

Report of the Meeting of the National Advisory Committee on Institutional Quality and Integrity

December 1-2, 2010



/s/
Cameron C. Staples, Chair

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DISCLAIMER

This report was written as a part of the activities of the National Advisory Committee on Institutional Quality and Integrity (NACIQI), an independent advisory committee established by statute. The NACIQI is subject to the Federal Advisory Committee Act and the regulations implementing that statute. This report represents the views of the NACIQI. The report has not been reviewed for approval by the Department of Education, and therefore, the report's recommendations do not purport to represent the views of the Department.

BACKGROUND

The National Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee), was established by Section 114 of the Higher Education Act (HEA) of 1965, as amended by the Higher Education Amendments of 1992 and, most recently, Section 106 of the Higher Education Opportunity Act (HEOA). Chief among its statutory functions is the committee's responsibility to advise the Secretary of Education, or his designee, the Senior Department Official (the Assistant Secretary for Postsecondary Education), regarding the recognition of specific accrediting agencies or associations, or a specific State approval agency, as reliable authorities concerning the quality of education and training offered by the postsecondary educational institutions and programs they accredit. It also provides advice to the Secretary on the establishment and enforcement of the Criteria for Recognition of accrediting agencies or associations under Subpart 2, Part H, Title IV, of the HEA. Another function of the NACIQI is to advise the Secretary regarding policy affecting both recognition of accrediting and State approval agencies and institutional eligibility for participation in programs authorized under Title IV of the Higher Education Act of 1965, as amended. The NACIQI is required by law to meet at least twice a year.

The HEOA suspended the activities of the NACIQI upon enactment on August 14, 2008. It also changed the composition of the Committee by increasing the membership from 15 to 18 and shifting appointment authority that had been vested solely in the Secretary to the Secretary, the President pro tempore of the Senate, and the Speaker of the House, each of whom may appoint six members. Also, rather than having the Secretary appoint the Chair, the HEOA required the members to elect a Chair.

The newly reconstituted NACIQI met for the first time on December 1-2, 2010, in the conference room at 1990 K Street, NW, Washington, D. C. At that meeting, the Committee reviewed:

- Seven petitions from accrediting agencies requesting a renewal of recognition;
- One request for Federal degree-granting authority;
- Six interim/compliance reports
- One progress report; and
- One informational report.

Members in attendance for all or part of the meeting included Cameron C. Staples (Chair), Arthur J. Rothkopf (Vice Chair), Arthur Keiser, William "Brit" Kirwin, Earl Lewis, Anne D. Neal, William Pepicello, Susan D. Phillips, Beter-Aron Shimeles, Jamiene S. Studley, Lawrence N. Vanderhoef, Frank H. Wu and Federico Zaragoza.

Seven petitions were reviewed that included renewal of recognition requests, five of which were held over from the prior NACIQI's last meeting held spring 2008. The former Secretary had received recommendations from Department staff and NACIQI to renew the recognition of the five agencies, but had not made a decision prior to the passage of the HEOA. The agencies were required to update their petitions to demonstrate compliance with the new regulations. These agencies include:

- The American Board of Funeral Service Education (ABFSE) Commission on Accreditation (COA) (The agency's petition for renewal of recognition was deferred at

the spring 2007 NACIQI meeting and no decision has since been made about the renewal of its recognition or its interim report submitted, as requested, for the spring 2008 NACIQI meeting.);

- The American Speech-Language Hearing Association, Council on Academic Accreditation in Audiology and Speech-Language Pathology (ASHA) (CAA);
- Council on Naturopathic Medical Education (CNME);
- Montessori Accreditation Council for Teacher Education (MACTE); and
- National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS).

The remaining two petitions reviewed were from the Commission on Massage Therapy Accreditation (COMTA) and Midwifery Education Accreditation Council (MEAC). In addition, an eighth agency, the American Academy for Liberal Education (AALE), was scheduled for the review of its renewal of recognition request. However, on November 30, 2011, the AALE informed the Secretary that it wished to be removed from the list of recognized agencies and consequently, the Department removed the agency from the agenda.

There were also six interim/compliance reports reviewed, including:

- Association of Advanced Rabbinical and Talmudic Schools (AARTS);
- Commission on Accreditation of Healthcare Management Education (CAHME);
- Commission on Accreditation of Nurse Anesthesia Educational Programs (COA);
- Council on Education for Public Health (CEPH);
- Missouri State Board of Nursing (MOSBN); and
- The North Central Association of Schools and Colleges, Higher Learning Commission (HLC).

The NACIQI reviewed several other agency submissions including:

- The National Defense University's request for degree-granting authority, which is based on the Federal Policy Governing the Granting of Academic Degrees by Federal Agencies and Institutions, dated December 23, 1954;
- The Northwest Commission on Colleges and Universities' progress report, which stemmed from a request made at the fall 2007 NACIQI meeting; and
- The HLC's informational report, which was a required element in the corrective action plan developed between Department staff and the agency following the staff's special review of the agency in response to the Office of the Inspector General's 2009 Alert Memorandum.

The NACIQI agreed with the Staff recommendations concerning every agency/institution and in all but two instances, the ASHA and NACCAS reviews, the vote was unanimous.

