

DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
NEGOTIATED RULEMAKING PROGRAM INTEGRITY  
AND INSTITUTIONAL QUALITY  
SESSION 2, DAY 3, AFTERNOON  
FEBRUARY 7, 2024

On the 7th day of February, 2024, the following meeting was held virtually, from 1:00 p.m. to 4:00 p.m.

P R O C E E D I N G S

MS. JEFFRIES: Thank you, and welcome back. I hope you had an enjoyable lunch and break. I am Cindy Jeffries from Federal Mediation and Conciliation Service (FMCS) and I will be facilitating this afternoon for the parties. As a reminder, the public link is different for the afternoon session than it was for the morning, please make note of that. If you get inquiries, please let people know. Secondly, if you left the meeting and you've come back, please check your naming conventions as they do switch back when you leave. You will need to adjust those. That having been said, Barmak, is there a report out from the caucus to share?

MR. NASSIRIAN: [Inaudible] explain what we were doing. The group of us that met with the Department have submitted a set of written proposals to the committee. We wanted to flag to the Department, primarily because some of the edits we suggested don't have a natural place necessarily where they would arise in the conversation. If the conversation is pegged to the draft that the Department has put on the table, and the feedback we got from the Department was to raise the issues during the full committee meeting. Nothing we said to the Department includes anything that the committee doesn't have and nothing that the Department

told us is any different than you will hear during the conversation should our issues come up. We appreciate the opportunity.

MS. JEFFRIES: Okay. Well, we thank you for that report out, Barmak. We are going to move to the accreditation document now, which is a very lengthy document. We have the rest of today and all day tomorrow set aside for it. Just a few quick reminders that as we walk through this, it is very helpful for the Department if you use your time to bring new concerns, conceptual language ideas to the table as well as clarifying questions for them. If you have conceptual language, that's great. Please feel free to bring it forward and place it in the chat. As always, the Department will accept written proposals from the negotiators, and we'll talk about the timelines for those at the end of the day tomorrow. Are there any questions before we get started? Okay, wonderful. I am going to turn it over to Greg Martin and Herman Bounds and Donna from the Department.

MR. MARTIN: Go ahead, Herman, whenever you're ready. Okay.

MR. BOUNDS: Alright. I was gonna ask, you want me to go ahead and start? Okay. We're going to show the reg text document? Yeah. Thanks, Vanessa. Alright, so the way I plan on doing it is go through

each section as a whole. Then at the end of this, a review of each section, have some open discussion and then take a temperature check. Some of the sections folks are too long and you want to stop and talk about a specific provision, let me know. Otherwise, I'm going to try to get through one whole section and then open up for discussion. First we'll start with our definitions. Vanessa, most of these earlier are minor changes. If you can get down to, right here you'll notice that we removed the def- institutions of higher education, but we have replaced that, you'll see here where we define institutions. Again, if you would scroll down to the definition of institution. We have changed that, we also reference back to 600.4, 600.5, and 600.6. Then appropriately below that we have changed that definition, as we go through this portion of the definitions. Vanessa, I'm going to ask you to scroll to- also scroll down to the definition of program. It's not noted here, but we did make a change there. You can scroll up, I'll tell you what page it is. Definition of program, I gotta find it myself here. If you'll notice here, under the definition of program, we removed the phrase offered by an institution of higher education and, we have taken that portion out. You guys don't see that, but that was there in place, and we have just removed that.

MS. JEFFRIES: Herman, could you tell us what page that is on so that people that are following on their own copies can readily find it? Thanks.

MR. BOUNDS: Yeah, that looks like it's on page six. Any questions there? I just wanted to point that out to everybody and make sure that you are aware that was a change. If we move down now to representative of the public. I also want you all to excuse my head movement. As you can imagine, I have a couple of different documents and screens open here that I'm that I'm referring to. If you look at the definition of representative of the public, we did take a lot of suggestions from the committee under Representative Public. Then, we also put in a maximum time, I think it's at five years. That would disqualify someone from qualifying as a public member. You can scan down bottom of page six. I'm sorry, Vanessa, I'm going to go to the bottom of page six, and that's where we added that into the regulation about who has served in the last five years. Then you can go ahead and go down to page seven. All of these suggestions, of course, I think were from the last discussions that we had about public member. I think the next one is probably going to be under substantial compliance. We had a lot of discussion here about substantial compliance. What we added was to

address the issue of, an institution who had basically compliant practices, but they needed to update the policy to reflect the compliant practice. We wanted to add that in because that was not in the definition I think that we discussed previously. We took the definition of public memory too, from 600.21, I think, for better alignment. Okay. If we then go down and I think that takes us out of the definition section, I believe. At this point now I'll open up that definition section, to discussion from the committee.

MS. JEFFRIES: Okay. Any questions?  
Comments? Jamie.

