of you who have a page with line numbers -- the line numbers that you see on the screen are not the same line numbers.

She just increased the font so you could see the text. But you can't use the line numbers because that changes the formatting. So okay.

So for those of you with paper copies we're on Page 4 line 107. Those of you with visual copies we are on the screen at line 164. Everybody on? Okay.

Arthur -- Art.

Vice Chair Keiser: Just like to make a quick comment. I think the train is, if not left the station it's on the beginning tracks and Senator Alexander and Congressman Kline are moving. There are hearings that have been held already.

So I would suggest that today we either agree or disagree but we can't go much beyond today. And so I would hope that we take that in mind when we're discussing it.

I would assume if you oppose something really violently we would take it out and but then, you know, we need to come to closure today. Otherwise, this will be a wasted exercise.

Chair Phillips: Arthur.

Member Rothkopf: Yes. I very much approve of Item 12 and if it would be helpful I would move its adoption.

Chair Phillips: Do we have a -- okay. Item 12, which reads, quickly, before eligibility for Title 4 require institutions to provide audit data on key metrics of access, cost and student success.

These metrics would be in a consistent format across institutions and easy for students and the public to access. Discussion? Ralph.

Member Wolff: Yes. I -- since I'm new I just wonder if someone could say I'm reading the sentence before -- two sentences before that calls for a less burdensome route to Title 4.

So could somebody help me understand what would be new about 12 that isn't already in place for Title 4? I mean, what's the direction of this? Is it to expedite it?

Is it to create a new approach to access to Title 4? Just trying to understand. If I vote yes what am I voting for?

Chair Phillips: Let me give it to -- well, Arthur, if you want to --

Member Rothkopf: Yes. I think it's -- and I'm not sure that access, cost and student success is everything. You could add some items.

And this is very -- well, there's one thing that's there that I'm not sure is now required which is that these -- this data be -- these data be audited as opposed to the point I made yesterday to the secretary.

But, you know, you could add other items. And I might say this is consistent with what's happened to the rating system.

The rating system has morphed into more data, better data put on websites. So I think -- I don't know that all of this is out there now or required now and particularly student success -- I'm not sure that's something that institutions are required to provide and you'd have to have some definition of what student success is, whether it's just graduation rates or something else.

So I think it may be just a clear statement of what's required and it also may be very consistent with what the department is now doing with what used to be a rating system.

Chair Phillips: Other questions or comments?  
Motion to accept has been made and seconded.  
Those in favor?

(Chorus of Ayes)

Those opposed?

Participant: Aye.

Chair Phillips: Opposed? One opposed.  
Abstentions? Okay. That one passes.

Moving on to Number 13, this is establish a range of accreditation statuses that provide differential access to Title 4 funds. Cam?

MR. MULA: It's been long enough since we've discussed -- I don't really know what this means. Maybe somebody could describe. I don't know what it means by differential accreditation statuses or a range of statuses.

Does that mean higher? Does that mean, like, a pass/fail honors type of differential or I'm not quite sure I recall a conversation about that.

Chair Phillips: I'll defer that to the two subcommittee chairs, if you want to address that. I'm not sure who it was that -- did that come out of, Frank, yours or Art, yours? Mike?

Vice Chair Keiser: I think it's morphed. I would speak against this but -- because it's not clear and it's not -- I think we talked about that there would be levels of accreditation, Bobby, right? And that does -- this doesn't address that. So I would suggest we don't -- we vote against this.

Member Wu: It's also -- it's repetitive.

Chair Phillips: Mic.

Member Wu: There's already one of the others that -- five, that -- this is Ralph's point so I should note that -

Vice Chair Keiser: I'd move that we --

Member Wu: -- that says the same thing.

Vice Chair Keiser: I'd move that we do not -- we not -- we delete this recommendation.

Chair Phillips: Anne.

Member Neal: Further discussion and, again, I don't recall specifically but it was my sense that this was a desire to, for instance, if you had a fairly new school it would potentially get access to some funds but a limitation on those funds.

So it was designed to be a little bit more nuanced in terms of accreditation statuses, which I know we've all been unhappy with a yes/no.

So to the extent that it would provide a little -- would continue access and also provide some nuance it sounds appealing to me.

Chair Phillips: We have a motion to reject it. Do we have a second for that motion or do we have a motion to -- second? Okay.

Further discussion?

Member Wu: So this motion is to say no?

Chair Phillips: Right. To reject.

Member Wu: So a vote for it strikes it down?

Chair Phillips: Correct.

Member Wu: Okay.

Chair Phillips: Other discussion? And we do have a second. Okay. So the motion on the table is to strike Recommendation 13, which would also strike the text prior to that, from 114 on, or in the case of the screen we've -- Pat, could you scroll back up, please?

It would scrap from 189 up -- that item up -- that

item up so that we see the need for, just for those of you following.

Ralph.

Member Wolff: Not having been involved in all of this earlier but what this says and what Anne said are two wildly different things, in my book.

In other words, if the goal of this is to provide Title 4 access to innovative institutions or programs that's something different than a range of accreditation statuses.

And so if the goal is to provide access to Title 4 funds for new enterprises or to consider that, then that ought to be said. But this doesn't say that.

Chair Phillips: Anne.

Member Neal: I'm wondering too -- I mean, the line that you would -- that you outlined that also be struck. Institutions that pose the greatest quality concerns would receive more attention in the review process while the burden of complying with accreditation would be less than for high quality, low financial risk institutions.

I mean, perhaps we can carve that out as a separate recommendation. That seems to be, again, something that would allow the accrediting process to focus on the institutions that have the biggest difficulties.

Chair Phillips: Yes, and I do believe that that spirit of that recommendation occurs in a prior item, which I will find in a moment. In Item 10. So this may be -- may be repetitive on this point.

So we have a -- George.

Dr. French: Right. I think the spirit of -- the spirit of 13 is exactly where Anne noted. It's new to me that -- the implication that new institutions can more quickly receive partial funding.

I haven't been part of that dialogue. I didn't think that was part of this. As a matter of fact, I thought it really dealt with institutions that were more stable and that had been around for a while that had already proven they wouldn't have to go through the whole plethora of tests -- most of the new institutions.

Chair Phillips: If I could just perhaps separate the issue of nuance in accreditation and recognition review, which is dealt with in Item 12 -- I'm sorry, 10 -- and you'll see there established of that list burdensome access for high quality, low risk institutions. I'm sorry, no, 11.

And this item, which is looking at expedited approaches for partial benefits from funds, it's almost like a presaging -- like, I wasn't in those conversations with you but presaging some of the things we heard about the competency-based education.

Arthur.

Vice Chair Keiser: We did have both discussions. They're two separate issues, and all I'm saying is this isn't clear and it is covered elsewhere. So I think we're just as well to drop this recommendation.

Dr. French: And I can concur partially. I think that on Number 11, Susan, what is in variance for me is that it established less burdensome access to Title 4 funding for high quality low risk.

I thought that's what we're talking about the accreditation review process, not the access to Title 4 funding. Is that --

Vice Chair Keiser: There was a separate discussion on new institutions that could get partial -- let's say they get Pell Grant recognition, not student loan recognition.

There would be innovative institutions that might be

different and could get partial recognition. That's not clear here. So I suggest we move it.

Dr. French: Okay. All right.

Vice Chair Keiser: Otherwise, we'd have to really begin that discussion again.

Chair Phillips: So our motion on the table is to remove Item 13 and it's been seconded. Further discussion?

Okay. The question then is voting in favor at this moment is to vote for removing Recommendation 13 and the text that precedes it.

Okay. Those in favor a show of hands.

Those opposed? One opposed. Those abstaining? Okay. That one goes.

The next set of recommendations are concerning the -- reconsidering the roles and functions of NACIQI. Yes, Arthur.

Member Rothkopf: What about the paragraph preceding the language from 114 to 118 in the draft I'm looking at? Does that stay or is that --

Chair Phillips: It goes.

Member Rothkopf: That goes, along with the recommendation?

Chair Phillips: Yes. So Item 14 is -- states reconstitute the NACIQI as a committee with determinal decision-making authority and a staff.

This will establish NACIQI as the final decision-making authority on accredited agency recognition - - accrediting agency recognition, excuse me.

In addition, ensure that the staff recommendation is provided to the NACIQI for its consideration. The NACIQI decision will be the singular final action communicated to the senior department official.

Is there a motion to accept that? Hank.

Member Brown: Would it be appropriate at this point to discuss the language that's in the draft under the heading of "Toward Considering the Roles and Functions of NACIQI?"

Chair Phillips: Sure.

Member Brown: Thirteen. I'm on the -- the written draft I'm looking at it starts at line 126 and goes through 128.

Chair Phillips: Sure.

Member Brown: The reason I draw our attention to it is the language may be quite accurate but it will not be particularly persuasive with anyone outside of this committee and I think we'd probably have better luck with the proposal by dropping that language even though it may be quite accurate.

