**CYoshitomi - Department of Education Regulatory Negotiations**

**Conference Agenda**

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**Topic 1:   DOE Regulatory Negotiations: Accreditation - Alternative Standards and Waivers Part C**

Should institutions be required to meet minimum performance requirements (such as no outstanding program reviews, sufficient financial responsibility scores, or sufficient cohort default rates), in order to qualify for waivers?

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| 1. | **TEST XYZ** TESTING  *Comments:*   1. Testing you back 2. Additional commenttest 3. I was first. :) |
| 2. | **Not Necessarily** Minimum requirements aren’t necessarily related to waivers. The examples given don’t necessarily indicate quality. This is an accreditor decision in collaboration with their communities of interest.  *Comments:*   1. I agree. What has been described is not a regulatory problem, but rather one of communication between the Dept of Ed and accreditors. - Dave D 2. Is the communication issue one that can/should be addressed via language changes to the rules? Or should the USDE be handling this in some other way? - Mr. T. |
| 3. | **YES: monitoring and sanctions** Language: Institutions on monitoring or sanctions from existing accrediting agencies should not be allowed to waive any standards for any purpose. |
| 4. | **Waiver: Minimum requirements** Yes; minimum performance requirements should be met |
| 5. | **Yes** We must ensure that the availability of waivers is not abused such that poor-quality institutions/programs have a low-barrier mechanism to evade being held responsible to any standards. Not meeting performance requirements could be indicative of pervasive issues in the institution/program. However, the performance standard imposed should be related to the waiver granted. |
| 6. | **Waivers for Institutions Related to Monitoring and Sanctions** It would not be a good idea or protect the consumer if waivers were given to institutions that are currently under monitoring or sanctions. Doing so would likely impact the shaking ground on which the institution already stands. Accreditors have clear guidelines regarding monitoring, sanctions, special visits outside comprehensive visits, etc. HLC has another category, "Designation," which is not a sanction but identifies institutions with significant financial issues or one that may be under an investigation. Keep in mind that giving new providers waivers would not allow for the safety of what is stated in this comment. We cannot have a two-tier system for existing accreditors/new accreditors or exisiting IHEs and new providers. |
| 7. | **Not Necessarily** Minimum requirements aren’t necessarily related to waivers. The examples given don’t necessarily indicate quality. This is an accreditor decision in collaboration with their communities of interest. |
| 8. | **Minimum Performance Requirements: Yes** While I'm not sure the examples of standards are appropriate for measuring quality, performance standards are essential. I see them as falling into different categories, however:  Requirements to Participate in a Waiver/Alternate Standards: in good standing, clean audits, etc., and proposal is mapped to benchmarked standards related to innovation  Conditional Requirements to Continue: performance data, reporting on outcomes  Requirements to Implement/Sustain permanently: student success outcomes  Christi A. |
| 9. | **Waiver // Minimum Requirements** There should be minimum requirements that ensure students are not harmed through this process. However, care should be taken to ensure that the right definitions/metrics are in place to define "quality institution" - ie CDR and financial responsibility scores are not measures of institutional quality. Additionally, thought should be given regarding how this handled for new vs established accreditors. - Jillian  *Comments:*   1. I agree. I think allowing accreditors to determine meaningful minimum requirements makes sense. I am also concerned about newly established accreditors and how this idea would apply to/prevent an accreditation mill/degree mill. 2. Tina F. - I agree too. If I am understanding this correctly, this could lead to many different standards for many different schools that may be very similar but have different standards. I do wonder how this would lead to better understanding by students if these can be different. 3. Tina F. - I agree too. If I am understanding this correctly, this could lead to many different standards for many different schools that may be very similar but have different standards. I do wonder how this would lead to better understanding by students if these can be different. |
| 10. | **Wavers Vs Preaccreditation** What is the difference |
| 11. | **Concern re creating a regulation that either (1) provides too much leeway to allow accreditors to waive important standards that protect students and taxpayers; or (2) requires accrediting agencies to grant waivers when a school is unhappy with a** decision, which could invite litigation/uncertainty, fear by an accreditor to impose standards because it does not want to deal with/pay for litigation, and also improperly impede the accreditor's independent decision-making in contravention of the HEA. Robyn |