MS. STUDLEY: Thank you. We agree with the Department that it was time for a redefinition of public members. It was the one we had before was too much and too little and didn't really get at the spirit of assuring that there were members of accrediting agency commissions that have perspectives that they bring from other than higher education. Many accreditors had already accommodated that and paid attention to having people on their commissions who honored that spirit. For example, for my own agency, we counted all the ones that met the Federal definition but went beyond that in aiming for one-seventh who met a definition closer to the one that we're talking about here. We certainly appreciate

the Department's moving from an absolute or eternal bar to a five-year provision and we think that's a reasonable one and reflects a good balance. I'd also like to briefly mention that this isn't the only way that we get public input into the work of commissions. It's smart and it's also required that we consult with members of the public when we are considering important changes, including development of our standards. That's not just an empty gesture. My agency, for example, in looking at our new standards, convened meetings at two stages of our standards review process. We consulted with student organizations and with people who have historically had suggestions for improvement in accreditation, including TICAS, Veterans Education Success, the Century Foundation, and others. This public member section isn't the only one. We would like to relook at the scope of the family members provision. Spouse makes sense, especially because there are financial considerations. We realize that there are trying to imagine where there could be mischief at the greatest extent. But, again, here, having a grandchild who is cleaning test tubes in the lab for the college they attend. Does not seem a reasonable basis for precluding an otherwise eligible experienced member of the public from serving on a commission.

MR. WEATHERS: Jamie, you have 30 seconds left.

MS. STUDLEY: I'll end my point there. I may want to return.

MS. JEFFRIES: Thank you, Jamie. Laura.

DR. KING: Hi, thank you. I'll pick up where Jamie left off. My comment was wondering why the number five was replaced with the new number five. Because honestly, it borders on the absurd. A spouse's step sibling maybe a nurse that works at a university hospital. Does that preclude that person from serving as a public member, if their spouse's step sibling, or grandchild has some, connection with the university? That doesn't make any sense to me. I think definitions-immediate family members would be a better definition in this place. I think the definition that was there previously was really perfectly adequate. I don't know if, Herman, there's some reason why this was changed and expanded in such a way.

MR. BOUNDS: Yeah, I think this was based on the recommendations of the committee last time. But we'll take this and go back and look just to make sure.

DR. KING: I'm just afraid folks

won't even know that there's a conflict according to this definition because the family relationships are so obscure. Thank you.

MS. JEFFRIES: Thank you, Laura. Carolyn Fast. Carolyn, can you hold up one second? I see Donna from OGC has her hand up. Donna, did you want to speak on that?

MS. MANGOLD: I just want to say that we took the definition out of 600.21. It's the same definition that we use in the other part of our regulations to be consistent here.

MR. BOUNDS: Thanks, Donna.

MS. JEFFRIES: Thank you, Donna. Carolyn, now you're on.

MS. FAST: I just wanted to offer some support for the Department's approach here. I think the issue of who serves as public members on accrediting agencies is actually a very important issue. And there's- it is an issue that we are supportive of these changes. In particular, I wanted to draw attention to some research that shows that many public members are from other institutions of higher education. There's a piece that shows that as of January 2019, 22 of 69 public members on commissions were from institutional backgrounds. We think that these are important changes

that will address these concerns. We support the Department's working to make this a more clear prohibition to ensure that these are actually public members that are independent of institutions. Thank you.

MS. JEFFRIES: Thank you, Carolyn.  
Barmak.

MR. NASSIRIAN: Two separate points on this. One, addressing the public member issue. In candor, I'm a little confused. In a country of, 335 million people, what is so unique about these family-related individuals that somehow makes their limited supply of public members. Somehow forces accreditors to go after relatives of higher ed insiders? I just don't understand that. Particularly given how candidly insignificant their participation is in these boards. So that's one comment. The fact that a fairly small class of individuals may be excluded doesn't rob accrediting bodies from available, - individuals who could serve in that role. I don't understand, are they using them as experts? I remember Laura made the point that they're public members also lead various accreditation teams, et cetera, et cetera. Well, that's the way they do it. They don't have to do it that way. The public member is supposed to be a validation, common sense, sort of validation of process to people who are not insiders. So

that's one point. The second point, which exceeds what is in the Department's draft, but was a proposal we submitted, has to do with the fact, as I said, that in some ways the Department is putting a steel door on a rotten wooden frame. We're here obsessing about the one or two or three members of these boards who putatively represent the public when everybody else is an insider. I don't think accreditation was intended to have executives and fiduciaries of regulated entities calling the shots. It was supposed to be educators and people who understand curriculum and pedagogy. They're supposed to be subject matter experts, not presidents, chancellors, and vice presidents [inaudible] of regulated entities. I want to re-up the proposal we submitted to the Department in writing. We also cited the statutory basis for the [30 seconds] Department to pay some attention to that dynamic, that obsessing about public members without addressing the composition of the rest of these boards is very problematic and inadequate. Thank you.

MS. JEFFRIES: Thank you, Barmak, appreciate your comments. Jamie.

MS. STUDLEY: What Barmak is referring to as obsessing is dealing with the section in front of us, which has specific consequences. There are, of course, many people who could serve these roles, but

there are some who are particularly prepared or likely to be effective and willing to take on a big job. Being a commissioner involves substantial review of complicated material, and meetings, and that should be constrained only where necessary. We should have an explanation for why the family relationships that Laura mentioned need to be so broad. Carolyn makes a good point about the importance of independence. What I would suggest is that in the years since 2019- I just think that the summary that- from 2019 is outdated. There's been a lot of change in agencies in moving toward as NACIQI has discussed this, as we have looked at our provisions, there's been a lot of movement. Finally, I'll speak for myself, but it may be true of others. Anyone who meets the public definition would be counted in the numbers that you were describing, even if the agency also had met the one-seventh or more of public members who met a tighter definition. I respect you trying to draw on what facts are available, but I think those are outdated. The issue about fiduciary obligation, I think fits somewhere else I don't think we should cover it here.