Chair Phillips: The language that you're concerned with includes from "We have noted" -

Member Brown: Well, I'm thinking -

Chair Phillips: -- all the way through "at best blunted?"

Member Brown: I was thinking just to the end of the paragraph "NACIQI's current role is ministerial but not significant. The department does not utilize the expertise of NACIQI members nor entrusted to make decisions and as a result the NACIQI's efforts and contributions are at best blunted."

Appropriators who read that language would be inclined to eliminate our funding and my guess is -- my guess is that the secretary would not be thrilled with that being in writing.

Chair Phillips: As we -- just to backdrop on the language in between the recommendations, as we develop -- as the subgroups develop the recommendations there were -- there was context

that people wanted to draw attention to where this notion came from why we were doing it and so that language, while it isn't a recommendation, it is trying to give the context of our recommendation.

If it is not needed at this moment it's no problem to just delete it.

Member Brown: May be needed. I'd just --

Chair Phillips: Right.

Member Brown: -- think our case is more persuasive without it, I think.

Chair Phillips: Yes, yes. Need has many different definitions and not needed would be perhaps a way to think of it right now.

Member Pepicello: I was just going to say having -- I'll let Frank have the final word on it -- but having been part of the discussions this is actually a very softened version of why -- the original wording was why do we come here twice a year, which we morphed into this. And Frank, I'll let you take it from there.

Member Wu: I just have a question. Is it to strike the entirety of it or to replace it or to strike some of it? Did we want to have a little bit of a preamble here?

Chair Phillips: I think the suggestion here from Hank was to drop the last two sentences of that first paragraph. Bobby?

Member Derlin: And I'd actually like to go a little bit beyond that. I think we should withdraw what on the printed copy -- not the one of the screen -- 123 through 128.

I'd eliminate the complete first paragraph and start line 129 with "Decisions on many of the recommendations."

But I don't know if we really have a motion or

anything but -- on line 129 it says "We recognize that."

I would just say "Decisions on many of the recommendations above would be necessary to fully shape a more effective role for NACIQI pending that outcome."

Member Rothkopf: I think that's a great idea and I would make that as a motion.

Member Derlin: Okay. And I'll second Arthur.

Chair Phillips: Further discussion? So the motion on the table here is to remove item -- lines 123 through 128 as well as the first three words on 129.

(Off mic comments.)

Member Derlin: No, it would start with "Decisions on many." Recommendations 1 through 11 or 13 or however many there are. Thank you.

(Off mic comments.)

Chair Phillips: Ralph?

Member Wolff: I think the edit is good. But I -- I'm trying to understand that that was involved in the negotiated rulemaking in the last round that established the authority of the staff to participate in an appeal and senior department official in all of that and I'm trying to really understand the recommendation that this would be a preamble to.

There is a statement that just got eliminated that says the -- apart from the language of being captive in an insignificant role but it basically says that the department leaves all decisions to the department.

My understanding is the -- and I'm trying to understand what the implication of this would be.

The decision is made by the department official and my understanding is that staff make a recommendation to NACIQI and NACIQI makes a

recommendation under the current structure.

If there is an appeal, the staff can file their own -- under the current model can file their own opinion alongside of and differing from NACIQI's if it wants to be.

So what I'm wondering is if 15 were established -- 15 were agreed upon is 14 needed, wouldn't NACIQI's recommendation in fact be the final one because the staff would not have the authority?

There is a difference between being an advisory body and a decision-making body in federal law and so I'm wondering if the same can be accomplished without 14 but eliminating, which would require regulatory change if not a statutory one to eliminate the staff to be able to basically say we don't agree with the role of NACIQI and to file a separate or parallel brief to the senior department official.

Chair Phillips: Art?

Vice Chair Keiser: Well, I think the issue is currently we will make a recommendation and then, in the case of Puerto Rico, which was a very problematic agency, with numerous issues -- just too numerous to even -- you know, we've spent a whole half day on it -- and the department just ignored our recommendation or did not accept our recommendation, this eliminates that.

We become the -- and it's a -- this is a statutory change because we're making the recommendation for the Higher Education Act. So this would establish us instead of being an advisory board as a regulatory board.

Member Wolff: So if I could follow up and ask so what you're saying is not just the appeal but the senior department official would no longer have the authority to make a decision.

Vice Chair Keiser: Correct.

Member Wolff: Well, if that's -- I mean, I'm seeing heads go one direction and another. I'm trying to get clear because yesterday we made a decision, for example, on ACEN that there would be room for supplemental information.

What you're -- so if I understand what you're saying, the final -- not the senior department official -- the one I'd want to understand what are the legal implications of that and in terms of appeal and the like.

But then secondly, there would be no grounds for filing supplemental information or whatever to go up, which now can go to the senior department official.

Vice Chair Keiser: Correct, but the -- again, this is a statutory change that would change us from being merely an advisory body to being a decision making body. Is that correct, Frank?

Chair Phillips: Frank?

Member Wu: So three responses, Ralph. The first is -- and I invite someone to tell me if I have this wrong.

As I understand it now, if there is disagreement both the NACIQI statements goes up and the staff statement go up and they're co-equal and staff actually has an opportunity which we do not have to further comment.

So that the intent is to change that and yes, through a statutory change. If it were adopted we would become the decision-making body. That does exist. Is it the foreign medical school panel that's set up that way? So this is -- this is not an unread of thing.

We have a sort of sister body that is configured that way that has the actual decision-authority. So it does exist out there. And in the ACEN example what would then happen is we would leave the

record open and we would say supplement this and it would be supplemented to us rather than to the senior person in the department.

Chair Phillips: Ralph?

Member Wolff: Well, that's -- we're getting -- at least I'm getting more clear. So what it would mean is there would still be an appeal and if an agency disapproved of the action the appeal would go to the -- this would need to be worked out with the senior department official.

Right now, the recommendation, et cetera, you were saying would go to the senior department official to make the final decision. So you bring in the final decision away from the senior department official body and were there to be an appeal there would have to be an appellate mechanism, presumably with the next item, 15. NACIQI would have with its semi-independence here would be able to file its own brief, if you will, to the senior department official in an appeal and the agency would file it and there would have to be some means for appealing the decision of this body.

Vice Chair Keiser: Ralph, my understanding of course that would be the case. It may be the senior department official.

It may be directed to the secretary. It may be to an administrative law judge, you know, depending on how this would be set up regulatorily.

But this is, basically, a recommendation to change the statute which right now provides us as an advisory committee. This would give us a different status.

Chair Phillips: Frank.

Member Wu: So the simplest way to put it is this would make NACIQI more powerful and it would shift a lot of the action here. It's in part borne of frustration over the past few years where NACIQI

has had either, if not unanimity a very strong view that's gone forward and apparently been disregarded.

So frustration on the part of this body that we spent hours hearing the facts, reviewing the record and then discussing and voting and then not only was it not followed but we were never quite clear on why what we suggested was not followed.

Chair Phillips: Cam.

Member Staples: Thank you. I think most of us are aware, and maybe you alluded to this in your points, Ralph, that prior to the new statute that established this NACIQI was only the NACIQI report that went to the department -- excuse me, the department official, right.

The staff report came to NACIQI. That, to me, was a significant diminution of this committee's authority and I would personally prefer to have us address that because I don't think this has any hope of surviving beyond today.

So I guess my thought is this is a -- this is really too much and I don't think the department -- senior department official is going to recommend to Congress whether Congress is going to entertain -- this is my own personal opinion -- the idea of supplanting the department, particularly given the magnitude of Title 4 funds that are really at stake.

So my thought is this is perhaps getting in the way of a smaller reform that might be more substantive which is just to have the only -- the NACIQI report go to the department and then have the appeal process similarly would just be the NACIQI report that would go in an appeal process.

So I -- that's the process I would prefer. I'd rather see, personally, this recommendation reflect that because I think that might actually happen. My thought.

Vice Chair Keiser: If I may respond. Before we go directly to the secretary and the same problem still existed in that, you know, we are not a politically connected body -- in fact, we're very diverse politically -- but in -- there have been many cases where, again, we don't know, once it goes beyond us, the decision making becomes very opaque and many -- you know, more times than I would have liked to have said -- suggest that our decisions were second guessed. And I think that's the frustration. Yes, it may not pass but it's certainly something we need to articulate. I think it would strengthen the process.

Member Wu: So I'm certainly open to what Cam has said. If our assessment is that this has no chance of being passed, well, you know, there's no point in engaging in what are futile efforts.

But I don't actually have a good sense. One way to do it would be just to frame this in the alternative.

Say, well, here's what we would really like but barring that here's the alternative and that might actually enhance the likelihood of the alternative passing because it seems less aggressive on our part.

And we don't want people to think this is some crazy power grab. This actually restores NACIQI closer to the status it had before.

