



Office of Postsecondary Education (OPE)
U.S. Department of Education (ED)

Negotiated Rulemaking for Higher Education 2011

Deliverable 4.3: Transcription of Public Hearing held at Pacific Lutheran University, Seattle, Washington on May 16, 2011

DEPARTMENT OF EDUCATION PERSONNEL:

JAMES KVAAL, Deputy Under Secretary

DAN MADZELAN, OPE

GAIL McLARNON, OPE

NIKKI HARRIS, OPE



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

2 (9:05 a.m.)

3 MR. MADZELAN: Good morning,
4 everyone. Welcome to this hearing -- we call
5 this for -- in anticipation of our upcoming
6 rulemaking session around the Title IV
7 programs, programs authorized by Title IV of
8 the Higher Education Act.

9 Very quickly, joining me from the
10 Department is -- my far left, your right, is
11 James Kvaal, our Deputy Under Secretary; next
12 to me, Gail McLarnon from our Office of Post-
13 Secondary Education; and I am Dan Madzelan
14 from the Office of Post-Secondary Education.
15 Also, out in the anteroom, we have Nikki
16 Harris, who is responsible for pretty much
17 everything we do here today.

18 And what we are going to do here
19 today is to listen to you, your ideas, your
20 suggestions for what we do in this next round
21 of rulemaking.

22 Let me give you just a little bit

1 of background on why we do this. In general,
2 federal agencies govern -- their rulemaking
3 practices and processes are governed by the
4 Administrative Procedures Act. And basically
5 what that says is an agency in a rulemaking
6 exercise needs to publish/offer a Notice of
7 Proposed Rulemaking, accept public comment,
8 consider that public comment, and then publish
9 a final rule in which the agency has agreed
10 with some of the suggestions from the public,
11 and has noticed the public that they are in
12 agreement, or has not agreed with some of the
13 comments from the public.

14 And also, then, in the final rule
15 they notice the public that -- why the agency
16 did not agree with comments. So that's the
17 ordinary process that all - certainly domestic
18 agencies - of the federal government follow.

19 Here at the Education Department,
20 for our student financial aid programs, we
21 have an extra step on the front end of the
22 process where we are required by our statute

1 to engage affected parties in the development
2 of the proposed rule. And so that's what we
3 do in the negotiated rulemaking activity.

4 We convene a group of
5 stakeholders, affected parties, other
6 interested parties, some of those specific in
7 our statute. We meet several times over a
8 period of several months, and we actually sit,
9 you know, at a table and craft language for
10 the Notice of Proposed Rulemaking.

11 Why we are here today is as part
12 of that negotiated rulemaking process we are
13 also statutorily required to engage the public
14 in developing an agenda for negotiation. So
15 the notice that we published on May 5th gave
16 an indication of the kinds of things we are
17 thinking about at the Department for this next
18 round.

19 You know, a year or so ago, the
20 President signed a Health Care and Education
21 Act, is that right?

22 DEPUTY UNDER SECRETARY KVAAL:

1 Close.

2 MR. MADZELAN: That big health
3 care bill. It was in all the papers. I'm
4 sure you knew about it.

5 And part of that, there were
6 significant modifications to the Federal
7 Student Loan Program, namely to move the
8 entire Federal Student Loan Program over to
9 the federal side, the direct lending side. So
10 we do have an interest now going forward in
11 removing from our regulations provisions
12 associated with the origination of FSLP
13 program loans that are no longer needed, as
14 well as to ensure that our direct loan program
15 regulations are free-standing and independent.

16 We have a number of provisions
17 within our direct loan regulations that make
18 reference to the FFPL program regulations.
19 And now, with no longer new originations in
20 that bank-based program we want to get our
21 direct loan program regulations, as I said,
22 independent and free-standing.

1 We also indicated a few months ago
2 that we had -- publicly indicated that we had
3 an interest in revising some of the policies
4 and procedures and practices around
5 discharging student loans for total and
6 permanent disability. And we did a little bit
7 of work on that last year with some changes in
8 the Higher Education Act that made some
9 connections between what the Veterans
10 Administration does in their disability
11 determinations, and then what we do in our
12 determinations for our student loan
13 discharges.