MS. JEFFRIES: Okay. Thank you, Jamie, appreciate it. Laura.

DR. KING: I think that there may be a fundamental misunderstanding among some about what

accreditation is. It's not a federal process, it's not a state process, it's a peer review process. Peer being the key word. That's what it is, I think it's important that we all take that into account when we're talking about these regulations.

MS. JEFFRIES: Thank you, Laura.

Jessi.

MS. MORALES: I just want to address that. I think that many of us [inaudible] do know what accreditation is, and we have worked with a lot of the accreditors. Also, the whole point is to ensure that the education that is being provided to students are adequate and of quality. So, while this is peer reviewed, is with the intention of serving students. Just want to make sure that we keep that in mind and that we hold center to these conversations.

MS. JEFFRIES: Thank you, Jessi.

Barmak, something new?

MR. NASSIRIAN: Yes. I think I have a pretty good idea of what accreditation is. I just want to clarify that we're all on the same page as to what the difference is between accreditation in the abstract. As an entirely voluntary activity and secretariially recognized accreditation, which is subject to statutory and regulatory requirements. Accreditors I think it's

important to be explicit and candid in these conversations. Accreditors sometimes speak from two very incompatible and incommensurable points of view. When the issue comes down to Federal statutory requirements being implemented, they put a very heavy foot on the pedal of voluntary peer review and quality improvement. When there are conversations about severing accreditation from eligibility and removing it as a gatekeeping device for Federal purposes. They insist that they have a very valuable and important role to play in preserving the integrity of Federal programs. We are here to deal with them in that latter capacity, not in their entirely voluntary functions. Which they should be free to pursue on their own on the basis of self-selection of peer groups and whatever else they want to do. There is very much a statutory and regulatory element to accreditation that far transcends the, late 19th century origins today. Thank you.

MS. JEFFRIES: Thank you, Barmak.  
Scott Dolan is in for private nonprofit institutions.

MR. DOLAN: I do have some concerns, too, with, at least an understanding of the accreditation process, or at least the characterization of one's understanding of the accreditation process. When we speak of presidents and chancellors and then their lack of

qualifications. I suggest a quick review of the academic credentials of the large majority of presidents and chancellors, which show that they are more than qualified, both academically and professionally. Also, suggest that they get to that position or reviewed as part of our accreditation standards, as well. Standard seven for us within middle states, they have the appropriate credentials and professional experience consistent with the mission of the organization. I totally agree we should keep it to the conversation at hand with public. I get a little bit concerned about the nature and the inflammatory kind of comments that are made about the process, which prevents us from having a really good in-depth conversation about the issue at hand. So just a quick response.

MS. JEFFRIES: Thank you, Scott, for your comments. We have Magin Sanchez in for civil rights consumer advocates constituency. Magin, something on definitions?

MR. SANCHEZ: I do on the [inaudible] definition. I think the importance of I won't say I'm an expert on accreditation either. Wwhat I will say, though, is I've served on different student roles on boards, for example, the largest student proponent of career technical education was a member of the state

board of that foundation. I'm not going to say, I knew necessarily everything that was going on there, right? I think it's important to have that voice of you who are necessarily tied into the process, right, because it gives that different perspective. I think you don't necessarily always want people that are, completely tied into these decisions, right? You want to make sure there's that common sense perspective, right? In terms of, presidents be included and whatnot. It's great they're qualified, but there's a conflict there, right? The conflict of interest there. I think that's where, I support this initiative, because I just speak from personal experience. It adds a value to that. I think that's just good practice beyond just, you know, good policy.

MS. JEFFRIES: Thank you, Magin. Just a quick note, Jamie, before we get to you. Erika is back in for private nonprofit institutions. Jamie.

MS. STUDLEY: I certainly agree with Magin and the other commenters about the importance of balance, including public members. Got a lot of things going on here. Accrediting agencies are nonprofit organizations with an educational mission, and that is voluntary. Like the other nonprofits represented here, we operate under state laws and our own conflict of interest

policies. Because we have voluntarily assumed a role and put ourselves forward to be approved by the Federal Government to allow institutions and the Federal Government a way to decide who should get Title IV. We also have Federal requirements an extensive review process determined by the government. We have done that if we can maintain our educational purpose as a nonprofit and will honor those commitments. On the wider question of who can serve on commissions of accrediting agencies, Congress has recognized that this is a peer review process. We understand that an effective peer review process also benefits from public perspectives. I'm going to say something here with the greatest respect, and I would ask for similar respect in return. Many of the nonprofits participating here have board members who work for organizations or industries that the organization may on occasion question, criticize, perhaps even sue. All of you have figured out ways for people to absent themselves when they should, when it's not appropriate for them to be involved. You've also, like us, have been willing to take positions that are counter to the organizations that your board members represent because they are there for the purpose of your organization. I'm going to name some names because I have a lot of respect for these groups. The Century Foundation has trustees who

work for universities, so does the National Consumer Law Center. Veterans Education Success has a board member who appears to consult to colleges and their leaders. Every one of them has found a way to stand up for what they consider is important. I do not question their ability to pursue issues or matters that may not be viewed with favor by those organizations. UNIDOS has board members in the entertainment industry, and yet, I think your board considers itself willing and able to ask about practices in the entertainment industry. The Department has not cited problems along these lines at a degree that should stifle our ability to have people like the former head of TICAS, the governor of West Virginia, bank presidents who meet our sense of commitment to public service in this way. The decisions that we make are public [30 seconds]. The Department reviews them, and they review our processes to get there. There are lots of things that we can improve, but this is not a place that we should strangle our ability to carry out our functions.