U.S. Department of Education personnel who participated in the meeting included: Committee Executive Director Melissa Lewis, Accreditation Director Kay Gilcher, Program Attorney Sarah Wanner, Accrediting Agency Evaluation Unit (AAEU) Chief Carol Griffiths, and the following AAEU staff: Elizabeth Daggett, Jennifer Hong-Silwany, Joyce Jones, Charles Mula, Steve Porcelli, and Rachael Shultz. Other Department staff that supported the meeting included Kathleen Smith, Karen Duke, Cathy Sheffield, Jannetta Washington, Jessica Finkel, and Vanessa Crusoe.

SUMMARY OF ACTIONS TAKEN BY THE COMMITTEE

I. PETITIONS FOR RENEWAL OF RECOGNITION AS NATIONALLY RECOGNIZED ACCREDITING AGENCIES (INCLUDING ONE EXPANSION OF SCOPE REQUEST)

A. American Board of Funeral Service Education (ABFSE) Committee on Accreditation (COA)

Current and Requested Scope of Recognition: The accreditation of institutions and programs within the United States awarding diplomas, associate degrees and bachelor's degrees in funeral service or mortuary science, including the accreditation of distance learning courses and programs offered by these programs and institutions.

Action for Consideration: Petition for renewal of recognition.

Committee Recommendation: Vote of 10-0 with one recusal (W. Kirwan) to recommend that the ABFSE-COAs recognition be continued to permit the agency an opportunity to within a period of 12 months bring itself into compliance with the Criteria cited in the staff report and to submit for review within 30 days thereafter a compliance report demonstrating compliance and effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: The staff report listed a total of 12 issues that included: 34 C.F.R. §§602.14(a)-(b), 602.15(a)(5), 602.16(a)(1)(ix), 602.17(g), 602.22(a)(1), 602.22(a)(2)(i-vii), 602.22(a)(2)(ix-x), 602.22(a)(3), 602.24(e), 602.25(g), 602.26(d), and 602.28(d).

The Committee's deliberations centered on two issues. The first issue related to the agency meeting the separate and independent requirements or seeking a waiver of those requirements. The second issue concerned the COA's public representatives meeting the definition of a public member.

The agency representatives agreed with the majority of the findings in the staff report, except they considered themselves in compliance with the separate and independent requirements, located at 34 C.F.R. §602.14(b)(1), concerning how members from affiliated organizations are elected or selected to serve on the agency's decision-making body. The staff report acknowledged that while the COA's policy no longer allowed 'elected' board members from related, associated or affiliated trade associations or membership organizations to serve on the COA, it still allowed 'non-elected' board members from those organizations to serve and therefore, the agency was out of compliance. Regardless of how leadership (board members) of a related organization take their seats on the COA's board, they are in a leadership position of an organization whose mission may conflict with the COA's function, which can result in either their exerting undue influence or the perception of their doing so. Agency representatives responded that they planned to request a waiver to meet the separate and independent requirement.

A NACIQI member raised the issue of budget integration between the parent organization (ABFSE) and the COA. Agency representatives explained that the COA is funded solely by contributions and by the dues paid by its member programs and schools, while the ABFSE is funded solely from other funds. Each organization publishes its own budget and operates within it. However, the budget documents submitted combined the two organizations, with one column for the COA, another for the ABFSE, and then a third column that rolled the two budgets together. While the agency has separately audited accounts for the ABFSE and the COA, the separate audited statements were not available to the Department at the time of the meeting as evidence of separate financial accounts.

The Committee found the agency to be operating in compliance with the Criteria for Recognition except for the issues listed above.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Reader:

Dr. Lawrence N. Vanderhoef

Representatives of the Agency:

Michael Landon, Chair

Dr. Michael Smith, Executive Director

Third Party Commenters: None

B. American Speech Language Hearing Association, Council on Academic Accreditation in Audiology and Speech-Language Pathology (ASHA)(CAA)

Current and Requested Scope of Recognition: The accreditation and preaccreditation (Accreditation Candidate) throughout the United States of education programs in audiology and speech-language pathology leading to the first professional or clinical degree at the master's or doctoral level, and the accreditation of these programs offered via distance education.

Action for Consideration: Petition for renewal of recognition.

Committee Recommendation: Vote of 9-2 with one recusal (W. Kirwan) to recommend that the ASHA-CAA's recognition be continued to permit the agency an opportunity to within a period of 12 months bring itself into compliance with the Criteria cited in the staff report and to submit for review within 30 days thereafter a compliance report demonstrating compliance and effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: The staff report listed a total of seven issues and the agency accepted all but three of the findings contained within the staff report. The seven findings related to

the following criteria: 34 C.F.R. §§ 602.17(f), 602.19(c), 602.26(a), 602.26(b), 602.26(c), 602.26(e), and 602.28(c).

At the outset of the agency's presentation, agency representatives expressed concern over two general items:

- the need to submit petitions before each of the last two NACIQI meetings (2008 and 2010) and the burden it placed on the agency; and
- how some portions of the regulations did not change as a result of the HEOA, [e.g., 34 C.F.R. §602.28(c)] but the staff's findings for the same sections had changed. The staff now cited some items as out of compliance and those same items were found in compliance in 2008.