14 And I'll stop there for one second
15 and introduce from our Office of General
16 Counsel, Fred Marinucci, who will be with us
17 here today.

18 So, again, we are interested in
19 what you have to say, your ideas for us going
20 forward. We have been very active, as you
21 know, regulatorily over the past couple of
22 years. We have a number of provisions that

1 are not yet effective. We, you know, bluntly
2 are not terribly interested in hearing about,
3 you know, issues that -- and provisions that
4 are not yet effective. We are here today to
5 think about looking forward over this next
6 round of rulemaking.

7 In terms of process, if you want
8 to speak, you need to make sure you sign up
9 out front with our -- with Nikki Harris. We
10 will have a public record of these hearings.
11 We do have transcription service.

12 Everything that we have here today
13 will find its way to our website in the next
14 few weeks, so that we do have a complete
15 record of what we have heard in these sessions
16 as we move forward in this process a little
17 bit later this summer to develop an agenda for
18 negotiated rulemaking a little bit later this
19 summer and into the fall.

20 So, did I forget anything?

21 MS. McLARNON: I don't think so.

22 MR. MADZELAN: Comments, James or

1 Gail?

2 (No response.)

3 Do we have our list?

4 MS. McLARNON: Of speakers?

5 MR. MADZELAN: Yes.

6 MS. McLARNON: Let me get it.

7 MR. MADZELAN: Okay. Yes, we --
8 Violet Boyer? I see that -- I see. I'm told
9 you are scheduled for 10:00 a.m., but maybe
10 that's Mountain Time, I don't know, but -- so
11 if you would want to speak now, that would be
12 fine.

13 MS. BOYER: Do I come forward?

14 MR. MADZELAN: Yes, please come up
15 to the -- you're among friends, we assure you.
16 And, in general, you know, we have provided
17 for five-minute increments. You don't see a
18 timer up here, so, I mean, we can be flexible
19 on that.

20 So when you come up to the podium,
21 if you would tell us who you are, where you
22 are from, who you represent, that would be

1 helpful. Thank you.

2 MS. BOYER: Okay. My name is
3 Violet Boyer, and I'm the President of
4 Independent Colleges of Washington, which is
5 the 10 private non-profit colleges here in the
6 state. And I am also representing our
7 national association, NICU.

8 And I would suggest to you that
9 the lack of people signing up, or the lack of
10 people in the audience, is not a reflection of
11 how much we care about what you do, but a
12 reflection of the fact that our state
13 legislature is still in the throes of figuring
14 out what to do with higher education. And
15 there are a lot of very large issues on the
16 table. And so I am quite certain that's where
17 most of my colleagues are.

18 I would like to raise three issues
19 with you. I am not an expert in the federal
20 process, but, as I understand it, to put items
21 on the negotiated rulemaking table they need
22 to be brought up, and so I want to bring them

1 up.

2 And they are not new issues, and
3 you may not be surprised about the issues that
4 I would like to raise. But they -- I would
5 like to get them in the record, and I would
6 respectfully urge you to include them in your
7 negotiated rulemaking work later this summer
8 or early this fall, as the timing that you
9 have laid out for us.

10 And they are in the program
11 integrity provisions, specifically, Section
12 600.2 and 600.9. And then, I have a comment
13 also about gainful employment, but I would
14 like to start with the credit-hour rules. One
15 of the complications for colleges all across
16 the country, and here in Washington I think in
17 particular, is to try to be as responsive as
18 possible to the needs in the economy and to
19 the needs of the students.

20 And so that is causing all of us
21 to rethink how we do what we do, and how we
22 offer the programs and the services that are

1 so critical, both to get out of this recession
2 but also to move forward at the lead of the
3 pack. And it's our desire to be at the lead
4 of the pack, as it is for the other 49 states.