The older NACIQI was a more powerful body than this version and there are other Department of Ed bodies that have that authority. So this is not some outlandish idea. It exists within the department.

Chair Phillips: Arthur.

Member Rothkopf: Yes, I think Cam raises a good point and I was on the subcommittee with Frank and we talked about it and I do think this is -- the recommendation is the right way to go and, you know, frankly, if you need to go another way you could have a fall back to what you suggest.

I would suggest some language be added somewhere in here to make the point, which I think is one of the more persuasive ones in that there is - - we do have another agency within the department or advisory committee within the department and the foreign medical schools which has this very same authority.

And so I think it might say, look, this is not such a radical idea. This is something that's already been done and let's reference that -- the committee and, Jennifer, you know the name of it.

Let's put it in there and say this is -- this is modeled on this other committee which operates under these standards.

Chair Phillips: I have Jill.

Member Derby: Well, I liked Frank's suggestion because I think -- and I liked Arthur's too -- I think if we get the wording right we can incorporate that, that this is our recommendation but include a kind of fall back, given what Cam has offered about his prediction that it's unlikely.

I think there's a way of incorporating that with some good language referring to the agency that the committee that has the authority that we would like to have I think that can all be put in there in a persuasive way. I think that's a good idea.

Chair Phillips: Simon.

Member Boehme: I just don't know if I can agree with Cam this time just because Lamar Alexander released in his white paper and he proposed with the HELP Committee that the proposal was to ensure the NACIQI's independence and his -- and the HELP Committee's recommendation was -- authorized the NACIQI to hire its own accreditation staff independent of the Department of Education accreditation staff to assist in preparation of agency recognition.

And I acknowledge Cam's point that it may be unlikely that this is going to happen but I don't think that this is as farfetched as we may think it is.

I think that this is another bold initiative. I think that, you know, something we have to keep in mind. Colleagues, as you know, we got to be bold about this.

This was a commitment that we made in December that we were going to be ambitious about it and I think that, you know, a lot of these proposals may be taken seriously, some not.

But I think certainly in making our jobs, you know, and feeling like we have a sense of purpose coming here twice a year I think this is a step in the right direction.

But I am open to Cam's proposal of adjusting somehow the recording mechanism. So I'd be open to that.

Chair Phillips: Bobby and Art and then I'm going to see if I can get my hands around where we are. Bobby?

Member Derlin: I like the idea of including the reference to a similar agency. I'd also like to suggest a minor wording change and perhaps a change in the order of our recommendations. What is on the printed copy -

Chair Phillips: Let me ask you to hold that for just a moment, please -- the editing notion. We may come back to it but we may end up editing something entirely different. So bear with me.

Member Derlin: Okay. Well, my suggestion is that we put the communication recommendations and that our final recommendation be what is currently 14 and 15.

Chair Phillips: Thank you. Art?

Vice Chair Keiser: Just to remind everybody of the

process. We are making recommendations to the secretary.

The secretary is then going to make recommendations to the committee, which is dominated both in the House and Senate by the Republicans.

So I'm not too concerned about whether our -- you know, the likelihood or not the likelihood of being recognized or adopted, though I do believe we must get this on the table and if it is as Simon -- I was not aware exactly what Simon was saying but if it is correct then we'll have some nice parallel processes that would encourage both Democrat and Republicans to agree on something.

So I think we need to call this question and move it forward.

Chair Phillips: Okay. The question is what's the question. So right now, we have had -

Vice Chair Keiser: The motion and the second.

Chair Phillips: We had a --

Vice Chair Keiser: Motion and a second.

Chair Phillips: -- for a prior -- for before.

Vice Chair Keiser: No, from 128 --

Chair Phillips: Just for 128 and 16?

Vice Chair Keiser: -- through 138. Right, Bobby? That was the motion?

Chair Phillips: I'm sorry. We digressed into thinking about the prior information.

Vice Chair Keiser: We have a motion and a second on the floor.

Chair Phillips: Okay. I am -- I have lost the motion that you are referring to so if you could speak to that.

Vice Chair Keiser: The motion is we take from, let's see -- it's Bobby's recommendation. It was 129 through 138 that we pass.

Chair Phillips: I see. I had understood the recommendation on the floor which perhaps had not been seconded to be to delete 123 --

Vice Chair Keiser: No.

Chair Phillips: -- through 129.

Vice Chair Keiser: Well, you don't have to delete it if you don't accept it. So the motion would be on a positive basis to accept on 128, 129 through 138.

Chair Phillips: Right. So let me --

Vice Chair Keiser: There is the motion.

Chair Phillips: Let me rewind to make sure that we are clear about what's on the table. At the moment, what is on the table is endorsing from fourth word of line 129, "beginning decisions," all the way through the end of 138. So it essentially adopts that Item 14 with a modified introduction.

That's what's on the table right now. If we -- we've had that question called then I would move to a vote for that.

Dr. French: Could that be a friendly amendment to the alternative? To add the alternative that Frank had? Would that be a friendly amendment? Or we'll just pass this first?

Chair Phillips: If you would like to propose a friendly amendment to this current motion, the current motion is to accept -- to delete 123 through the first three words of 129 and to accept -- okay. How about you rephrase it?

Vice Chair Keiser: That's not what George is talking about but the -- we don't have to delete it because we're just not going to accept it because the motion is 129 after a couple words through 138.

Chair Phillips: Okay.

Vice Chair Keiser: That's the motion.

Chair Phillips: Okay.

Vice Chair Keiser: I think you should vote on it.

Chair Phillips: Okay. So the accepted -- the motion is to accept 129 through 138. It has been proposing a friendly amendment.

Member Rothkopf: Friendly amendment, which is, I think, Bobby thought it was okay to put somewhere, either in the text before or in Number 14 that this is -- this process is similar to that -- to the authorization of the national foreign medical committee.

I don't know the exact language but it's to make that point in there so that when someone looks at it they say this is not some totally farfetched idea.

Vice Chair Keiser: I'd accept that.

Chair Phillips: And the second accept that? Okay.

Member Wu: May I add, though, Bobby's original idea that we capture lines 129 through 133 less the first three words of 129? Oh, that is part of it? All right. Starting with decision -- starting with the word decisions.

Chair Phillips: Yes. So the motion now on the table as amended is to accept from line 129 the fourth word in through line 138 with an adaptation in Item 14 to reflect reference to the other committee, whose name we will find out when Jen tells us.

Member Wu: Should we actually write that sentence? How about at the end of 14, NACIQI would have authority similar to that of fill in the blank of that body that none of us knows what it is even though it's our sister entity?

Member Boehme: I second that.

Member Wu: What is the name of this thing, just so we have it right?

Dr. Hong: The National Committee on Foreign Medical Education and Accreditation.

Participant: Frank, I think that would go at the beginning rather than at the end.

Dr. Hong: But their role as a decision-making body is not really explicit in the statute, and Sally can maybe talk more about it. It was an interpretation by the department. They're still in the statute as an advisory panel.

Member Wu: How come they got more authority than us?

Ms. Morgan: I think if the statute was the same for NACIQI as the NCFMEA I think this one would be an operational committee, too. Operational means decision-making as opposed to advisory.

Member Wu: But the statute is different, you're saying?

Ms. Morgan: Yes.

Chair Phillips: So right now we have on the table, as I mentioned, through 138 with a inclusion at the end of that saying NACIQI would have authority similar to NCFMEA. That's where it currently -- Jill?

Member Derby: Well, I want to refer back to Cam's point. Why would the -- why would the secretary give away that authority? I mean, is that really likely? Just the point that he made I worry that -- I appreciate the bold and go for it spirit here but I also like to be practical and I want to come back to what Frank suggested as kind of a fall back. Better to get some increase in our authority and input rather than none. It's sort of an all or none. So I just want to bring that out that that's what we're deciding here without the kind of language that Frank suggested about a fall back that would put us

in a better position but not get it all.

Chair Phillips: Cam?

Member Staples: I think on the next item it might be worth amending that to include -- that was my sense that when we get to the next item I might offer an amendment to add that language and separate it out from this one.

Member Derby: Okay. Thank you.

Member Derlin: I'm sorry, but now I'm a little unclear on just where we are in terms of -- in terms of the -- but what about this national committee language? Is this in or out?

Chair Phillips: Right now, we have an amendment that adds NACIQI would have authority similar to the National Committee for Foreign Medical Education Accreditation.

Member Derlin: Okay.

Chair Phillips: I have not heard an objection to that and so absent of a more formal process of going through two votes I'm going to assume that it's in.

Dr. French: Madame Chair?

Chair Phillips: Yes.

Dr. French: I wanted to consult with counsel again. The committee that we are referring to, the Foreign Medical, are they governed by the Federal Advisory Committee Act?

Ms. Morgan: No.

Dr. French: And we are explicitly?