In discussing specific findings, the agency's first objection concerned 34 C.F.R. §602.17(f), regarding the evaluation of student assessment results. The site team report submitted described how the program assesses student performance. However, the agency did not provide documentation of a detailed written report assessing a program's performance with respect to student achievement. The agency noted that it has expanded its site visit worksheet template to include statements to prompt site visit members to assess program compliance related to the agency's three established benchmarks for student achievement. Upon questioning by a member, the agency representatives indicated that they only provided a detailed written report for programs that do not meet the agency's established student achievement thresholds. The agency must also document that it evaluates programs' use of the student outcome data it collects and the results of the program's assessment of program effectiveness for continuous improvement.

The agency also objected to the Department's finding of non-compliance with 34 C.F.R. §602.28(c), concerning the regard for decisions of States and other accrediting agencies. The agency contended that its policy, which requires it to provide a thorough and reasonable explanation of why it has awarded accreditation to a program that was under an adverse action by another entity, meets the spirit of the regulation. Although the agency has never exercised the policy to handle this situation, its standard is slightly different than the Department's criteria. Staff explained that the Department requires an agency to go beyond the agency's policy to include an explanation of why the actions of the state agency or other accrediting agency do not preclude the agency from granting accreditation or preaccreditation to a program.

Agency representatives related that they'd taken steps to address the monitoring and reevaluation of accredited institutions and programs. The agency explained to the Committee that at the time of submission, it did not have a headcount threshold as required by the Criteria. Therefore, it evaluated that programs have written policies that meet ASHA's standards for student achievement. However, at the CAA meeting on November 17, 2010, the agency established a 50 percent increase in student enrollment since the last reporting year as constituting its significant growth threshold. While it has not fully implemented its mechanism for monitoring student enrollment growth, the agency has started collecting data on an annual basis for evaluation and

comparison purposes. The agency is working to communicate to programs and recalibrate its forms and training with respect to the new policy for monitoring student enrollment and the 50 percent threshold. It expects to begin fully implementing the policy in late February 2011 after the CAA's next scheduled meeting.

The Committee found the agency to be operating in compliance with the Criteria for Recognition except for the issues listed above.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

Anne Neal
Beter-Aron Shimeles

Representatives of the Agency:

Glenn M. Waguespack, Chair
Dr. Dan C. Halling, Chair-Elect
Patti Tice, Director of Accreditation

Third Party Commenters: None

C. Commission on Massage Therapy Accreditation (COMTA)

Current Scope of Recognition: The accreditation of institutions and programs within the United States that award postsecondary certificates, postsecondary diplomas, and academic Associate degrees, in the practice of massage therapy and bodywork.

Requested Scope of Recognition: The accreditation of institutions and programs in the United States that award postsecondary certificates, postsecondary diplomas, academic Associate degrees and occupational Associate degrees, in the practice of massage therapy, bodywork, and aesthetics/esthetics and skin care, including components of programs which are offered through distance learning modalities.

Action for Consideration: Petition for renewal of recognition and expansion of scope request.

Committee Recommendation: Vote of 12-0 (no recusals) to continue COMTA's recognition to permit the agency an opportunity to, within a period of 12 months, bring itself into compliance with the criteria cited in the staff report and to submit for review within 30 days thereafter a compliance report demonstrating compliance and effective application. Such continuation shall be effective until the Department reaches a final decision. The NACIQI further recommends that the agency's request for expansion of scope be granted.

Comments: The agency agreed with the staff report concerning the issues cited, which included 34 C.F.R. §§602.15(a)(3)-(4), 602.16(b)-(c), 602.17(g), 602.19(b)-(d),

602.20(b), 602.22(a)(1) and (3), 602.23(c), and 602.24(c)(2) and (5). Despite the number of issues cited, COMTA is substantially in compliance with the criteria. The issues concern the implementation of policies that were recently adopted by COMTA that could not be put into practice until they notified the community or until an opportunity arose for the agency to use the policy, e.g., the agency's appeal process. In addition, the agency must document its inclusion of the required personnel on its evaluation, policy and decision-making bodies, and its effective application of its standards in evaluating distance education. COMTA must also provide evidence of review and approval processes for teach-out plans and agreements.

The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed above.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency, and the Department staff analysis and report.

Representatives of the Agency:

Melissa Wade, Chair of the Commission
Kate Henriouille, Executive Director
Joanna Sechuck-Tringali, Commissioner
Patricia Maloney, Commissioner

NACIQI Primary Readers:

Dr. William Pepicello
Dr. Larry N. Vanderhoef

Third Party Commenters: None

D. Council on Naturopathic Medical Education (CNME)

Current and Requested Scope of Recognition: The accreditation and preaccreditation throughout the United States of graduate-level, four-year naturopathic medical education programs leading to the Doctor of Naturopathic Medicine (N.M.D.) or Doctor of Naturopathy (N.D.).

Action for Consideration: Petition for renewal of recognition.

Committee Recommendation: Vote of 12-0 (no recusals) to recommend that CNME be recognized for a period of five years with the scope of recognition as recommended by the staff. The recommendation is based on the testimony received and the written record, demonstrating that the CNME complies with the Criteria for Recognition.