5 And so we need to really rethink
6 how it is we do things, and the federal
7 imposition of credit-hour is problematic in a
8 couple of ways. One, that is the bailiwick of
9 the -- of academe, and that's -- there are
10 three things that academics really care about,
11 and that is who we teach, what we teach, and
12 how we count it. And so that's one of those
13 really sacrosanct areas that causes the flares
14 to go up when the federal government wants to
15 muck about in that.

16 So, one, it's intrusive; two, it
17 really is counterproductive, I think. If
18 you're wanting to see responsive higher
19 education and innovation and rethinking how we
20 do what we do, some flexibility around there
21 is really critical. So we would urge you to
22 take that out of the regs.

1 The second one is state
2 authorization, and there is a couple of issues
3 with that. Your meeting in the West, which we
4 are particularly happy -- we often feel left
5 out of those conversations. And in the West,
6 the state role with higher education,
7 especially with private higher education, is a
8 different animal. And so that provision is
9 particularly difficult for us in the West.

10 Many of my private colleges were
11 educating students before the state was ever
12 formed. And so that's -- imposing the state
13 into our work is particularly problematic. We
14 have a very good process here in Washington
15 State. But using the technical word
16 "authorization" sends our folks off the deep
17 end, because that means a particular process
18 to them, which is mucking about in our
19 program, in our academics, in our program
20 approval, etcetera. And so that word
21 "authorization" is problematic.

22 We are legally -- operating

1 legally in the state, and the state agrees
2 with that, but that word "authorization" is
3 really a problem.

4 And then, in addition, I think the
5 distance ed ramifications of the state
6 authorization also is hugely problematic.
7 Again, going back to the innovation and higher
8 education, we want to be responsive, we want
9 to have a highly educated population. We want
10 those to be really high-quality programs.

11 So let me step back and say, we
12 appreciate the work that you do for program
13 integrity and making sure that we have high-
14 quality programs for students. And that
15 should have been the first thing I said,
16 because we really do care about that.

17 I think a couple of these kind of
18 verge on the -- out of helping us be good and
19 squishing us into a box that is not
20 particularly helpful as we try to be
21 innovative. So I apologize I didn't -- I
22 probably would have had that organized if I

1 had been up at ten instead of nine.

2 So the distance ed piece is
3 problematic, in part that colleges don't know
4 where the students are coming from. In
5 Washington, we have a rule that if you are
6 recruiting in the State of Washington, you
7 have to follow our rules. And that seems to
8 make sense to me. If you're actively seeking
9 to serve our students, you are starting this
10 process, and, therefore, you need to abide by
11 our rules.

12 If a student happens into your
13 program, you have no control over that. That
14 feels to me like a better place to draw that
15 line. Trying to track -- especially when
16 there is no source for the college to track
17 down what the state rules are in distance
18 education, states don't often know what their
19 rules are in distance education.

20 Requiring a college to be in
21 compliance when the federal -- when you don't
22 know what the compliance means, some states

1 don't know what that compliance means, putting
2 them in the middle of trying to figure that
3 out, is hugely problematic, and the result
4 will be pulling back of programs and narrowing
5 them, and offering fewer opportunities to
6 students, which is not the outcome that we
7 want.

8 So those are my two issues on
9 state authorization.

10 The third issue I would like to
11 raise -- gainful employment -- just two minor
12 areas around there. As I read the rules, it
13 looks to me like it is going beyond programs
14 that are Title IV eligible, and I would
15 encourage you to rethink that. We have had a
16 lot of conversations among our colleges about
17 what programs. It's not clear to them what
18 programs they have to do the reporting on.

19 The Title IV eligibility has been
20 a really helpful mark, so that they know these
21 they do, these they do not. It is quite a
22 long reporting list, and they want to be

1 accurate about that. But they also -- you
2 know, the federal role is federal money. And
3 if we're getting federal money for it, that
4 makes sense. If there is no federal money
5 involved, that seems to be a line that would
6 be helpful.