Ms. Morgan: The committee -- that committee had been in place since 1996. As Jennifer mentioned, in the particular statute you're not asking that they used that exact language.

They do use the word advisory. In construing the

whole statute, we decided in the department that that was intended to be an operational committee and it has operated in that way ever since it was established.

Dr. French: So in my reading, counsel, here in our charter that the committee is governed -- NACIQI governed by the provisions of the Federal Advisory Committee Act -- essentially what you're saying is that this provision, if adopted, would make us an operational versus an advisory committee?

Ms. Morgan: Exactly.

Dr. French: Thank you.

Chair Phillips: So the question has been called. Those in favor of accepting line 29 through 38 with the addition of "NACIQI would have authority similar to" those in favor, hands. Those opposed. Those abstaining.

There's three abstentions -- one abstention and three opposition. Thank you.

The next item that we have is Item 13, which states establish that in the event of an accrediting agency's appeal of the recommendation, NACIQI sends, department staff will respond to the accrediting agency's appeal submittal to the department. Motion to accept. Motion to discard.

Member Wu: This is -- I'm sorry. This is naturally in the alternative because if the other one is accepted this one doesn't make sense. But if the other one isn't accepted I think Cam is going to fix all this.

Member Staples: Thank you for your confidence. I don't have the language right here because I'm trying to reference the existing process and I don't think I know -- I know that staff reports presently are submitted to both the department -- senior department officials as well as our report.

I guess what I would like to perhaps ask from assistants in drafting it where it's clear the staff report comes to NACIQI and then NACIQI report accompanying and the recognition, recommendation is the sole report that goes to the senior department official.

That's what I would like to accomplish and I'm not sure the language that I just stated is sufficient to convey that.

But I would like to add that to this -- to this recommendation because I think standing alone this changes -- those two pieces of this would change the process where NACIQI is the only entity communicating recommendations to the senior department official. So if I could ask for maybe some help from Sally to -- for a couple sentences conveying that process change.

Chair Phillips: Art.

Vice Chair Keiser: Cam, don't you think we're getting into the weeds now? We're starting to talk about conditions that may or may not occur and it would be -- that would be more regulatory than statutory?

Member Staples: I don't think this is in the weeds, to be honest. I mean, this to me was one of the most significant changes and including the composition of NACIQI being congressionally appointed in part.

The fact that NACIQI now is no longer the only voice making recommendations I think is a dramatic shift in the way our recommendations are treated.

And on many occasions the staff reports have been accepted over the NACIQI recommendation and I think -- I mean, you were on the prior NACIQI and so was Anne so you may have more recognition of how or recollection of how that worked.

But I think if there is just our recommendation

going to the senior department official it's got more weight. I consider that to be a real weakening of our authority when that happened.

Chair Phillips: Sally?

Ms. Morgan: I'd just like to correct one misapprehension. It has always been that the department decision makers have had the entire record before them when they make their decision. And so that has always included the staff recommendation.

The only difference made in the regulations that Ralph referred to is that we provided an opportunity by regulation for the staff to -- and the agency to file comments with the senior department official on the NACIQI recommendation. That has been very rarely used.

In my experience with the committee from 1995 on, the senior department official or it used to be the secretary has from time to time not accepted the NACIQI recommendation that occurred before that change and it was ongoing. Not that often but it happens.

Chair Phillips: Arthur.

Member Rothkopf: I'd like to make a motion to strike number 15 and the reason I do that is I think it's -- it compromises the recommendation just adopted on number 14 and the issue of what happens with department staff I'm not sure there's any appeal from NACIQI to department staff.

It may be that Congress would decide to send this to an administrative law judge or some other place and we have said we're the final authority within the department or and so I would move to strike number 15.

Chair Phillips: Okay. We have a motion to strike. Is there a second? I have -- the motion to strike was Arthur Rothkopf and the second was Bobby Derlin,

and other people. Further discussion? Okay. Those in favor of striking item 15 -- hands.

Those opposed.

Two. Abstained.

One. Okay. That one strikes. We also have now Item 16. I'm going to take up your editorial suggestion in a moment.

Item 16, which refers to establish that NACIQI and the education secretary and other department officials meet periodically for mutual briefings and discussions including policy issues such as gainful employment and resulting in policy recommendations. Do we have a motion to accept, delete, modify?

Member Rothkopf: May I make a suggestion? Not really a motion yet but to put it on that table. I think it's a mistake to include gainful employment considering where life has turned that into.

I think it's sort of -- I won't say hold news. It may still change. If we want to put a such as I'd put in such as rankings or, you know, other -- I'm not sure we need an example.

I don't think we need -- policy issues and let's leave it open. But gainful employment to me is sort of a hot button in a lot of places and I would move -- I would suggest striking it and if others agree I'd move to strike it.

Member Derlin: I'd second that.

Chair Phillips: So if we -- may I put a motion into your suggestions?

Member Rothkopf: Sure. Absolutely.

Chair Phillips: So your suggestion is to adopt -- motion is adopt lines 48 to 150, excluding the "such as gainful employment."

Participant: I'd second that.

Chair Phillips: Second. Discussion.

Member Derlin: So it's going to say?

Chair Phillips: So it would read establish that NACIQI and the education secretary and other department officials meet periodically for mutual briefings and discussion including policy issues and resulting in policy recommendations. Those in favor.

Opposed. Abstention. Okay. The last one is Item 17 which reads "Establish that NACIQI itself timely disseminates its reports to the department and to the appropriate congressional committees."

Member Zaragoza: I move.

Chair Phillips: Motion by Zaragoza. Second?

Member Pepicello: Second.

Chair Phillips: Second by Pepicello. Discussion. Those in favor.

Those opposed. Those abstaining. Okay. That one passes. We had a suggestion -- it didn't quite come in the form of a motion -- to alter the order of the items in this last 14, 15, 16, and 17.

I believe that Bobby had recommended that we put 16 and 17 up front. Is that correct, Bobby?

Member Derlin: Actually, following you I've changed my mind about that.

Chair Phillips: Okay. Never mind.

Member Derlin: But I still -- but I still have one other editorial suggestion. Line 143 and 144, it's a nice thought. But it isn't directly related to any of our recommendations at this point and I'd suggest that line 143 and 144 be deleted.

Chair Phillips: Okay. We have a motion by Bobby

Derlin to delete lines 143 to 144, seconded by Keiser. Discussion. Those in favor of that deletion.

Those opposed. One. Those abstaining. None. Okay. That's gone. Okay. That concludes our consideration of the policy recommendations. Congratulations. That's a year long of work. We will modify the preamble to say that we now advance these recommendations as opposed to we're looking for more input and get it into the secretary and --

Member Boehme: Susan?

Chair Phillips: -- and beyond as quickly as we can.

Member Boehme: Susan?

Chair Phillips: Yes.

Member Boehme: I would be regretful if I didn't make this recommendation and I do not want to drag this conversation on but I think that, you know, hopefully that we can put this up as a yes/no vote and I don't want to be obnoxious but I think we need to add a recommendation under 9 towards simplifying and enhancing nuance in the accreditation and recognition process.

I think that it should read Number 9 -- it should have no preamble. I think it should require student representation on review teams. I think that this is important.

I, first of all, heard this idea. Anne Neal was a part of this Senate HELP Committee as was Dr. Peter Uwell's testimony and I think that hopefully this committee would find it fairly obvious that student voices are important and I think that this is a type of change that should come from NACIQI and I think this is, again, a part of NACIQI starting to take a bold stance on adding positive reforms to accreditation and improving the system.

I think that how can there really be a peer review

process when the consumer, which is the student, is not at the table to ask questions and ensure that systems are properly and efficiently serving the students.

I think students also serving on the review team will be able to communicate information to other students about the strengths and weaknesses of institutions and this is increasing the flow of information which will help to provide essential changes if required.

And, again, I don't want to be a nuance but I would be -- I would be very regretful if I did not mention this and so I'll leave it to you, Madam Chair, to how to proceed.

Member Zaragoza: Simon, if that's a motion I'd second that for the sake of discussion.

Chair Phillips: Okay. So the motion on the table is to add a recommendation, say Number 9, without preamble that states "Require student representation on review teams." Art?

Vice Chair Keiser: So that sounds good. It would be -- it's very difficult to put a team together.

I served as commissioner and I served as a chair of a commission and it would not, I don't think, add to the team and where would you pull the student from from a different institution.

Procedurally to mandate that would make it very, very difficult and not necessarily add to the role of the accrediting committee.

It sounds good but it's -- I think it would be operationally very difficult and not that advantageous.

Chair Phillips: Cam.

Member Staples: I share that concern. I think that the challenge of making that change today is we don't have an opportunity for any input from the

affected, you know, community.

I have the same concerns Art expressed. It sounds like a good idea and it may very well make some sense. But I think without understanding the impact of it I'd be reluctant to add it today.