Comments: There were no issues raised in the petition submitted and the NACIQI found the agency to be in compliance with the Criteria for Recognition.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

Dr. William Pepicello

Dr. Federico Zaragoza

Representatives of the Agency:

Daniel Seitz, Executive Director

Rita Bettenburg, President

Third Party Commenters: None

E. Midwifery Education Accreditation Council (MEAC)

Current and Requested Scope of Recognition: The accreditation and preaccreditation throughout the United States of direct-entry midwifery educational institutions and programs conferring degrees and certificates, including the accreditation of such programs offered via distance education.

Action for Consideration: Petition for renewal of recognition.

Committee Recommendation: Vote of 12-0 (no recusals) to recommend that the MEAC's recognition be continued to permit the agency an opportunity within a period of 12 months bring itself into compliance with the criteria cited in the staff report, and to submit for review within 30 days thereafter a compliance report demonstrating compliance and effective application. Such continuance shall be effective until the Department reaches a final decision.

Comments: The staff cited the agency for the following issues: 34 C.F.R. §§602.15(a)(2), 602.18(b), §602.17(e), and §§602.24(c)(2) and (5). The agency disagreed with the staff's findings that MEAC did not sufficiently demonstrate that each board member, in addition to the board member who has participated in the on-site review, independently reviews accreditation materials prior to making an accreditation decision. It also is seeking guidance from Staff concerning the development of options for the review and approval of teach-outs. It is examining other agency teach-out models for best practices as well. In response to a member's question, agency representatives acknowledged that they were considering using distance education as a component of a teach-out program. However, they wanted clarification regarding whether a distance education teach-out agreement would provide students, who were enrolled in a residential program at the time of school closure, with an equivalent program.

The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed above.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:
Dr. William Kirwan
Jamienne S. Studley

Representatives of the Agency:
Jo Anne Myers-Ciecko, Executive Director
Holly Scholles, President
Eleanor Daniels, Board Member

Third Party Commenters: None

F. Montessori Accreditation Council for Teacher Education, Commission on Accreditation (MACTE)

Current Scope of Recognition: The accreditation of Montessori teacher education institutions and programs throughout the United States.

Action for Consideration: Petition for renewal of recognition.

Advisory Committee Recommendation: Vote 12-0 (no recusals) to continue the MACTE'S recognition to permit the agency an opportunity to within a period of 12 months bring itself into compliance with the Criteria for Recognition cited in the staff report, and to submit for 30 days thereafter a compliance report demonstrating compliance and effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: There were two issues raised in the MACTE petition: 34 C.F.R. §§602.16(c) and 602.20(a). The NACIQI agreed with the staff report that MACTE needs to document that the changes already made to its evaluation process, as well as the additional changes that it may make to its standards, will consistently provide for the effective evaluation of programs conducted by distance education. Second, the agency needs to clarify and demonstrate that MACTE consistently enforces its standards within the timeframes required by the criteria when it finds an institution out of compliance with the agency standards.

The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed above.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency, and the Department staff analysis and report.

NACIQI Primary Reader:
Jamienne S. Studley

Representatives of the Agency:
Gretchen L. Warner, Executive Director
Anita Wolberd, Chair

Third Party Comments: None

G. National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS)

Current Scope of Recognition: The accreditation throughout the United States of postsecondary schools and departments of cosmetology arts and sciences and massage therapy.

Action for Consideration: Petition for renewal of recognition

Committee Recommendation: Vote of 10-2 (no recusals) to recommend that the NACCAS' recognition be continued to permit the agency an opportunity to within a period of 12 months bring itself into compliance and to submit for review within 30 days thereafter, a compliance report demonstrating compliance and effective application. The compliance report must address the criteria listed in the staff report. Such continuation shall be effective until the Department of Education reaches a final decision.

Comments: Agency representatives indicated that NACCAS was very proud to be in compliance with the Criteria for Recognition, except for three issues, and that it disagreed with the Department's finding concerning those three issues. 34 C.F.R. §§602.19(b), 602.20(a-b) They pointed out that two of the regulatory provisions, those under §602.20 concerning the enforcement of standards, had not changed since their last NACIQI review in June 2008 when they were found compliant with those sections and neither had the agency's standards or policies.

Members questioned the staff and agency representatives about the monitoring and reevaluation of accredited institutions and programs, since NACCAS analyzes the fiscal and student outcome information it collects. Staff agreed that the agency used those two pieces of information, but it also collected additional information, such as state licensure data. NACCAS was cited because the agency did not demonstrate how it used that additional information collected to determine an institution's compliance with agency standards.

Members also asked about the agency's standards concerning enforcement actions, particularly the timeline for NACCAS' accredited programs to come into compliance with the agency's standards. Staff responded that the agency needed to ensure that shorter length programs come into compliance within the required shorter timeline required for the shorter programs.

The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed above.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency, and the Department staff analysis and report.

NACIQI Primary Readers:

Anne D. Neal

Dr. Federico Zaragoza

Representatives of the Agency:

Anthony Mirando, Executive Director

Bill Church, Chair

Darin Wallace, Director of Governmental Affairs and Legal

Third Party Comments: None

II. REQUEST FOR DEGREE-GRANTING AUTHORITY

A. National Defense University, School for Information Resources Management (NDU)

Action for Consideration: Request for a recommendation for the National Defense University to authorize the granting of the Master of Science degree in Government Information Leadership.

Advisory Committee Recommendation: Vote of 12-0 (no recusals) to recommend that the National Defense University be authorized to award a Master of Science degree in Government Information Leadership to students upon successful completion of the program, and that students currently enrolled in the program be eligible to receive degrees for successful completion of the program.