7 The second piece is I would
8 encourage you to narrow it to -- or eliminate
9 the post-baccalaureate programs from that
10 list. We completely understand the concern
11 about students who don't necessarily
12 understand the work world and the
13 credentialing for work world and trying to
14 provide some safe fences around that.

15 But once you have a baccalaureate
16 degree, I think expecting that -- the hand of
17 the father to take care of you is a little bit
18 out of the range of rational. If you have a
19 baccalaureate degree, and you're picking up a
20 certificate in counseling, you ought to have
21 enough understanding about the field and about
22 the academic preparation for it to understand

1 what you're getting with that credential in
2 counseling or teacher ed or whatever. So
3 removing the post-baccalaureate and narrowing
4 it to Title IV programs.

5 So those would be my comments.
6 Thank you so much for the opportunity. Thank
7 you for coming to the West. I'm happy to
8 answer any questions. I do have a couple of
9 letters on a couple of those issues, if they
10 would be helpful. I believe you have them
11 already, but I would --

12 MR. MADZELAN: We can do that.

13 MS. BOYER: -- enter them into the
14 record if you would like them.

15 MR. MADZELAN: Questions?

16 (No response.)

17 Thank you.

18 My understanding is there is
19 plenty of open spaces to sign up for at the
20 moment.

21 Well, we will just stand down for
22 a few minutes. And when we have an indication

1 that we have someone ready to speak, we will
2 reconvene.

3 Thank you.

4 (Whereupon, the foregoing matter went off the
5 record at 9:22 a.m. and resumed at
6 10:36 a.m.)

7 MR. MADZELAN: We will reconvene
8 at this time. We have Carla Shafer. If you'd
9 come up to the podium. And, again, we know
10 who you are, but if we hear it from you, that
11 would be great. And so since we are
12 transcribing this, if you would tell us who
13 you are and who you represent, where you're
14 from.

15 MS. SHAFER: I'm Carla Shafer, and
16 I'm from Bellingham, Washington. And I'm just
17 speaking as a citizen, although I do work in
18 higher education, and I will talk a little bit
19 about that.

20 So, first of all, I began working
21 in education when I started working with
22 community action agencies in 1968 through the

1 Office of Economic Opportunity. And at that
2 time they funded Headstart, which was
3 conceived, in my understanding, as a program
4 to prepare disadvantaged children to succeed
5 through their education, through college, and
6 to complete programs where they could get jobs
7 and fund their families in America.

8 So the first issue the Department
9 of Education needs to address is how they are
10 helping poor people, low-income people, deal
11 with the losses that they face due to a lack
12 of an adequate education.

13 In 1968, I began working at
14 Buffalo -- in Buffalo, New York, at Genessee
15 Humboldt Junior High School. And the students
16 there were mostly African-Americans, and they
17 were from poor to not poor, because they were
18 ghetto-ized in the city of Buffalo. And they
19 could learn, or they could not learn, based on
20 their abilities.

21 I was trained as a teacher in
22 Oregon at a private school, and I taught in

1 Seattle, and then I taught in Buffalo. And
2 the quality of teaching was the same. What
3 was confronting the students was very
4 different. The students in Seattle were the
5 children of engineers who work for Boeing,
6 which was a good thing, and the children who
7 came to Buffalo schools were poor. They had
8 very little.

9 And one of the federally funded
10 programs -- and I don't remember what it stood
11 for -- was ASPIRE, A-S-P-I-R-E. And that was
12 an after-school program, before there were
13 after-school programs by the way. And our job
14 was funded by the federal government after
15 school to help the children learn about their
16 city, their cultures, and how to be effective
17 as students.

18 For as long as the program was
19 funded, it did a good job. Somewhere in the
20 '80s I was at a federal hearing where the
21 question was: how can we fund child care and
22 before and after child care for students? And

1 the answer was, well, parents should work
2 together and share jobs and take care of each
3 other's children. And the fact that parents
4 were taking care of their children in each
5 other's cars, because they didn't have homes,
6 people listening from the federal government,
7 from the Office of Education, just sat there
8 like it was a solution.