Vice Chair Keiser: Just that each member of a team is trained. Each member of the team goes to an orientation.

They're pulled from schools throughout either if it's a region or nationally if it's a national and where would you identify specific students to -- who would be a part of a pool.

It would be -- again, I think it's, again, sounds great but it will be very difficult operationally.

Member Boehme: Can I respond?

Chair Phillips: Sure, and then I have Anne.

Member Neal: My thought on this is that if you look at the representation of some of these peer review teams, I've raised in the past concern that trustees aren't there and there are all sorts of governance issues that are being addressed.

So I think it's a very, very legitimate concern. But I also think that perhaps it can be addressed through the public members.

Are there ever public members on the peer review teams or is that only on the commissions -- that's only on the boards?

Member Boehme: Yes. Well, and so that's a good point Anne raises. I think to answer Art's question directly there's -- how I envision this there's two ways of having student representation, right.

There could be an expert panel of students and that's where other students from across the country and then other students testify and I think that makes a lot of sense, right.

Students feel more comfortable talking in front of other students but in terms of the review panel I think one of the best ideas out there, and this is not my idea, is you randomly select them.

And why this is so vague is because we should leave it to the accreditors. That's something that you probably won't hear me saying much throughout my time here in NACIQI.

But I trust the accreditors to try and figure out, and that's why I say student representation. There's a lot of flexibility within that language.

But, again, and just to push back on the two comments, I think how can we fully understand if accreditors and the quality of the education is doing a good job if you don't have any student perspectives.

I think it's a good idea and I think with the vagueness of the language accreditors will be able to figure it out.

Chair Phillips: Ralph.

Member Wolff: Can I -- before I comment can I just have a restatement of the language?

Chair Phillips: The current language is "Requires student representation on review teams."

Member Wolff: You know, I'm not prepared -- I want to support the principle. I'm not sure I support the language. That's the thing.

I will say we had two students on our most recent standards revision committee before I left WASC and they were incredible contributors -- one undergraduate, one senior and one Ph.D. student -- and made major contributions to our standards revision.

There are a lot of implementation issues. So I'm not at the stage of wanting to require a specificity of where they should participate but I'm very eager

and interested either through these recommendations or future conversations how to increase student involvement in this process.

And for me, I would even make a recommendation that there ought to be a student -- at least one student on commissions. In Europe, that is required to be a part of the registry.

There are student unions, but in all -- to be part of the registry, a student on committees and students on the decision-making commissions are legally required. So there are methods by which this is done -- they are trained.

The model of interaction is very different. They don't -- they operate differently than our teams do. But I would say this is a future area for dialogue. I'd like to support with Simon.

But not this language of requiring a specific way of doing it. So I'm not sure if it would be to explore -- that may be too weak -- a further role of students in the process or to define better ways in which they could be engaged throughout the process.

But I agree, they're the consumers and their perspective and there's an enormous gap between tenured faculty and today's students -- even the adult students. So that perspective is critical in the process.

Chair Phillips: Federico?

Member Zaragoza: Madam Chair, I just want to go on record.

At Alamo Colleges we have a student trustee and their perspective as a consumer is -- has enhanced the process significantly and I want to make sure we don't under estimate the value of having that perspective and also the capacity.

Simon is a perfect reflection of that -- of the wealth of expertise that we could be bringing to these

review processes that right now are not engaged.

So I just want to kind of on the record indicate that we should not minimize the value of the student input in the review process.

Chair Phillips: Thank you. I have Jill and Bobby.

Member Derby: Well, I think it is something that deserves further discussion. I'm particularly interested in what Ralph offered about the presence of students -- a student member on the commission.

It seems to me that makes some sense in terms of student input. I really hear Arthur's concerns about just the logistics of that and trying to manage that in terms of the review team.

I think it gets very difficult operationally and almost doesn't make as much sense as having the student input on the commission, which I think is a topic worthy of future consideration and deliberation here.

Chair Phillips: Bobby?

Member Derlin: I just want to speak in support of the many comments, I guess, particular Federico's. I thought you were quite eloquent on behalf of student input.

And at the same time I also want to speak in opposition to the motion of including it in this document. I think this is an issue that we as NACIQI can pursue in other ways. Thank you.

Chair Phillips: Frank.

Member Wu: What about instead of making it one of the numbered recommendations putting something in text somewhere, maybe early on, about all stakeholders, especially students?

You know, so something aspirational that says higher education is so important and accreditation

has emerged as a major public policy issue.

All stakeholders, especially students, should play a role in these discussions -- something along those lines that's softer, that captures the concept but doesn't -- wouldn't carry with it if adopted the rule of law.

Chair Phillips: George.

Dr. French: Yes, Madam Chair, I also concur with my colleagues on the spirit of Simon's proposal. I think it's a way that it should be workable.

Frank made the suggestion that we would -- earlier suggestion there will be student participation. I can go more along those lines because Art is correct.

The operational problems that we were having in implementation are huge. At the same time, it doesn't have to -- it could be some divergence of the structure.

Everyone else comes from different institutions. But the question is can we get students from that particular institution. Because at the end of the day I've served on a lot of these committees and what these institutions write down on paper and then give to the accreditors it might be true and it may be true.

But if you really want to know what's going on on the campus you talk to those students that are on that campus. So perhaps, Simon, you put forth a panel.

It might be a panel of the students that are at that particular institution that that review committee would meet with just to listen to.

So I think there is some alternatives to not bringing in students from other institutions but perhaps using students from that.

But as you said, allow the accreditors to come up with how it works. But I fully support student

participation.

Chair Phillips: Anne?

Member Neal: I'm going to agree with Frank that I think that the purpose here is to make certain that the review process is inclusive and that it invites a range of perspectives whether there's -- of stakeholders, a range of folks who are very much impacted by the process whether it's trustees or students or otherwise.

So I would certainly agree to some sort of general statement that makes it clear that we believe that the review process should be inclusive and receptive to perspectives from a range of stakeholders on campus.

Chair Phillips: Bobby?

Member Derlin: In that vein, I'm going to suggest that people take a look at line 24 -- 23 and 24 -- where we discuss the new set of recommendations represents additional contributions to the larger policy conversation in service of enhancing our higher education system for all students. I don't have exact words in hand but it seems to me that with some modification an expansion of that sentence to a few words to say for all students with increasing representation of other stakeholders, particularly students, I mean, I think that represents an opportunity for the kind of word smithing Frank and Anne have suggested.

Chair Phillips: So at this point, I want to dispose of or accept the motion that has been put on the table and seconded.

Member Boehme: Well, I will -- I will -- I regret or I will withdraw my motion. I'm hesitant to withdraw my amendment or my motion just because I think it is important, again, that NACIQI does not -- and I know we're not -- cowering away from the important issues.

But I think it's important once again that we take a bold stance on these issues for us to really be seen as legitimate as the new sheriffs in town.

I think it's important that we take this step. But I am willing to compromise and I hear these concerns and I know when I've lost and so I've lost. But I -- and I hear Bobby's suggestion but I think moving it to line 52 instead and so I make a new motion if that's appropriate that NACIQI recognizes the value of student input in the accreditation process.

Member Zaragoza: And I would second that, too.

Member Boehme: Thank you.

Chair Phillips: I --

Member Boehme: Specific standard setting authority within those and then it would say and maybe -- I'm not exactly sure about the placement but I was just thinking within this area or it could preempt somewhere along the lines of 36.

Chair Phillips: I need to understand what the language is that is being proposed.

Member Boehme: Okay. So the language is NACIQI recognizes the value of student input in the accreditation process.

Member Wu: It makes more sense earlier before the list starts.

Member Boehme: Okay.

Member Wu: So at 36 would make more sense than at 52.

Chair Phillips: So the motion on the table is to find the right place to put in the following words "NACIQI recognizes the value of student input in the accreditation process." I think we could find a line I could put it in. Ralph?

Member Wolff: I just want to say I don't know of

any agency that doesn't meet with students on a review. So that's not adding anything.

I think the issue is whether students should be involved -- more involved and throughout the review and the decision making process. I think Simon's issue is either they're implementation questions team -- on review teams, on commissions. I'm not saying to require it but we need to go -- if we're going to make this an issue then we need to go beyond just meeting with people on the campus because that's already done and recognizing it.

So I'd like to push the envelope a little farther about exploring ways in which students can be involved in the -- within the agencies and the decision-making processes.

Chair Phillips: Would it be a friendly amendment to include at all stages of the accreditation process?

Member Wolff: Yes.

Chair Phillips: So this would be to find a place somewhere -- we don't need to decide it right now - - that says NACIQI recognizes the value of student input at all stages of the accreditation process.

Member Wolff: Art.

Vice Chair Keiser: Well, I accept the sentiments and the original motion. Now, once you start getting into all stages I have a real problem. We haven't vetted this. We didn't discuss it.