Comments: The NACIQI site visit team, which consisted of member Keiser (site team chair), Vice Chair Rothkopf, and Chair Staples, found the Government Information Leadership program to be an excellent educational program. The team considered whether the program could be offered by another, non-governmental institution, and that they found the nature of the facility and student body, and the ability to share confidential information made the program unique. They looked at the criteria carefully and believed that it was a very valuable program that could not be replicated in a traditional private or public educational institution.

Vice Admiral Rondeau's and Dr. Child's remarks concerned the institution's history, its mission, and its Middle States Commission on Higher Education accreditation. Vice Admiral Rondeau explained that NDU's faculty members offer vast professional experience to the students since they have served in key Federal, civilian, military, and private sector positions. The faculty combines real world experiences with theoretical knowledge to engage students in talking about current and future imperatives. The Vice Admiral concluded by stressing how the NDU's Government Information Leadership program responds to the need to build a global civilian/military network that promotes the unity of effort across and beyond the United States to address a spectrum of complex security challenges.

The Committee found that the NDU's Government Information Leadership program met the Federal degree-granting criteria listed in the "Federal Policy Governing the Granting of Academic Degrees by Federal Agencies and Institutions."

Written Materials Reviewed by the Committee: Degree-granting application and supporting documentation submitted by the National Defense University and the NACIQI site visit team's report.

NACIQI Site Team:

Dr. Arthur Keiser (Team Chair)
NACIQI Vice Chair Arthur Rothkopf
NACIQI Chair Cameron Staples

Representatives of the Institution:

Vice Admiral Ann Rondeau, U.S. Navy, President of National Defense University
Dr. Robert D. Childs, Senior Director, Information Resources Management College

Third Party Commenters: None

III. PROGRESS REPORT

A. Northwest Commission on Colleges and Universities (NWCCU)

Action for Consideration: Informational report responding to the Secretary's letter of July 1, 2008.

Advisory Committee Recommendation: Vote of 11-0 (no recusals) to recommend that the progress report be accepted.

Comments: During the NWCCU's last review, the Secretary requested a progress report on the further development and implementation of NWCCU's new, alternative accreditation model that is outcomes-based and linked to an institution's mission and goals.

The Committee members and agency representatives discussed, at length, the increased transparency initiatives, general education requirements, how institutions determine the appropriateness of student learning outcomes, and whether the reporting requirements place an additional burden on institutions.

The agency's goal was to consider how the NWCCU could make the regional accreditation process more meaningful to all its institutions and how the Commission could begin to hold its members more accountable while encouraging its institutions to engage in continuous improvement. Based on feedback from colleagues, faculty and administrators, the agency representatives reported that the new model has received many positive responses and it is not viewed as burdensome. Institutions are pleased that they are engaged in a more ongoing, continual relationship with the Commission

that involves better communication and help to monitor their institutional progress and success.

Written Materials Reviewed by the Committee: Progress report and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

Arthur J. Rothkopf

Frank H. Wu

Representatives of the Agency:

Dr. Sandra Elman, President

Dr. James Seidelman, Commission Chair

Third Party Commenters: None

IV. INTERIM/COMPLIANCE REPORTS (INCLUDING AN INFORMATIONAL REPORT)

A. Association of Advanced Rabbinical and Talmudic Schools (AARTS)

Action for Consideration: Interim Report responding to the Secretary's August 15, 2007 letter.

Committee Recommendation: Vote of 12-0 (no recusals) to recommend that the interim report be accepted.

Comments: The Committee found that the AARTS responded satisfactorily to the issues that were raised in the Secretary's letter of August 15, 2007.

Written Materials Reviewed by the Committee: Interim report and supporting documentation submitted by the agency and the Department staff analysis and report.

Representatives of the Agency:

Bernard Fryshman, Executive Vice-President

NACIQI Primary Readers:

Anne D. Neal

Frank H. Wu

Third Party Commenters: None

B. Commission on Accreditation of Healthcare Management Education (CAHME)

Action for Consideration: Interim Report responding to the Secretary's August 15, 2007 letter.

Committee Recommendation: Vote of 11-0 with one recusal (W. Kirwan) to recommend that the interim report be accepted.

Comments: The Committee found that the agency responded satisfactorily to the issues that were raised in the Secretary's letter of August 15, 2007.

Written Materials Reviewed by the Committee: Interim report and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

Dr. Arthur E. Keiser

Dr. Lawrence N. Vanderhoef

Representatives of the Agency:

John S. Lloyd, President and CEO

Carla J. Sampson, Vice President

Third Party Commenters: None

C. Council on Accreditation of Nurse Anesthesia Educational Programs (COA)

Action for Consideration: Interim Report responding to the Secretary's August 15, 2007 letter.

Committee Recommendation: Vote of 11-0 with one recusal (W. Kirwan) to recommend that the Council has successfully addressed the new regulatory requirements of 34 C.F.R. §602.19 and that the interim report be accepted.

Comments: The Committee found that the agency responded satisfactorily to the issues that were raised in the Secretary's letter of August 15, 2007.