MS. JEFFRIES: Okay. Thank you, Jamie. I am now going to bring us back around to the section on definitions that Herman has laid out for us. Herman, there are no further hands. Do you want a temperature check on this section?

MR. BOUNDS: Yeah, I think we need to

do that based on all the comments. Yes.

MS. JEFFRIES: Okay, great. Thanks.

If we could see thumbs, and reminder that a temperature check is just a way of measuring, where the committee's thoughts are, the process, where they're at with it. It is not a vote. Okay? With that, can we see your thumbs, please? Give us a minute to record. This is on definitions only. Barmak, you have a question?

MR. NASSIRIAN: Did we talk about substantial compliance? That's in the definition section, isn't it?

MS. JEFFRIES: Yes, we did.

MR. BOUNDS: Yes.

MR. NASSIRIAN: I don't want to use up the committee's time. I just want to flag for the Department's attention that we submitted some edits on this language. We would appreciate some consideration of what we've submitted. Thank you.

MS. JEFFRIES: Okay. Thank you.  
Carolyn, question?

MS. FAST: I just wanted to note that also in the definition section, I don't know if it's been said, but we suggested adding an individual with fiduciary obligations to a regulated entity as someone who also couldn't be a public member. I just wanted to

make sure that was included in the consideration of the Department, when they look at whether to make changes to the section.

MS. JEFFRIES: Thank you. Jamie.

MS. STUDLEY: I was going to ask you to pop the language up so that we are clear that we're looking at the Department's language when we vote, and not the other suggestions. Carolyn's just brought in something that they wrote, but we haven't had a chance to discuss.

MS. JEFFRIES: Right. We are not taking a temperature check on anything other than what was sent to the negotiators from the Department that FMCS sent out. That is the language that we're doing the temperature check. I would like to suggest if you have submitted proposals that are not reflective throughout this document, that you make those requests in the chat or resubmit your proposals for session three. I hope that helps, Jamie, answer the question. If we share the document, we can't see the screen of thumbs.

MS. STUDLEY: , I understand the points about the proposals is that there in the mix. The groups hasn't had a chance to discuss them. I don't want to stand in the way of your vote. I did have a short comment about the substantial compliance.

MS. JEFFRIES: Okay.

MS. STUDLEY: If we're voting on that  
as well.

MS. JEFFRIES: Y It's the entire  
section there.

MS. STUDLEY: Right. The Department  
has sometimes had to figure out what to do when an  
accreditor has not had the opportunity to use a practice.  
If you've never encountered something, they need to be  
clear and you can't expect that they will. What if an  
agency has never had an appeal? Its policy has never been  
applied. I just think they need to be sure that we  
understand what a word like enact a policy means. Does it  
mean have one, or does it mean enact a policy or  
practices? That's where some of uncertainty has come up  
as Herman well knows.

MR. BOUNDS: I'll replay real quick.  
What we're talking about here is that this is a situation  
where the agency has- their practices are compliant.  
We're saying now that you just need to apply policy to  
reflect your compliant practice. I think, Jamie, what  
you're referring to is a situation where policy is right.  
However, because of the timeframe, an agency just hasn't  
had an opportunity to apply policy and we take other  
things into consideration there specifically. One, what's

the likelihood of a situation occurring where an agency would be able to demonstrate the application of [inaudible]. We do treat those things separately from what we would classify as a substantial compliance situation.

MS. JEFFRIES: Thank you, Herman.  
Barmak.

MR. NASSIRIAN: I am a little concerned about what was just said because, policy it's a written declaration. The policy can be right, the practice can be wrong, that is noncompliance. When your practices don't actually accomplish the things, you're supposed to be accomplishing. We're very comfortable with substantial noncompliance being paperwork related, that you're doing the right thing. You're just not taking care of the paperwork adequately that is sufficiently compliant not to be of concern, and that can fall into that purgatory of substantial compliance. The idea that somebody has good written policies and just happens not to enforce them does not strike me as substantial compliance. It's substantial noncompliance.

MR. BOUNDS: Barmak, not to carry this on, but that's not the situation that I was hopefully describing. I'm describing a situation where an agency has compliant policy, but that situation may or

may not occur within that five-year recognition period. It's not that they have done anything wrong, but to hold them, to find someone noncompliant for some situation, again, that may not occur. They haven't had an opportunity during that recognition period to apply that policy. I don't think we can hold them noncompliant because they haven't applied it. That's the situation I'm trying to describe.