This is coming right from the table. It feels good, it smells good. But it is not necessarily operational. Please, let's just -- you know, if you want to make the comment let everybody aware how important it is that's important -- it's okay.

But if we start being proscriptive and for some reason the Congress or the secretary adopts it that -- you know, at all stages that's just -- that

becomes a lodestone around certain agencies' necks.

Now, it may be effective for regionals but it may not be effective for, let's say, DETC or, you know, the cosmetology accreditation. It just may not be the appropriate terms. I don't think we've fleshed this out. I think it needs to be discussed. I think it's worthy of discussion. But not here and not at this late stage.

Chair Phillips: Bobby?

Member Derlin: Well, I have a certain appreciation for the sentiments Art's just expressed. At the same time, I took a stab. I agree with Frank's assertion that these comments need to be earlier.

I remain committed to line 24 and the sentence would read "Our higher education system for all students and with increased engagement of students and other stakeholders in accreditation processes." Or not.

Member Zaragoza: Madam, could I also clarify that I think the way that by forth, into the framing language and that is a separate recommendation? You know, I think Art -- you know, Art's observations speak to a recommendation. This is framing language that provides a context for the rest of the recommendations.

So I just want to kind of reaffirm that there is a lot of flexibility in the way that you can frame this.

Chair Phillips: Yes, that's true. This is framing language, not a recommendation. So right now we have a -- the motion is to add language that just says recognizes the value of student input in the accreditation process. There was a friendly amendment offered at -- to include at all stages.

If that's not friendly we'll pull that back and if we don't like the proposed we can -- you can withdraw it and we can consider a different option. What's

your pleasure?

Member Boehme: We'll withdraw the friendly motion and we'll let it go.

Chair Phillips: Okay. Not friendly. Okay. So we're back to "NACIQI recognizes the value of student input in the accreditation process." We're going to go up or down on that. NACIQI recognizes at some point, 20 somewhere, recognizes the value of student input in the accreditation process. Those in favor.

I'm sorry. We have more discussion? Yes, ma'am.

Member Neal: Body say students and other stakeholders.

Chair Phillips: Yes, that was an amendment. Actually that wasn't accepted. Would you -- she was actually posing a different language in a different place.

Member Neal: I guess I would -- what's that? I would just like to have it more comprehensive. I think we go down the wrong path when we start dictating which groups unless we make it much broader.

Chair Phillips: So right now we have on the table the insertion of language that says "NACIQI recognizes the value of student input in the accreditation process."

We haven't voted on that yet. Is there an amendment that somebody would like to make to that? Is that a friendly amendment?

Member Neal: He meant other stakeholder.

Chair Phillips: Is that a friendly amendment to move?

Member Boehme: Sure.

Chair Phillips: Okay. Now we have on the table

"NACIQI recognizes the value of the input of students and other stakeholders in the accreditation process." Those in favor.

Those opposed. Abstentions. Okay. I think we've got -- that will add it to the -- find the appropriate place to include that. Is there any other further business on this item before I got to our new business item on the agenda? Arthur.

Member Rothkopf: Yes, I guess I wanted to know the process from here forward. I assume we'll get a new draft or I'll leave it up to you, Madam Chair.

But we will presumably get a new draft or the final document which has now been approved and I guess my question is does that document, once approved and sent to the secretary up here in the Federal Register or does it just go to -- if it just goes to the secretary, frankly, I would not want to wait around for that document to be -- and the secretary, it goes through the interstices of the department and who knows how long that will take. I think it's important, going back to a point Art made earlier, to get this in front of the Congress as soon as possible because they are debating this certainly on the Senate side and very much having conversations.

Chair Phillips: This report would very quickly go to the secretary. It is, you know, formally that it would go out to you.

Obviously, you can do whatever with it you choose. I don't know if it gets posted in the register. That -- I just don't know that piece of information. Do you know? So it is not in the register. Frank?

Member Wu: It's not in the register at all. Never goes in the register.

Dr. Hong: We have never published it in the register, no.

Member Wu: So we could -- and I would encourage

all of us to push this out -- we all are connected to various people and I had asked a question earlier that I would ask once more which is do we put out press releases?

Is that something we do? Susan, do you -- are we allowed to do that? Should you give us speech and say we've released this?

You know, I mean, we are covered by the press. Inside Higher Ed did a piece just this morning and, you know, if we actually made an effort -- if one of us such as our chair did that I would bet somebody would pick it up.

There are people who actually observe while sitting here what we do. It would not go unnoticed is what I'm saying if we made an effort to push it out rather than just rely on it working its way through a byzantine process.

Chair Phillips: So I personally don't know the answer to the question of a press release. I do think in this context we continue to be regarded as special government employees and I don't know what government employee behavior under that context.

Jen, you may know or Sally, you may know. I haven't seen a press release coming out from NACIQI ever before but that doesn't mean that it can't so -

Ms. Morgan: Normally, all department announcements go through the Office of Communication Outreach, I think is the name of it. So I'd need to check with them.

Member Wu: Could we ask them to do that? So when there was a special commission to investigate the Space Shuttle Challenger physicist Richard Feynman at a press conference famously dunked a rubber seal in a glass of ice water and showed that that was the cause of the crash, you know, and that was the moment that people publicized, and rightly.

Dr. Hong: I will check with our Office of Communications.

Member Rothkopf: Let me give you an example. I was a member of the much-maligned Spellings Commission and we -- the commission issued press releases, announced it, put it out to the public.

Now, it's a different kind of thing but it was established by the secretary and the secretary was at the forefront there.

Member Neal: Susan, if I could add, we just agreed that one of our recommendations was to disseminate reports to the appropriate congressional committees and so it would certainly fall within the recommendation.

Chair Phillips: Well, the recommendation to the secretary please disseminate. Let me -- let us learn about what the parameters are.

Certainly, a document -- a final document to you, you can distribute in whatever ways make sense. Something that is distributed on behalf of the NACIQI I need to know what the constraints and parameters are around that.

And so let me -- let's learn about that. I want to come to our final item. This isn't technically new business. It is not new business.

It is continuation of our discussion yesterday where I wanted to follow up on the ideas that we were discussing yesterday and also to provide a bit more information about some subsequent conversations that I've been able to have between yesterday and today.

So we came into the -- just out of yesterday's discussion of being very interested in having some more understanding about how some of the dimensions of students' success figure into the accreditation process as a -- lack of a better term.

This, obviously, has been of critical interest in our discussions, in the national discussion and indeed, it has also been a critical interest of the department and of CHEA, our private counterpart.

Those of you who have been involved in the CHEA work or have been tuned into it know that they've recently scheduled a meeting of all accreditors.

That includes the ones that we recognize as well as the ones that are recognized separately by CHEA to include discussion about how accreditation can do a better job of protecting student interest and by that providing more accurate information by giving more assurance about the completion and progression rates as well as a number of other issues that I will defer to them.

At any rate, so that conversation is already cooking on the accreditation horizon. I also heard it echoed in the Under Secretary's discussion yesterday where in addition to the shift of ratings to information for students he certainly concluded with the observation that he continued to be very interested in making sure that all of America's students have the opportunity to attend and complete in a manner affordable to them and to continue on to live productive lives.

I did have an opportunity to talk a bit further with the Deputy Under Secretary last evening to -- was very interested in inviting our questions about what -- how we might advance this.

So I took an initial stab at defining a set of questions that we might want to convene either formally as a NACIQI or as a deliberative larger conversation.

I don't have a sense of venue yet. I'm not sure about December. But let me ask Pat to put it up to just give you a quick snapshot of what I think might be the beginning of a conversation that would allow us to begin to think about these policy ideas in a manner that is inclusive of more input, provides us

an opportunity to learn about what is done currently and gives us some more vehicles for developing policy around these issues.

So in this I note that the currently regulations require accrediting agencies to have standards for the institutions or programs -- remember there's two different kinds that they accredit to address ten different dimensions of quality including -- and this is the student achievement dimension as it's currently in the regulation -- success with respect to student achievement in relation to the institution mission which include different standards for different institutions or programs as established by the institution including as appropriate consideration of course completion, state licensing examination and job placement rate.

That's the current language of regulation. So the questions that that raise -- raises in relation to the queries that we were posing yesterday about the protection of student interest are things like so how do accreditors address this requirement.

We had an opportunity to pose the question of one accreditor yesterday who hadn't known that they were needed to be prepared to answer that.

But and we wanted to -- I thought we needed to know how do accreditors address this requirement.

What's the nature of the standards that are asked for, given the regulation -- what information do accreditors review in assessing compliance with those standards -- that's another piece of information that I heard us ask.

We didn't have the answers. And then how -- what data they collect about specifically the retention, persistence and graduation rates of students enrolled in certificate or degree programs in institutions that they accredit.

The next one was how -- this is a nuance I thought might be important to understand is how they

understand that information that they collect and review.