Written Materials Reviewed by the Committee: Interim report and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

Dr. Earl Lewis

Anne D. Neal

Representatives of the Agency:

Dr. Francis Gerbasi, Executive Director

Mary Marienau, Chair

Third Party Commenters: None

D. Council on Education for Public Health (CEPH)

Action for Consideration: Interim Report responding to the Secretary's August 15, 2007 letter.

Committee Recommendation: Vote of 10-0 with one recusal (W. Kirwan) to recommend that the interim report be accepted.

Comments: The Committee found that the agency responded satisfactorily to the issues that were raised in the Secretary's letter of August 15, 2007.

Written Materials Reviewed by the Committee: Interim report and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

Dr. Arthur E. Keiser

Beter-Aron Shimeles

Third Party Commenters: None

E. North Central Association of Colleges and Schools, Higher Learning Commission (HLC)

Action for Consideration: Interim Report responding to the Secretary's July 1, 2008 letter, elements from the corrective action plan, and the new criteria resulting from the Higher Education Opportunity Act. The agency also presented an Informational Report in compliance with the corrective action plan developed in response to the Office of the Inspector General's (OIG) Alert Memorandum. No action was needed concerning the Informational Report.

Committee Recommendation: Vote 9-0, with three recused (E. Lewis, W. Kirwan, and W. Pepicello) to recommend that the interim report submitted by the HLC be accepted and that the agency be required to submit a compliance report on the one issue identified in the new regulatory requirements concerning 602.22(a)(viii) in one year.

Comments: The last full review of HLC occurred in December 2007, which resulted in the Secretary renewing the agency's recognition for five years (until July 1, 2013) and requiring that the agency submit an interim report addressing the six issues identified in the Secretary's July 1, 2008 letter. In 2009, Department staff conducted a special review of the agency following issuance of an Alert Memorandum by the Office of the Inspector General. The Department's report on the results of its review required the agency to develop a corrective action plan. One element of that plan entailed that the agency review and modify its substantive change policies, and demonstrate implementation of the specific procedures to deal with changes in ownership resulting in a change in control. The above information was to be presented in the interim report.

The Committee found that the agency responded satisfactorily to the issues raised in the interim report with one exception. The agency needs to provide evidence of its review and approval of institutions to demonstrate that it effectively implemented its new “Notification” process, which is part of the HLC’s substantive change policy for additional locations. While its policies meet the requirements of the revised regulation, the HLC has not had an opportunity to evidence implementation of its substantive change policy for additional locations because no institution has submitted an application to undergo the new notification process. However, it is highly likely that an institution will submit an application within the next 12 months.

Members engaged the agency representatives in an extended, lively discussion concerning a number of free-ranging topics, including:

- An explanation of HLC’s notification process and whether one of the new locations could never receive visit from the HLC;
- Whether HLC’s change of control process, where approval is at the discretion of the agency’s Board of Trustees and may conflict with an institution’s trustees’ role, serves the public interest;
- Why potential owners’ experience in higher education was a central factor in change of control;
- Assessing the financial health of an institution and determining whether a buyer intends to “cash out” in a few years after purchasing an institution;
- The prescriptive nature of the agency’s criteria used to assess the buyer in consideration that there are trustees who are authorized to oversee the institutions compared to the vague nature of the agency’s criteria used to assess student learning outcomes; and
- The public disclosure of student learning outcomes.

The HLC’s informational report addressed the process the agency uses to award initial accreditation during the past year, from November 1, 2009 through October 31, 2010. The process was followed for the three institutions that were granted initial accreditation during the past year. In response to a member’s question, agency representatives assured the NACIQI that the HLC was conscious of the difficulties experienced by institutions in keeping their tuition rates at reasonable levels and they were open to innovations concerning the matter.

Written Materials Reviewed by the Committee: Interim report and informational report, together with supporting documentation, and the staff analysis for each report.

Representatives of the Agency:

Dr. Sylvia Manning, President

Karen Solinski, Vice President, Legal and Governmental Affairs

Dr. Albert L. Walker, Chair, Board of Trustees

Third Party Commenters: None

V. INTERIM/COMPLIANCE REPORT FROM A STATE AGENCY FOR THE APPROVAL OF NURSE EDUCATION

A. Missouri State Board of Nursing (MOSBN)

Current Scope of Recognition: State agency for the approval of nurse education.

Action for Consideration: Interim report responding to the Secretary's letter of August 15, 2007.

Committee Recommendation: Vote of 12-0 (no recusals) to accept the interim report.

Comments: The Committee found that the agency has responded satisfactorily to the issues raised in the Secretary's letter of August 15, 2007, which included criteria 3a and 3g of the Criteria and Procedures for Recognition of State Agencies for Approval of Nurse Education, which were published in the Federal Register on January 16, 1969, pursuant to the Nurse Training Act of 1964.

Written materials reviewed by the Committee: Interim report and supporting documentation submitted by the agency and the Department staff analysis.

NACIQI Primary Readers:

Dr. Earl Lewis

Dr. William Pepicello

Representatives of the Agency:

Bibi Schultz, RN, MSN, Education Administrator

Roxanne McDaniel, RN, Ph.D., Board Member

Third Party Commenters: None

OTHER COMMITTEE BUSINESS

I. Opening Remarks

Dr. Eduardo M. Ochoa, Assistant Secretary for Postsecondary Education, delivered opening remarks at the newly reconstituted NACIQI's first meeting and thanked the members for their service on the Committee. He emphasized that the work the NACIQI does, reviewing the accrediting agencies that the Department recognizes as reliable authorities regarding the quality of education, is an extremely important function.