9 And so my experience, living in
10 this country and working in education, is that
11 sometimes we don't really solve the problem,
12 and we make up ways that look like solutions.

13 One of the things that we try to
14 do is privatize education. If public schools
15 can't be effective with public funds, then
16 there is a belief that private sector dollars
17 will somehow make up the difference, because
18 the profit motive is a stronger motive than
19 the future of children's lives.

20 I have to say, I don't believe it.

21 I think that when people work for profits
22 they work to make money. They take money away

1 from families and away from schools and out of
2 governance, and that's the wrong thing to do.

3 It works against having an effective
4 democracy, having well-trained young people,
5 and having a future for this country.

6 In the current process that we are
7 in of a recession that doesn't stop, and of
8 funding that is inadequate, and of punitive
9 measures taken against teachers, is a downward
10 cycle that will all pay for -- well, I might
11 not, because I may not live much longer -- but
12 those of you who do live longer, you will have
13 people who are not able to do the work that
14 this country requires or think the thoughts
15 that we really need people to be thinking.

16 I worked at Northwest Indian
17 College for 13 years, which is a federally
18 funded tribal college. And it was federally
19 funded because the Bureau of Indian Affairs
20 did not use its money well and wisely to train
21 and educate Native American people. They gave
22 them boarding schools and little else. They

1 gave them training programs, but they amounted
2 to nothing.

3 And the tribal college movement,
4 which is now strong in this country due to
5 federal support and private support, actually
6 makes a difference in Native Americans' lives
7 from one side of the continent to the other.
8 And anything that this Office of Education can
9 do to support Native Americans to achieve
10 higher education needs to be done without
11 question every time you can. And the fewer
12 rules you have about it the better, because
13 it's changing people's lives.

14 The best FIPSE program that I ever
15 saw funded -- and I have had two funded -- one
16 was for tribal management in the -- sometime a
17 long time ago, in the '80s, and more recently
18 our Congressman, Rick Larsen, had a project
19 that went from Bellingham down to Everett.
20 And it involved three community colleges,
21 three school districts, and three tribal
22 governments -- the Lummi, the Tulalip, and

1 -- let's see, I can -- the upper -- the
2 Suquamish, and also the Swinomish.

3 And the school districts were
4 Ferndale, LaConner, and Marysville. And the
5 community colleges were Whatcom Community
6 College, Skagit Valley College, and Everett
7 Community College. And the purpose of that
8 program was to help high school students earn
9 college credit, so they could go on to
10 college.

11 And, of course, by starting with
12 high school students, we started a little late
13 in their lives, because they are already
14 behind. But for two years the project was
15 able to help several hundred students earn
16 real college credits and learn what the real
17 pathway was from impoverished lifestyles to
18 some success at the college level.

19 There was no follow-up funding
20 from anyone, except for what the schools were
21 able to pick up and do on their own. And it
22 wasn't really following FIPSE guidelines; it's

1 just that -- how that works with
2 appropriations, and I'm sure you know, is that
3 you find that place in government where
4 similar funding is occurring, you say that
5 this is like a FIPSE grant, and, therefore,
6 when the appropriation is funded, it comes out
7 of FIPSE's budget, which in fact is a terrible
8 thing to do to FIPSE's budget, because I do
9 believe that there are people in the Office of
10 Education designing projects and programs that
11 are meant to be useful and effective with
12 young people and with schools.

13 My daughter teaches in Oregon.
14 This is her fourth year of teaching. She was
15 educated at the University of Washington and
16 at Lewis and Clark College. She has her
17 Master of Arts in teaching. She began the
18 first year teaching .9 percent time, four
19 years ago, in Sedro-Woolley School District at
20 middle school where she taught low-income
21 children, some of whom were from migrant
22 families. Some of the families are not

1 documented, but the children craved education
2 just the same. And she could work there one
3 year, because the next year there was no
4 funding for her position.