We heard that from the second accreditor that we spoke with yesterday, that they understood their graduation rate in this context or they had a understanding of the first time full time limitations or some had some cut off scores for professional exams -- how do they understand it, how do they make sense of that data.

And then what actions do they take on the basis of those understandings and that's the question of so what do you do about this. When you see a 10 percent graduation rate what do you do about it -- how do you understand it and what do you do about it.

And then the final one, which I thought was an important feature brought out by the conversation was how do those requirements and considerations differ between institutional and programmatic accreditors which function very differently and how do they differ between regional and national accreditors which also conveys some differences.

That set of questions I began to frame I don't think those are the only questions that we have but wanted to refocus us on the place in the regulation that we have some query at this point.

Obviously, there will be new regulations at some point but not soon and I wanted to get your sense about whether this is a beginning of a conversation that we might then engage in policy discussions with the assistance of the department, which I think is interested in engaging with us on this, perhaps also with the assistance of the accreditation community as well.

We will certainly need their input and understanding on this and to be able to begin to get our arms around how this information about student -- I'll call it student welfare -- student protection -- protection of student interests might be incorporated

ultimately in the larger process.

So with that as sort of a wrapper around this, let me open for comment. Jill?

Member Derby: Well, I'm for it. I think it's a good idea that we do this. I'm very enthusiastic about us getting involved in that conversation, learning more.

I think it's very important that we find out from the accreditors how they really -- how they satisfy that requirement. I think we definitely need to know that kind of information.

One of the things that I found interesting in looking at that is there's nothing about student learning outcomes. When we talk about -- we talk about, I know, retention, persistence and those sort of things, is there any interest in looking at student learning outcomes and pursuing?

I know there's quite a conversation around that. And I don't know if that introduces something. I know it's difficult but I find when I read that it's disappointing.

It is the retention and graduation rate percents. All that's terribly important. What about learning outcomes?

Chair Phillips: Art?

Vice Chair Keiser: I agree, Jill. But I will say certainly from the regional perspective the student learning outcomes has been the effective or been the most looked at part of the achievement process.

Ralph, you can probably correct me. I mean, this goes back to 1984 when they published "A Nation at Risk," a former secretary.

That's where the -- at least in my experience the regionals have focused on assessing student learning outcomes. This is a different issue and that's something where I think the regional are having a harder time getting their arms around

because, again, there is not good data.

The data is inconsistent. The definitions of the data, like, what is the placement -- is the placement the first day job -- is it 90 days in the job -- is it a gainful placement, which is where the full employment discussion comes in.

So you have -- we don't have common definitions which I think we address in another part of our recommendation. So I agree with you. It's something we -- you know, I would love for us to have a hearing on this and discuss it and see if we can come up to some specific recommendations.

But like, again, yesterday -- and I love Simon's enthusiasm and passion. The problem is like Capella, which he mentioned, had zero percent of four a year.

Well, they're a graduate school and will have zero percent of undergrads. I don't think they have undergrads. So, you know, that data is zero percent of an undergrad education at a graduate school won't be very meaningful or since it's only first time first term students you go to an adult learning institution who've been -- in our case 68 percent of our students have been to a state university or community college before -- none of those folks are in the data.

But, you know, although our data is very high and we're very proud of that but it's not really accurate and true. So we have to come to certain definitions, which I think are critical, and I think the discussion is well worth for us to bring the creditors together and discuss what they believe to be the common element in really establishing an achievement-based accrediting process.

Member Boehme: Capella does have a bachelor's program, according to their website.

Chair Phillips: Bill?

Member Pepicello: I think in the second question, and it goes to the first two comments, I think we want to ask what data did they collect and why. It goes to something you said yesterday, Susan. If they come in and say well, here's the data we collect and the reason we do it is they make us and they point in all the different directions, that may tell us something that we need to discuss.

Do they collect data because they have to, because they're being judged on it, you know, first time full time students. That's data they have to collect. It's not relevant data anymore in today's world.

I'd argue it's not. Graduation rates, you know, goes to that. I mean, it's -- I think we need to know why they're doing it and if they -- if they could collect other data that they think is more meaningful what would it be.

Chair Phillips: I'm reminded of Policy Report Number -- Policy Recommendations Number One in which we talked a great deal about the burden of data and what's the right data and how about getting a -- sort of a -- so we'll get there. I've got Ralph and Anne.

Member Wolff: I appreciate the desire to focus on the language of student success. I would urge that we, having spent a lot of time writing petitions on the test with respect to student achievement there is a lot of data that's already available to the department that comes from petitions.

But I think the real issue that came up yesterday was how do accreditors address -- how do they define, identify and address low-performing institutions with respect to completion rates.

Personally, I would like to frame a narrow question that is very consequential, not a very broad question that has zillions of responses. But that is a question that I think we would learn a lot about in terms of how do we engage that particular issue.

I think student learning outcomes is an entirely separate issue and get lost between the two and I think at a later point we could talk about what's good enough and how do you do it, what are different methods.

But that's a completely different conversation -- are there low-performing institutions, the way they're defined, what do accreditors do and I think that's what the dialogue yesterday was about and I think that's where the national conversation is -- is there a floor below which there is unacceptability or and how that might be defined.

So my recommendation would be within that kind of framework to really narrow the question down to are there, in the accrediting community at least with the regionals, there's no agreement on what is a low -- who is a low-performing institution around these data.

There is around finances, maybe around governance or strategic planning. So I think it would be a very profitable conversation on all sides.

Chair Phillips: Just a note of interest in this, we just finished a set of recommendations that suggested that we wanted to find ways to expedite for higher performing institutions so if we can define lower we need to be able to define higher and there might be something in this discussion that would lead us to what those indicators are. But, you know, the definitional problem is always challenging. Anne?

Member Neal: I certainly do like Ralph's reformulation. I guess I wanted to ask again for the same data that Arthur and I were talking about earlier. I think this kind of conversation would be extremely beneficial. But I also think that to assist my capacity to understand what the accreditors are doing I need to have a larger picture of their universe -- how many schools, how many schools have they closed down, what are the schools being sanctioned on if they are sanctioned, which provisions.

So I would request that we pursue this very important question about low-performing schools but that we do so within the context of some just baseline data from the accreditors on the universe they accredit and how they are acting vis-a-vis the institutions in that universe.

Chair Phillips: Very doable. Just a note on that. CHEA mentioned to me -- Judith mentioned to me at the break that the -- all of the actions of accreditors are summarized by quarter on the CHEA website. If she'll send me the link I'll send it to you so that -- so that it is -- so that we have some information available already from that. I don't believe that the department collects that information currently. Do you? So we may be able to simply get it from the department as well.

But definitely worth our understanding or having more visible simply to us, you know, what the -- what the actions are that are being taken.

I had something over here. Oh, Art had something. No? Done. Other comments or questions? Frank.

Member Wu: I just wanted to follow up on something Ralph said, which is whatever it is we want we should tell people we want it so that they don't come and prepare for something that's entirely unlike what we're going to do to them because in the past it was different and this is especially true as we move to the use of their consent way of going forward because if someone gets pulled off the consent calendar they may have thought that it was all going to be easy and pro forma and then they're pulled off and they show up and it could be any one of dozens of different things that we might ask about because this body has many different members with many different focuses and they might show up in good faith, being well meaning, wanting to answer questions but just not having all the facts there. So whatever it is we're going to be asking folks we just need to get that out there.

Chair Phillips: I have Bobby and then Kathleen.

Member Derlin: I just want to speak in support of two points that have already been raised. The first point I want to support is what Frank and Ralph are raising in terms of clear communications with accreditors as they come in and how we bound that, if you will, or create boundaries on our agendas when people come to participate and present so that if we have a compliance report on an area that, for example, the New England situation yesterday that did not encompass student achievement and much of the conversation and questioning encompassed student achievement that that sort of conflict doesn't occur. I think that's really important.

The second point I wanted to speak in support of is having a departmentally provided, if you will, set of data that we've agreed are sort of pertinent statistics and information for us to all be thinking about to get us off of the reliance on contemporary newspaper clipping services which I guess are Internet searches. I don't think that's adequate. Thank you.

Chair Phillips: Thank you. I have Kathleen and Art.

Member Alioto: Well, we're giving the department a lot of work to do and I want to thank the department for all the work that they have done to prepare me for this occasion and to prepare all of us and, of course, Madam Chair, to thank you as well for your extra assistance to me.

I wondered if administratively we could get the agenda more in advance so that everybody would know that they're not going to be on the consent calendar so that they're not -- they're not hit with it that day.

Chair Phillips: So the notification to the public occurs in the Federal Register notice months in advance of the meeting and that is where we list out all agencies.

We don't list out the consent calendar at that point and we can't put agencies on a consent calendar unless and until the staff completes their review and a staff report is issued and they're not obligated to do that until seven days before the meeting.