This role of accrediting agencies is under increasing scrutiny and more critical than ever because of the central strategic importance of having an educated workforce and citizenry. Along with the tremendous growth in capacity needed to reach the President's 2020 goal of once again becoming the most educated country in the world, we also have to be even more vigilant about maintaining and improving quality. In addition, the Federal government significantly expanded the level of financial support provided to higher education.

Assistant Secretary Ochoa stated that he realized the importance of the accreditors' role because he has worked from both sides of the spectrum; as an university administrator persuading faculty and others to undertake improvements necessary to receive a good review and as a leader of visiting site teams conducting reviews.

Besides providing recommendations on specific accrediting agencies for recognition, the NACIQI will also provide recommendations on the reauthorization of the Higher Education Act (HEA) scheduled for 2013. The Assistant Secretary recapped for everyone that during the NACIQI member training earlier in the fall, Secretary Duncan challenged the Committee to provide input on the reauthorization of the HEA. He encouraged the NACIQI to conduct an open and inclusive consultation process to enable the Committee to develop legislative suggestions for improving accreditation and building the public's confidence in the quality of institutions across the board.

Assistant Secretary Ochoa posed a number of questions to the Committee for their consideration. The first was, are accrediting agencies coming under stress by having to play more of a compliance and monitoring role, in addition to their traditional one of promoting quality assurance by providing informative feedback to the institutions. Other questions included:

- Whether the Federal government's statutory role is working to protect the interests of both students and taxpayers?
- What is working? Where is improvement needed?
- Should the Federal government's role and authority be redefined, and if so, in what ways?
- What is the appropriate State role in this process?
- Is the current somewhat heterogeneous nature of accreditation with regional, national and specialized agencies up to par?
- Should there be a role for the Council of Higher Education Accreditation?
- What role do accreditors play in ensuring minimal levels of academic quality?

- Whether the community is using the right measures of success or progress in terms of learning outcomes, graduation rates, institutional productivity, program integrity, financial management, and institutional success.

In conclusion, the Assistant Secretary Ochoa reminded the NACIQI that the future quality of the nation's higher education institutions expected by students and their families is at stake. He asked and knew the group would give nothing less than their best work to the tasks at hand and thanked the members again for their work and commitment.

II. NACIQI Reauthorization Subcommittee Report

Before NACIQI Chair Cameron Staples introduced the Reauthorization Subcommittee (Subcommittee) Chair, Dr. Susan Phillips, he briefly described how the Subcommittee came to be. NACIQI Chair Staples explained that Secretary Duncan invited the NACIQI to offer recommendations regarding the reauthorization of the HEA, and in response, the NACIQI formed a subcommittee to facilitate that process. He also thanked Dr. Phillips for the amount and quality of the work she had accomplished as Subcommittee Chair. He acknowledged the well-constructed and well-thought-out proposals she presented for the Committee's consideration.

Dr. Phillips explained that Members Keiser, Kirwan, Klaich, Neal Pepicello, Rothkopf, and Studley served on the Subcommittee, as well as Chair Staples, ex officio. During the three Subcommittee meetings that had occurred, the group looked at the scope of the task, considered what kind of advice the NACIQI might want to give the Secretary, and identified a potential set of timelines and topics to consider. Dr. Phillips reported on the Subcommittee paper, which summarizes considerations for the February Forum, to the full Committee for its consideration. (Refer to Appendix A for the Subcommittee's paper.)

The timeframe for providing the Secretary a report containing the NACIQI's final recommendations is roughly December 2011 since the reauthorization is scheduled to occur in 2013. A forum is scheduled for February 2011, plus a day will be set aside during the spring 2011 NACIQI meeting to continue policy discussions. There will be a Subcommittee retreat in the fall to craft the report and the group will present the report for the full NACIQI's consideration at the fall 2011 NACIQI meeting.

The Subcommittee paper provides the goals for the scheduled February policy forum. It also provides a list of required and suggested reading on 1) the history of recognition and accreditation; 2) the linkage of that recognition to institutional eligibility to participate in the Federal student aid programs (institutional eligibility); and 3) a number of current accreditation issues.

The Subcommittee paper contains "60,000 foot" questions. For instance, if it started from scratch, how would the NACIQI design the accreditation, recognition, and institutional eligibility system and how might it differ from what currently exists? Others are cross-cutting questions that concern the variety of actors, definitions and processes, which, in turn pose a number of tensions, points of confusion, and areas of overlap.

The Subcommittee paper also contains questions about potentially considering other models, wanting to ensure that the NACIQI addresses the question of what there is to be gained or lost by pursuing some of the proposed solutions. Another question is what level of change the NACIQI might consider – systemic and comprehensive change or a refinement of different aspects of the current system. The last portion of the paper lists a variety of additional topics for possible consideration that include transfer of accreditation, credit hours, length of recognition, fiscal integrity, student mobility, and institutional productivity.

The Subcommittee envisions the February forum to address the questions of what's working and not working in the current system of accreditation, recognition, and institutional eligibility. The goal of the February forum is to broaden the members' perspective, and then, at the end, to narrow on those areas that the Committee wants to pursue further at the spring 2011 NACIQI meeting.