MR. NASSIRIAN: Aren't those situations if then situations? If something happens, we will do X. It never happened, therefore you never had to do X.

MR. BOUNDS: No, I'm just saying if an agency has a policy to comply with one of our regulations, that particular situation has never occurred during the recognition period, I can't hold an agency at fault for that.

MR. NASSIRIAN: We wouldn't want you to.

MR. BOUNDS: That's the difference between what we have here and the definition that's different from the definition that we have here under substantial compliance.

MS. JEFFRIES: I don't know if it's just me, but I don't see Herman. Did your camera get

turned off accidentally or?

MR. BOUNDS: No,

MS. JEFFRIES: Okay.

MR. BOUNDS: That was my fault. I am  
sorry about that one.

MS. JEFFRIES: No worries. I was  
searching and searching going maybe it's just my eyes. I  
don't know.

MR. BOUNDS: If you heard me that's  
the main point.

MS. JEFFRIES: We heard you. Thank  
you, Herman. Seeing no further hands, let's go ahead and  
take that temperature check on the language that was sent  
out by the Department as written. If I could see thumbs,  
please. Give me just a minute here. Oops. Thank you.  
Those that were thumbs down, indicating dissent with the  
language. Is there anything new that you would like to  
add to your concerns before I have Herman move on to the  
next section. Anything new? Great. Thank you all for  
that engaging conversation. Herman, you want to move on  
to the next section.

MR. BOUNDS: Should be Federal link.

MS. JEFFRIES: Link to Federal  
programs.

MR. BOUNDS: Link to Federal programs,

yes.

MS. JEFFRIES: 210, correct?

MR. BOUNDS: That is correct. We talked about this quite a bit during our last session. The first part of course is deleted language. However, in this section, I think the main points here that we have that remain is the requirement that both the institutional accrediting agency and a programmatic agency. They would have institutions or programs that are currently participating in that Federal link to qualify as a Federal link. Those two key points remain here. Last time we did leave in the exception that if you are an agency seeking initial recognition. You would just have to demonstrate that upon your recognition that you have either an institution or program that would use the accreditation of that agency seeking this recognition to participate in HEA or non-HEA program. With that said, I will open this one up for further discussion.

MR. ROBERTS: You're muted Cindy.

MS. JEFFRIES: I'm sorry. Herman, you, and I, we need to get together here and get our buttons straightened out. I apologize. Laura, you are up first.

DR. KING: Thank you. I'm going to read so I can be succinct. I want to express my strong concerns about the Department's interpretation of statute

and the unintended consequences it will cause for students, programs, and accreditors with this proposed language. I have several points related to this issue. First, as context for my fellow panelists, since we have been so focused on Title IV funds. There are other non-HEA links that call for recognition, including research grants, homeland security requirements, and depending on the field. The VA has requirements for students coming from programs accredited by recognized accreditors for residency placements. As well, the VA won't hire some professionals if they have not completed a program accredited by a recognized accreditor. These are examples of some of the Federal links that programmatic accreditors have. First, the term used in statute is enable, which means to make possible, not to occur. It will follow that if the Federal link exists, the Department is statutorily required to recognize the accreditor, whether or not a program is planning to take advantage of that link in the current year. Statute allows for that potentiality. Second, I would like to refer the Department to a new provision of 668.14(b)(32) romanettes 1 and 2 that indirectly ties programmatic accreditation to Title IV. This regulation will take effect on July 1st, 2024. It specifies when accreditation is needed for licensure, the program must meet all

requirements for student eligibility for employment in the state that it is located. Some states require programmatic accreditation from a recognized agency. Third, circumstances change over time. In some years, there may be several programs taking advantage of an accreditor's link, and some years there may be few or none. If during the year that an accreditor is up for recognition renewal and the link is not being used, then the accreditor would lose eligibility for recognition. Then the next year, a program requests access to the link, so the accreditor must apply for recognition to provide that access. The program is very likely to miss the opportunity to apply for the linked Federal funding with the time that it takes for an accreditor to become recognized. This situation would also increase the administrative burden on the Department and the accreditor. The concern that the Department does not have administrative and fiscal capacity to recognize accreditors if they currently do not have programs needing access to the advantages provided by the Federal link has not been fully thought out. If based on workload, then the proposed changes made regarding recognition should suffice to ameliorate that. Workload is not an acceptable excuse for the Department to disadvantage programs and students.

MS. JEFFRIES: Thank you, Laura.

Barmak.

MR. NASSIRIAN: I have to say that the Department's rationale resonates with me. I have a question for Laura that might help me better understand the issue. Obviously, when I think about potential linkages that are not in actual existence at a given moment in time, that could include any accreditor. I mean, any accreditor could potentially have a future link. My concern is that you would be opening up the entire universe of would be wannabe accreditors to queue up for recognition. Regardless of how tenuous the future likelihood may be that they would in fact be in a position to enable certain programs to be federally funded or federally financed. One question I have for Laura is, are there examples of accreditors that are the only show in town for a given potential purpose? In other words, is there an example of, if this particularly dormant accreditor with a potential future need is not approved. That somehow an entire industry or an entire line of employment or an entire line of financing would be locked up? Aren't there choices to be made by beneficiaries?