So what we do we can't publish a Federal Register notice with the consent calendar. What we do is we just put the most recent draft agenda on our website as soon as we can.

Dr. Hong: And to Frank's point, I don't know if we've -- have we gotten into a discussion about conceptually whether we want to ask the agencies these questions when they come up for review or whether we're going to set aside a specific time? We're not there yet.

Chair Phillips: Just that we want some information. I've got to -- sort of developing a task list for us in this group. Art?

Vice Chair Keiser: Two things. One, on Bobby's comment, I'm not sure I agree with you, Bobby. I think the representatives of the agency should be able to prepare -- should be prepared to talk about anything that this committee asks them. Whether it be in a compliance document or the full petition, I think they need to be prepared and I think it's the right of any member to ask the questions that they want that's bothering them.

And whether it be about trustees and how you handle the trustees or whether it be about student involvement or whether it be about graduation and placement, I think that is our right and I think they should be prepared and they should be known that they need to be prepared not necessarily with the data but certainly to understand the processes.

The second part is if they're on the consent agenda that does not mean they will not be brought in front of us and they need that to be clear to them.

The third thing is I really believe we should have, maybe in June if it's not such a crazy agenda, to have a presentation -- to set aside time to talk about these student achievement issues and that can be a formalized discussion, maybe even invite a couple of folks to be prepared like we did a couple years ago when we started the reauthorization process, you know, whether it be Judith or some folks to come in and really talk about it -- Mike McComis from a national -- you know, some folks who really understand and let us know what the community is doing. So that would be my recommendation.

Chair Phillips: Cam.

Member Staples: Susan, did you say we weren't -- that this is going to be in the form of a letter or it's going to be expectations for every accreditor and every review? Is that sort of where we are with this?

Chair Phillips: So let me separate where I think we are. We've got two different conversations going right now. One is to be able to provide to NACIQI when an institution is -- when an agency comes before us to have a routine set of information about their accreditation activities and actions.

We haven't talked about what the data points are but we'll develop a list of that and make sure that it's doable and worthy.

The second part of that is to make sure that the agencies know that we are -- what data we have and that we -- and that we have it. So that makes a -- gives us a ground rule.

We haven't talked about whether that would be at all agencies, at all compliance or whatever but simply sort of a cover page to a document or a section. So that -- I'm drawing that as a helpful doable point of information for us.

Member Staples: Okay. Could I just follow up? I

want to second what Art just said about I think what we -- I think this is a very valuable thing for us to do in laying this expectation out not so much so that we're not surprising them.

I agree he's right, we can ask any question at any time. But so they're better prepared with data and with information. It's more to our benefit that we give notice of what we're looking for and the conversation will be more full.

But I think the second thing is I do think we ought to look at a separate day around conversations. Are you looking for me to -- do you want me to go back to --

Chair Phillips: So you're -- great idea. That's the second thing that we're talking about -

Member Staples: Okay. I'll stop talking.

Chair Phillips: -- is the larger -- is the larger question.

Member Staples: Got it.

Chair Phillips: These questions here are not the -- we might pose them of an accreditor during their review but there are larger questions.

There are questions that we talked about wanting to know the answers to on a broader basis -- yes, we want to know NEASC's answer to it but we -- mostly we want to know it more broadly to identify where the places are that we should be worried.

So there's this, you know, just simply information to assist the committee in its consideration of agencies before it in the course of our routine recognition business and then there's the -- there's a bigger policy. This is sort of the policy agenda -- the conversation to be had.

I don't have a language yet whether it's a -- it's a conference or a day or a hearing or a symposium. I don't have that piece yet but that's the agenda.

Member Staples: It will not be a therapy session, though.

Chair Phillips: Pardon me?

Member Staples: It won't be a therapy session, though.

Chair Phillips: It won't be a therapy session. And just to put a finer point on that, the suggestion was that this -- what I crafted up there is -- perhaps should be focused on for lower-performing institutions however that is defined, not just for every -- that that may be too broad and that the concern is more about the lower-performing ones.

So if that's the -- sort of the developing policy agenda that will ultimately feed accreditation review -- I've got you, Simon -- I'll be there in just a moment -- and that that would be -- it does not preclude members from posing those questions during an individual agency review but there's a larger conversation to be had. I have now Simon and Bobby.

Member Boehme: Susan, I like your framing of the questions. I think you rightfully so are the wordsmith of NACIQI and so I think this is a good start. And I agree with Art and I agree with Cam that, you know, whenever an accreditation agency comes up I think they have to be prepared to answer and asserting -- to a limited extent be aware of what's going on and I think that it was demonstrated yesterday that not all accreditation agencies were up to that task.

But one thing that I thought was missing I, of course, am interested in affordability and access. Whether or not accreditation agencies are doing it, it would just be interesting for our knowledge to see if they are talking about it if they are. And so maybe that's something to consider. But I know that there will be many comments about that.

Chair Phillips: Thank you. Bobby?

Member Derlin: I just wanted to raise two points. In a recent statement you spoke, Sue, of low-performing institutions and I wanted to ask if you mean accrediting agencies or if you actually mean specific data that we want to be considering about low-performing institutions within an accreditor's responsibility.

Chair Phillips: So I will say what I said but it was actually Ralph who posed it.

Member Derlin: Oh, okay.

Chair Phillips: The query is how accrediting agencies think about those questions up there for the low-performing institutions that they accredit. Correct? Okay. I got it right.

Member Derlin: Thanks. And the second point I just -- I guess I lost track of part of the conversation along the way -- and the second thing is yesterday Rick made a suggestion that we might have an opportunity between meeting times to pursue these sort of two main streams in a conference call. Is that a possibility we're thinking about?

Chair Phillips: I'll tell you my thinking right now just knowing some of the business and the timing. I'm having a hard time seeing December as a discussion venue because of the number of agencies to be considered and if it is a formal deliberative action it has to be federally noticed and so forth.

I'm thinking that an initial step is to invite and I'll send an email out to you after this is done to say would you like to be on a planning call about these issues. I'd like to tune in to what the CHEA conversation produces when it discusses in July and I would like to take this conversation back to the department to say how much of this can you -- can you give us already and is there a way that we can have this discussion sooner.

I think -- I think right now we're not at a place to consider what venue or occasion or structure we want to pursue but we definitely need to frame the questions. So just right now I want to sort of set an agenda for us and then we will need to figure out how we play that out.

So it may be a conference call. It may be a separate meeting. It may be that we think about -- you know, do some preparation and have some time in June. I just don't -- I just can't quite see that far down the road yet if that works.

That's sort of how I'm thinking about the conversation that percolated yesterday, the next sort of steps on our policy agenda work and I think corresponds with the engagement opportunity that Under Secretary Mitchell handed to us yesterday. So that's sort of where -

Vice Chair Keiser: I agree with that. I think it's a good plan. The other thing you may want to do is take those questions, which I think are very appropriate, and survey our agencies -- have them respond to that. That would give us a little base data for us to discuss. So but I think you're right on with the plan.

Chair Phillips: Other questions, comments, concerns? Yes, Frank.

Member Wu: Just a comment to urge that we get the December meeting dates nailed down. I think that would just be great because so many people schedule so far in advance now.

Chair Phillips: What a perfect opportunity to remind you to look in your calendar in your folder. There is a calendar and if you could make sure that you mark off the times that are -- you are not available. Again, this is something that we definitely want to have as many of us available as possible for that meeting and December is a wicked scheduling time. So, again, thank you for the alert. Art?

Vice Chair Keiser: Just a question. Is there a reason we don't schedule, like, a specific time, like the second week of December will be the NACIQI meeting or the third week or, you know, that we formalize this and move forward and let us try to figure our schedules out?

Chair Phillips: Around that?

Vice Chair Keiser: Because it's -- I don't know how you're going to get everybody to agree.

Dr. Hong: I mean, we can certainly do that. We've proposed some dates already on the calendar that you received so --

Vice Chair Keiser: But, I mean, I'm talking about for ten years from now. I mean, it would always be on the third week of December --

Chair Phillips: Right, so that you know that's what happens, you know, like you know when Labor Day is.

Yes, let's see -- let's see. And the more predictable that we can make this the more chances that we have for people to work around our schedules rather than us working around there.

#### Closing Remarks and Adjourn

Chair Phillips: Okay. With that in mind, I think we are concluding our business for the day and for this meeting. We will, again, develop a list of data for us to routinely have, alert the agencies that we have it and I will develop a little further this concept for especially focused on low-performing institutions.

If you have a particular interest in being a conversation partner with me as I work on that please let me know. I'm happy to have partners and I will be back to you on email about the next steps of those.

Enjoy. Safe travels. Thank you for coming,

audience, and we welcome your participation as the days go on. We stand adjourned.

(Whereupon, the above-entitled matter went off the record at 12:21 p.m.)