After Dr. Phillips' presentation, Vice Chair Rothkopf credited Dr. Phillips with bringing together a disparate set of comments from the Subcommittee and crafting a coherent plan. Member Studley, in addition to thanking Dr. Phillips, reinforced the idea that the NACIQI would be seeking innovative ideas from the diverse community of interest. She related that the NACIQI also hopes to examine how other fields are regulated, such as banking and food, as well as how other countries' higher education systems work.

In accordance with the HEA, Chair Staples then asked the audience if anyone would like to comment on the Subcommittee paper and the proposed plan during the Committee's deliberations. Dr. Barbara Beno, from the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges, offered comments. She explained that the audience in the back of the room could not see the projected images of the report on the screen from the back of the room and asked if the report will be distributed. She also inquired about the dates for the February forum discussed. Chair Staples responded that once the Committee votes on whether to adopt the report as their plan, it will be publically available. In addition, the dates of the February meeting will be in the required meeting notice published in the Federal Register.

After asking if anyone else wanted to comment, the Chair entertained a motion to approve the Subcommittee's paper and the process outlined by Dr. Phillips during her presentation, which Vice Chair Rothkopf so moved and Member Pepicello seconded. By a vote of 12-0, the motion passed.

III. Training on the New State Authorization and Credit Hour Regulations

During the working lunch on December 2, 2010, Mr. Fred Sellers, Senior Staff Analyst, the Policy, Planning and Innovation Group, Office of Postsecondary Education, provided training on the State authorization and credit hour portions of the new program integrity regulations. Refer to Appendix B for the handouts from the presentation and more detailed information. Mr. Sellers began by summarizing the negotiated rulemaking process used to develop the regulations. He then focused on the content and application of the State authorization and credit hour rules that the Department will implement on July 1, 2011.

Mr. Sellers explained that Federal regulations cannot preempt State law, but an institution is required to be legally authorized in a State to participate in Federal programs. He stressed that the regulations place no direct requirement on the State, and they do not require the regulation of any State agency or licensing agency. The provisions regulate institutions, not States.

In the new regulations, institutions are categorized by the one of three methods used to establish or authorize them. The three categories are:

1. Established by name as an educational institution (includes all State institutions);
2. Authorized to conduct a business or licensed as a business, but not legally established as an educational institution; or
3. Established as a non-profit charitable organization.

Schools in the first category comply if they are established within a State as an educational institution, e.g., a State-chartered university. If there are any applicable State approval or licensure requirements, those institutions must be approved by name under those requirements, unless if they are accredited by a nationally-recognized accrediting agency or if they have been in operation for at least 20 years. Schools in the second and third categories need some type of State approval or licensure.

The other overarching principle within the rules is that for a school to be considered legally authorized in a State, the State must have a complaint process available for students. The Department required institutions to provide contact information for the entity that handles student complaints, as well as the State approval or licensure authority. The regulations concerning State authorization are different for Federal institutions, tribal institutions, and religious institutions.

The rules clarify existing policy concerning state authorization of on-line institutions, which apply to all institutional sectors. If there is a State regulation for an institution not physically located in the State, the institution is expected to comply with that State regulation to meet institutional eligibility requirements for Title IV programs and the institution must document that compliance upon request. In response to members' questions, Mr. Sellers acknowledged that while the potential exists for an entity to have to independently satisfy the requirements of each of the 50 States, only about 18 States currently have regulations governing on-line learning.

He elaborated that States do not have to have a licensure authority for on-line, distance education, or correspondence school. However, if a State does regulate those types of institutions, then schools coming into that State must comply. That provision is different than requirement for traditional brick and mortar schools, where State licensure or approval authorization is required.

Turning to regulations concerning credit hours, a credit hour is defined as an institutionally-established equivalency of an amount of work represented in intended learning outcomes and evidence of student achievement that reasonably approximates minimum measures. The term "minimum measures" refers to the Carnegie unit, which is defined as a semester hour or trimester hour that approximates one hour (or 50 minutes) of classroom time and two

hours of out-of-class student work each week in a 15-week semester or its equivalent. The measurement of out-of-class work is an institutional responsibility that is decided in accordance with their accrediting agency standards. Mr. Sellers also provided an overview of the clock hour conversion formula and ratios.

The Department uses the definition of credit hour to determine institutional eligibility, program eligibility, student eligibility and the amount of payment of Federal student aid. Therefore, consistency of what a credit hour is important to assure equity between institutions and students and the amount of aid received. The definition applies only for the purposes of Title IV and other Federal programs. An institution may use a different credit hour definition for academic or other purposes.

Accrediting agencies are responsible for providing an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours of their initial accreditation, preaccreditation or renewal of accreditation. Accrediting agencies are expected to make a reasonable determination of whether the institution's assignment of credit hours conforms to commonly accepted practices in higher education for the purpose of institutional eligibility to participate in Title IV programs. The agencies are expected to take action in relation to any deficiencies identified. If agencies find either systemic non-compliance or significant non-compliance regarding one or more programs at an institution, they must promptly notify the Secretary.

Following the presentation, Ms. Gilcher added that at the NACIQI meeting in June 2011, accrediting agencies would not be addressing the new State authorization and credit hour regulations because they are not effective until July 1, 2011.