DR. KING: Not in programmatic accreditation. There are a handful of professions that

have more than one programmatic accreditor. Education is one of them. Business is one of them. But no, most programmatic accreditors are, in fact, the only game in town.

MR. NASSIRIAN: I don't want that. I want the subset that consists of accreditors that are the only game in town and have only a potential link to a Federal program.

DR. KING: I'm talking about agencies that have had a Federal Link that is existing. I'm not talking about that. There's no grant program at all that mentions the accreditor. In case they might have a link, then they should be recognized. I'm not talking about that. I'm talking about that there are grant programs as an example that do. Require accreditation by a recognized accreditor that currently exists. It's just that an institution or a program may not be taking advantage of that link right at the current moment.

MS. JEFFRIES: Okay. Thank you both for that. Any other comments, questions, suggestions regarding 602.10, the link to Federal programs? Jamie.

MS. STUDLEY: Yeah. Just to underscore, Barmak, what you're hearing from Laura is that there are programs that very specifically mention a named accreditor. That is the only way in, if the

government agency, for example, doesn't do a grant offering that year. There would be nobody who would need the approval in that cycle or coming through for them, but they would still be the only avenue allowable in that field. I'm fine [inaudible] Laura's comment about [inaudible] to be compelling. At the same time, I think we all appreciate that the Department is using, in a sense, educational accrediting expertise to advance the mission of another Federal agency without support for doing it. Laura and I tried to think about other ways to achieve the same purpose. It's unlikely that the other agencies are going to, give, Herman and Antoinette the money to fund the reviews. In trying to seek a solution, the Department might use its risk-based approach to think about whether non-Title IV purposes could operate under a more specific or shortened review or set of criteria, as the Department did for some period. Having selected a set of requirements that were met, unless there was a reason to need to dig more deeply. It does seem fair to try and solve this problem so that, agencies that want the qualitative assurance of a programmatic review have those entities available to them in some way that's not, overly burdensome for the Department.

MS. JEFFRIES: Thank you, Jamie. I don't see any further hands. Herman, were you able to

get what you needed in this discussion?

MR. BOUNDS: Yeah, I did. I think there were a lot of discussions, I think on our point where we didn't make any changes again, because we, we believe that if a accrediting organization accredits 2 or 300 programs, we're only asking them to demonstrate at least one of those programs participate. Again, the Federal Link is about a program participation and institutional participation, not about a student participating. It's about that program being required to participate in that link. We'll take back the discussions and have further discussions amongst us.

MS. JEFFRIES: Okay, thank you. Laura.

DR. KING: I can think of a specialized agency that accredits eight programs. It's not always 2 or 300 programs that could take advantage of a link. Sometimes it's much smaller end than that. I just wanted to be sensitive to all of my colleagues and their specific needs.

MS. JEFFRIES: Thank you, Laura, appreciate that. We're going to go ahead and take the temperature check on section 602.11. I'm sorry, 602.10, Linked to Federal programs. We are going to begin, instead of just trying to capture a count of dissent, we are going to call the name of dissent so that we're sure

we don't miss anyone, and we get an accurate count and accurate understanding. Those of you who have participated in these before knowing that is how we have done it in past ones. With that being explained, let's go ahead and show the thumbs, please. I show Laura Rasar King as thumbs down. I show Jamie Studley and Jason Lorgan as thumbs down. Those are the only thumbs down I see. Am I missing anyone? Thank you very much. Appreciate it. Thanks for working with us on the change. We want to make sure we have accurate reading. With that, Herman, I think that takes us to the next section with change.

MR. BOUNDS: It looks like

MS. JEFFRIES: 602.12?

MR. BOUNDS: Yeah, accrediting agency experience.

MS. JEFFRIES: Alright.

MR. BOUNDS: I think we made some minor edits here under accrediting agency experience. Nothing really, significant that stood out here. I'm willing right now to open this one up for discussion if we need to. I will highlight that some of this language under accrediting experience was removed from the recognition process. I think it was 602.32, I believe.

MS. JEFFRIES: Great. Thank you, Herman. I see Jo, you have your hand up.

MS. BLONDIN: Yes. I just wanted to thank the Department for considering under 602.12(b) romanette 3, the language change about the agency's capacity. Thank you.

MS. JEFFRIES: Thanks, Jo. Any other comments on this section, 602.12? Jamie? I think you're on mute, Jamie.

MS. STUDLEY: Just wondering how the term effective in A2 would be defined or understood.

MR. BOUNDS: The A2.

MS. STUDLEY: Conducted effective accrediting activities.

MR. BOUNDS:

MR. BOUNDS: I think that would be our overall look to see how proficient the process was, whether there was a sufficient review of all required standards. I think we're just saying there we would have to evaluate the overall review and accreditation process that the agency has undertaken and undergone. It would be a broad-based review to determine effective.

MS. JEFFRIES: Okay. Barmak.

MR. NASSIRIAN: Y I am a little puzzled as to why the Department has decided to take the

much more understandable and concrete requirement that agencies explain their budgetary requirements, in favor of what I view as just sort of, frankly, platitudes. I mean, if an agency is undertaking a substantially increased workload, they need to explain in numerical terms what the consequences of that might be for their budgets. Otherwise, what all you end up with is the typical again essay question that says, well, we'll do a good job because we believe we have adequate resources. There's really no specificity and no concreteness to that claim that can be examined by the Department, at least for purposes of interrogatories, so that you can ask them, hey, you're doubling your workload, not your budget. How are you going to do that? That at least forces them to tell you something a little more than just a vague assurance that they're up to the task. I would really hope the Department reconsiders the inclusion of at least specific addressing the budgetary requirements in explicit terms. Thank you.