| 12. | **Barbara Gellman-Danley: draft language** Accreditors will be allowed to use current or new "waiver" policies officially approved through their internal decision-making process. Agencies will be allowed to enable/encourage advancing innovation through waivers of both the agency's standards and in some cases federal compliance standards. Such approvals should allow institutions to advance innovation to meet market needs, and penalties or litigation will not be imposed by the OIG, the Department, NACIQI or institutions. Clear goals and measurable metrics will be required. The waiver process used by the accrediting agencies will be transparent on websites and through other forms of communication. All students participating in waiver-related programs will be allowed to retake a course or program if the project does not succeed, without any new additional costs charged to them. Students must sign an agreement in advance outlining these guidelines.  *Comments:*   1. While there are many protections built into this proposal, is it possible that this may be too prescriptive or involved such that few institutions/agencies would engage in this process for the sake of innovation? - Will Pena 2. I like this. Only concern is I'm not sure this flexibility should be allowed to new accreditors in the space who, per ED's current proposal, may only be accrediting one institution and may not have any actual experience in accreditation. Suggest thinking through a longevity trigger for allowing this waiver. - Jillian 3. I like this. Does it apply both to innovations and waivers? We were trying to separate the two but the differences are kind of blurred in my mind. - Mr. T. 4. Sally Morgan: accreditors cannot legally be given authority to waive federal requirements. They can waive their own requirements as long as they still comply with federal recognition requirements and their own standards and policies. 5. Does the proposed change of eliminating the "federal compliance standards" language add anything new to what accreditors can already do under current regulatory framework? - Will Pena 6. Could we add language requiring the agency to require a process for evaluating and, if the innovation fails the evaluation, a process for killing the innovation. The agency would be required to review the proposed evaluation and the program/innovation ending processes and provide approval. 7. comment 6 was from Mr. T. (embarrassingly....) 8. Remove the language "and in some cases federal compliance standards."   The intent is to assure the accrediting agencies handle the waivers and do not need ED approval, which would greatly slow up the process and mitigate the intent.   1. I think Will's question (#5) is significant. Around the table today, many negotiators referenced existing pathways to innovations or pilots...but Ned's point on college stopout and failure rates is a clear indicator that institutions are not taking advantage of (or scaling) these pathways to innovation. Why? In my experiences working with many public institutions wanting to enter innovative spaces--the risk is too high. The process is cumbersome, costly, and the penalty risk of a public failure is too great. Is this proposal different from what can already be done...and enough to encourage institutions into new spaces? Christi |
| 13. | **Waivers & SAP** I appreciate the comparison of "waivers" to Satisfactory Academic Progress and appeals and academic plans. However, it is worth mentioning that in SAP/academic plans the standards are not waived, rather the individual is put on a plan that is designed to ultimately get them back in good standing with the standards. - Will Pena  *Comments:*   1. I agree with Will. If an actual waiver of a standard is necessary, there may be something wrong with the standard. There should be other acceptable ways to meet a standard. To maintain quality, standards need to be standards. Innovation comes when there are multiple ways to meet the standards. - Laura 2. Thanks to Will for pointing out that an academic plan under SAP is not a waiver, per see - it's a plan to get the student back on track and ultimately meeting the SAP standards. This seems very different from waivers as described at our last meeting. Karen |
| 14. | **Student-Safe Waivers: Gellman-Danley** I continue to think requiring the schools to be very transparent about innovation pilots with students and if the experiment fails -- don't make the student pay for a replacement course or courses. |
| 15. | **Student Safe Waivers - D. Phelan** I totally agree with Barbara's comment. Any innovation/experimentation should never be a penalty to the student. As institutions work to design, prototype and implement, there are sure to be failures...this should be understood as part of the work of innovation. That said, the process should be made clear to all concerned. It is enough that the student has lost time due to a failed pilot...they should not have to pay for the replacement course. |

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