5 She switched schools. Every job
6 she has ever applied to she has been offered.

7 So we have to ask her why she keeps making
8 these choices, if in fact it matters which
9 school district she gets hired in. And I'm
10 beginning to think it does not matter.

11 She was hired a full-time language
12 arts position in a middle school in Oregon,
13 and she did a fine job. At the end of the
14 year, all first-, second-, and third-year
15 teachers' positions were cut. They were given
16 their pink slips. But because of some moving
17 around and some work of the school district to
18 find other money, and I think there were some
19 ARRA funds involved, all but one of the
20 teachers was able to stay in the district and
21 keep their job.

22 However, they couldn't teach the

1 same subject. She went from teaching language
2 arts, where she is fully qualified, to
3 teaching U.S. history in the eighth grade,
4 where she has enough credits to be endorsed,
5 which isn't bad, but it's not necessarily a
6 great thing.

7 The Teaching American History
8 funding from the Department of Education is
9 the kind of program that benefits people who
10 have less than 30 credits in a subject matter,
11 but it is a strangely funded program, and I'm
12 not sure all the benefit goes to the teachers
13 as much as it goes to other organizations that
14 put it together.

15 She taught for one year, and that
16 year, at the end of the year, they cut seven
17 faculty, but not her position, and she was
18 moved to teaching seventh grade. So she
19 taught sixth grade language arts, eighth grade
20 history, seventh grade language arts and
21 social studies and reading.

22 And so each year she has taught,

1 in four years, she has had a different
2 preparation, different age levels of students.

3 Anything she learns about teaching does not
4 necessarily apply the next year in terms of
5 subject matter and what the students carry
6 with them in terms of academic knowledge.

7 This year she was also put on the
8 block, and she has been offered a .83
9 position. She will be teaching social
10 studies, language arts, reading, math, and I'm
11 not sure what else, and the school district is
12 cutting 20 days out of their year for teachers
13 to be on furlough.

14 This is a common practice in
15 Oregon, and it's part of the whole of the
16 education picture that we are suffering under
17 right now, where there is inadequate federal
18 support, inadequate state support. There is
19 conversations about education that have
20 nothing to do with what is happening to the
21 young people and how they are being educated.

22 Yesterday, after church, a first

1 grade teacher in Burlington, Washington, was
2 telling me about a school that did not make
3 their annual progress, their yearly annual
4 progress. As a result of that, the school
5 that she teaches in, which is an elementary
6 school, grades 1 through 5, will now have
7 sixth, seventh, and eighth graders added to
8 their school.

9 They will have less time in the
10 library -- the other younger students. They
11 will have one week less of gymnasium a month.

12 And the young children, who apparently, since
13 I was in junior high, which is a long time
14 ago, it has been seen as more effective to
15 have similar age groups together. Well, they
16 won't be together. They will be mixed in with
17 big kids and little kids, and they will be
18 crowded.

19 And the school where there was
20 failure to make progress, the principal was
21 fired, half of the teachers were let go. And
22 I'm sorry, I've been a teacher too long, I

1 know there is good teachers and there is bad
2 teachers. It has very little to do with their
3 education.

4 Do you have a time limit? Five
5 minutes, okay.

6 And it has a lot to do with the
7 punitive nature that the Department of
8 Education or some facet of government is
9 placing against these schools. The real
10 quality of education does not go necessarily
11 to the matter of whether students succeed in
12 their classrooms. It goes to the matter of
13 whether the schools are adequately funded and
14 the teachers get adequate support. And the
15 individual people who do not teach well are
16 not continued. And generally, in my
17 experience, the best teachers have stayed, and
18 the less effective teachers have left.

19 In terms of the Department of
20 Education funding people who are not teachers
21 to become teachers, it's ridiculous when you
22 have people who are trained as teachers who

1 can't keep their jobs, even though they are
2 doing them and showing up at work and being
3 effective with their students.

4 So if there were one thing that I
5 would like you to cut your thinking about, I
6 like it that people in other careers would
7 want to be teachers, but I don't like it that
8 in a society where there aren't enough jobs
9 for teachers that we would promote that.