MS. JEFFRIES: Thank you, Barmak. Any other comments on 602.12, accrediting experience? Alright. Seeing none, Herman, ready for the temperature check? Herman's gone again. There he is. Let's go ahead

MR. BOUNDS: I was going to say, is it helpful if I turn my camera off during the

temperature check, or does it bother you if I leave it on?

MS. JEFFRIES: No, it doesn't bother me. You scare me when I can't see you.

MR. BOUNDS: I think that's what's causing me to be absent here.

MS. JEFFRIES: No worries. Alright. Can we go ahead and see the thumbs, please? Jason, I see. I am not seeing any thumbs down. Did I miss something? Wonderful. No thumbs down on section 602.12 for the temperature check. Herman, you want to take us to the next section with change?

MR. BOUNDS: Yeah, we're looking at 602.13, acceptance of the agency by others. Again, we elected to keep this in. However, we did take suggestions from the committee. This provision is applicable to agency seeking initial recognition as you all see. We struck through the requirement for the renewal of recognition. You can also see some additional changes in, 602.13(b), where we say that we'll rely on accreditation by the agency to establish eligibility to participate in HEA or non-HEA programs. So at least one institutional program. Those were the minor changes. I think again, the larger change was that we made it only applicable to agencies seeking initial recognition. I'm

happy to open up discussion on 602.13.

MS. JEFFRIES: Thank you for that overview, Herman. Barmak.

MR. NASSIRIAN: Throughout these conversations, we often make the comment, all of us, that the primary intended beneficiary of these programs are the students. I see the enumeration of the kinds of support that the Department is seeking. I'm struck by the fact that no consumer protection or student advocacy group is named as, at least on the front end, vouching that an entity's presentation of itself satisfies their needs. I would encourage the Department to consider that at least as one of the constituencies should really be in many ways co-equal with the practitioner constituency and the employer constituency. At the very least, they ought to be in there as folks who are consulted about the presentation of the agency as a reliable authority. To the extent that they have any consumer protection function, which they do, then it seems to me you really sort of want to have at least a mention of those groups as adding their voice to the mix.

MR. BOUNDS: Barmak, I did make a note of that, but if you could drop that in the chat too just in case I lose that place in my notebook, I'd appreciate it.

MS. JEFFRIES: Thank you both. Jamie.

MS. STUDLEY: I appreciate the Department's dropping the letter requirement for renewal on the basis not that we don't think input is a good idea, but that the existing opportunities for public comment directly to the agency and to the Department and NACIQI are sufficient to achieve the purpose. I would have no objection to Barmak's suggested expansion of (a) and as for (b), it maintains the former language on letters of commitment to participate. Just, as a general matter, it's hard to see how an institution could responsibly commit as far ahead as this. It could be several years to making a change to an agency while the wider landscape may still be changing. It's just hard to see how a board could make that decision without knowing all of the factors which they might not know for several years.

MS. JEFFRIES: Thank you, Jamie.

Jillian.

MS. KLEIN: Hi. Sorry if this was talked about in January. But in (a) where it says, and if appropriate, three employers or practitioners. How would an accrediting agency know if it was appropriate or not? I guess to me, that language just feels a little bit unclear in terms of if the accreditor is supposed to know

if it's appropriate or if the Department's going to tell the accreditor, or when it's not appropriate.

MR. BOUNDS: Our opinion would be, it depends on when you're looking at employers or practitioners, depends on the type of agency. If it's an accreditation agency who accredits mostly, occupational-type programs, we think that, the employer or practitioners, would be an active participant to have letters from because they would then have direct knowledge of the performance of maybe graduates or practitioners who may work in the same field. I hope that answered your question. Maybe it didn't.

MS. KLEIN: I think it did generally, but just question whether it would be appropriate and/or helpful to include a bit more. This is not my issue. Obviously, I'm not starting accreditation any time soon, so maybe defer to like Jamie and others. It seems like if I were an accreditor, I would want to know exactly what the requirements are, and not have language that wasn't quite as clear, but I'll leave that for somebody else to fight about.

MR. BOUNDS: Yeah. I would just remind folks too, in the review process, when we're looking at a new agency, there's a lot of back and forth before there is a no decision made of noncompliant.

Again, I think this would definitely be fleshed out in that discussion.

MS. JEFFRIES: Okay. Thank you, Herman. I don't see any further hands on 602.13. If it's alright with you, Herman, we'll go ahead and take a temperature check on that.

MR. BOUNDS: Sounds good.

MS. JEFFRIES: Okay, so we're taking a temperature check on 602.13, acceptance of the agency by others. Let me see your thumbs, please. I am not seeing any thumbs down. Thank you all. Herman, that takes us to the next section with change.

MR. BOUNDS: It looks like that takes us down to 602.15, I believe.

MS. JEFFRIES: It looks like that to me.