10 The last thing I think is to
11 introduce concepts. The Department of
12 Education can fund concepts. They can fund --
13 which you do -- they can fund sharing, helping
14 people implement good ideas across the
15 country, which you did with Headstart, and to
16 continue to foster the belief in a public
17 education system that is for low-income people
18 and wealthy people, working together to learn
19 about how to be part of a democracy and how to
20 speak up at public hearings.

21 That's all I have to say.

22 MR. MADZELAN: Thank you.

1 MS. SHAFER: You bet.

2 MR. MADZELAN: Let's see if we
3 have -- hold on one minute.

4 (Pause.)

5 Well, we will, again, take a short
6 recess. And when we have another speaker
7 ready, we will reconvene.

8 Thank you.

9 (Whereupon, the foregoing matter went off the
10 record at 10:55 a.m. and resumed
11 at 11:20 a.m.)

12 MR. MADZELAN: At this time, we
13 will reconvene. We have Kim Tobey to speak.
14 Please come up to the podium. And, again, for
15 our -- the purpose of our transcription of
16 this, tell us, again, who you are and where
17 you are from.

18 MS. TOBEY: My name is Kim Tobey,
19 and I am from Rio Salado Community College,
20 which is in Tempe, Arizona. We are a post-
21 bacc. My position directly relates to our
22 post-bacc approved teacher certification

1 program. And I felt like it would -- I would
2 be remiss to travel all the way from Arizona
3 and not come up with something to say.

4 I think that I was under the
5 interpretation that we might -- that this
6 might be a little bit more of an opportunity
7 to learn more about what was coming in the
8 future, more so than just a public comment.
9 So it is interesting, and my interpretation,
10 obviously, was wrong.

11 But that said, I am by no means an
12 expert in the area of financial aid, and I --
13 but I do consider myself an expert in advising
14 and working with and being passionate about
15 helping students get to where they need to go,
16 depending on what their goal is, regardless of
17 whether it's teacher certification or
18 something outside of that.

19 And Rio Salado, like I said, is
20 the largest of 10 community colleges in
21 Maricopa, and we have a primary focus of
22 getting post-bacc students into the teaching

1 classroom. And in Arizona, as we watch the
2 trends, we do see that there is a need for
3 teachers, definitely the high-need areas that
4 we all hear about. But we see that some of
5 our boomers will be leaving the classroom, and
6 we will need teachers to get back in.

7 And ultimately having a financial
8 aid process that works within the system and
9 helps them be able to get the funding that
10 they need is important to us.

11 We have actively been following
12 some of the regulations. And as someone else
13 stated earlier, certainly having a physical
14 presence and gainful employment have become
15 two hot topics for us and issues that we have
16 had to try and figure out how to work around.

17 We operate as a distance learning
18 program, which means that for the most part we
19 try and service students wherever they are
20 coming from, including a strong, active
21 military population that is seeking
22 certification while they are finishing

1 typically their last couple of years of
2 employment. And so we have had to see how
3 physical presence affects us in terms of
4 working with our military population. So I
5 would ask you to consider that as you are
6 looking at some of the rulemaking processes.

7 There does seem to be quite a bit
8 of confusion about what does physical presence
9 entail? I can call the Department of
10 Education in one state, and they will tell us
11 that we are fine to operate, and call another
12 institution and let us know that there is a
13 myriad of paperwork that we need to fill out
14 and complete in order to make sure that we
15 have met the physical presence requirements
16 for that state.

17 And so there obviously has to be
18 some true definitions, some true understanding
19 of where that information is being approved
20 from, what constitutes physical presence.
21 Those need to be very clearly defined and
22 outlined for everyone, and make sure that --

1 as much as possible, that that information --
2 everyone is on the same page with that.

3 We have been working closely with
4 a student who actually seems to be getting --
5 she has almost been a driving force for us
6 regarding physical presence, because she gets
7 different answers depending on who she calls
8 also.

9 So when you have students out
10 there getting, again, differing information,
11 and that makes us look silly, when we indicate
12 to that student that you can't be in that --
13 can't be operating in that state, and she can
14 call her own state and they will us tell us
15 that she should have no reason not to operate
16 there.

17 We also have been looking at
18 gainful employment and how that affects us in
19 terms of really looking at potential new
20 programs. And being in education does not
21 mean that we are just looking at certifying
22 teachers at the pre-K through 12 level. We

1 are looking at innovative ways that we can
2 bring -- change education.

3 And what we have found is that
4 gainful employment really has the potential to
5 limit us to really look outside the box,
6 because there will be such a lengthy process
7 and not all things are currently recognized as
8 meeting that gainful employment category,
9 which means that we can't ever -- I shouldn't
10 say "ever," but we have the potential of being
11 -- of not really choosing to move forward and
12 look at new programs, because there is such a
13 lengthy process to go through.

14 And if something is not currently
15 recognized as being in that gainful employment
16 category, how can we ever prove that it might
17 be if we can't move in that direction and get
18 students funded according to some of these new
19 regulations?

20 And so those are really my
21 concerns. Obviously, the timeline for
22 approval between -- and I don't know if this

1 is -- between Higher Learning Commission, the
2 Department of Education, to determine programs
3 that are eligible is horrendous, to have the
4 Department of Education be able to say 30 days
5 prior to a program starting they can actually
6 still put the axe to that program.

7 That limits us in our ability to
8 market, to go out and seek students, and so
9 that is a concern. And as educators, I never
10 want to be limited to just thinking about,
11 again, teacher certification from a pre-K
12 through 12 perspective.

13 I want to think about, what does
14 it look like to do a grow-your-own model for
15 Native Americans? And how does it look like
16 if we do parent and community liaison work
17 within schools, that those liaisons might
18 potentially become teachers also, but they are
19 not currently recognized under Department of
20 Education gainful employment regulations.

21 So those are really just areas
22 that were already emphasized. I wanted to

1 make sure that I said my piece about that.
2 There is probably more to it that our
3 financial aid would specifically look at from
4 our college perspective, but those are
5 certainly issues that we have been dealing
6 with as a successful, tenured, state-approved
7 teacher preparation program, and we feel like
8 we have lost our ability now to work with
9 students and specifically give them the
10 funding that they need to get into the
11 classroom and to change kids' lives, if that's
12 what they really want to do.

13 Thank you.

14 MR. MADZELAN: Thank you very
15 much.

16 (Pause.)

17 We again will take a short break
18 and wait for the next speaker to come forward.

19 We had planned to take a one-hour lunch break
20 at noon. Some might want to extend that to
21 maybe a 90-minute lunch break at this point.
22 But we will be here at least -- well, we will

1 be here until the noon hour to see if anyone
2 comes forward to speak. But until then, we'll
3 take a short break.

4 Thanks.

5 (Whereupon, the foregoing matter went off the
6 record at 11:26 a.m. and resumed
7 at 12:00 p.m.)

8 MR. MADZELAN: We are going to
9 reconvene the hearing for the purpose of
10 reminding everyone or informing everyone that
11 it's 12 noon, and we will take a one-hour
12 lunch break. So we will be back in the room
13 at 1:00 p.m.

14 Thank you.

15 (Whereupon, the foregoing matter went off the
16 record at 12:00 p.m. and resumed
17 at 1:00 p.m.)

18 MR. MADZELAN: We will continue to
19 wait for speakers to sign up. So at this
20 point, we will again go into recess.

21 Thank you.

22 (Whereupon, the foregoing matter went off the

1 record at 1:00 p.m. and resumed at
2 3:40 p.m.)

3 MR. MADZELAN: We have no more
4 speakers signed up for the afternoon, for the
5 rest of the day, so we are going to adjourn
6 this hearing at this time.

7 Thanks to all who spoke today.
8 (Whereupon, at 3:40 p.m., the foregoing matter
9 was adjourned.)

10

11

12

13

14

15

16

17

18

19

20

21

22