MR. BOUNDS: Right. I'm going to use the terms spotty changes throughout 602.15. The first paragraph, we added effectively carry out its accrediting activities. I think we discussed, how we would make that determination a little earlier. We added the suggestion of data and technical technology infrastructure, under the kind of, sort of this administrative and fiscal capacity of the agency. I think there was a recommendation, if I'm looking at my

notes here, there was a recommendation to bar certain individuals. I think that's where we get to that point, when we look at 34 CFR 668.14(b) and 18, of course, I'll ask my colleague, Donna, if she wants to, talk about those particular sections. If not, Donna, let me know and I'll keep right on rolling.

MS. MANGOLD: You can keep rolling. If there are any questions, we can answer them then.

MR. BOUNDS: Got it. Again, I think this is more, (4) is more cleaning up that sentence. We have educators and practitioners, employers, or both. I think those are all of some of the subtle changes in 602.15, administrative and fiscal responsibility. At this time, I'll open it up for any discussion.

MS. JEFFRIES: Laura.

DR. KING: Yeah, thank you. Can you talk about, Herman, what exactly is meant by data and technology infrastructure, since that is something new? What specifically is meant by that? What would meet that requirement?

MR. BOUNDS: Well, first of all, kind of looking at the agency as far as, maybe its use of data, technology capabilities of the agency. Maybe available computer technology or some of that sort of infrastructure it's not a definite, but I think some of

the discussions from the last, from the last go-round were sort of in that direction.

MS. JEFFRIES: Thank you. Jamie.

MS. STUDLEY: Hello again. Following on Laura's comment, the technology infrastructure seems like a reasonable thing that the Department might want to add at this point. Adding data would seem to get into a level of how the entity organizes its data that doesn't really go to administrative capacity and could get us into a tangle. I would suggest that the words data be deleted while leaving technology infrastructure to speak to the institution's capacity. You've already got requirements for administrative staff relating to knowledge of the kinds of data and systems and effective use with institutions and teams that would be the human side of the technology infrastructure. That's my point for now.

MS. JEFFRIES: Thanks, Jamie. Do you want to put that suggestion in the chat?

MS. STUDLEY: Sure.

MS. JEFFRIES: Go ahead. Thank you.  
Barmak.

MR. NASSIRIAN: Yeah, I wanted to address something else, but very briefly. Technology infrastructure devoid of data, I'm not sure, what do you

do with it? What is the use of technology and [inaudible] like printing letters or something? To whatever extent we care about outcomes which I know Jamie does, outcomes are data points. To not reference the [inaudible]- and I know that her agency actually does a fairly solid job on data collection and data presentation. But I do think reference to data is important because they are the only outcomes fact we have and not referring to them is problematic in my book. That wasn't why I raised my hand. I think, again, Jamie flagged the point when we were discussing public membership that my suggestion about the composition of boards and accreditation teams belong somewhere else. I think it belongs here. I would suggest, at the very end of 15 to strike provided that and replace it with except that the agency shall not include executives of regulated entities or individuals described in 34 CFR 668, etc., or individuals with a fiduciary obligation to a regulated entity, such as institutions of higher education. We've submitted language to that effect, but I think this is where it would fit rather nicely. I suggest that the Department and the committee consider that as a possibility. Thank you.

MS. JEFFRIES: Thank you, Barmak, if you'd like to put that in the chat, that'd be wonderful.

Jamie.

MS. STUDLEY: Barmak is right that technology and the people to manage and operate the technology are not the full story. I just don't think that this is the place to get at the agency's capacity to use effective data in carrying out its responsibilities. Those requirements are elsewhere, and they go very profoundly to what's expected of us. This is to talk about the administrative and fiscal capacities to support the more substantive requirements. just think it's putting it in the wrong category. You're right that the sophistication to do the job should be required and required elsewhere. I also believe that I read a suggestion in some of the comments about number six. I apologize if I've got this in the wrong place, but where it speaks about clear and effective controls, including guidelines to present or resolve conflicts. If there's anyone who thinks that is too thin the Department now does look at effectively carrying out conflicts practices and assuring that people do not participate when they shouldn't. If there is something simple that would expand controls and guidelines to actual practice, there would not be an objection. It may be that is handled elsewhere and similarly, the Department looks here at the guidelines at the operation of the practice.

MS. JEFFRIES: Thank you, Jamie.  
Carolyn.

MS. FAST: Yes. I just wanted to echo what Barmak was saying about the suggestion to include a prohibition on participation by individuals with a fiduciary obligation to an institution. Here in this spot, I think this would be a very meaningful change that the Department could make to address concerns about the independence of people who are making decisions. I think I just wanted to highlight this as what I see as one of the really critical opportunities for the Department to make a meaningful change here to improve the way that the accreditation system works. I appreciate that. I think Barmak may have just added some proposed language to the chat and that is language that was submitted already by some a group of negotiators. Thank you.

MS. JEFFRIES: Thank you. Laura.

DR. KING: I just wanted to note that prohibiting fiduciaries in a programmatic world would be nearly impossible. We're talking on visits or commissions. We're talking about law school deans, medical school deans. Would those be fiduciaries for programmatic accreditors? I think we need to think about the fact that a lot of those organizations or those individuals are important to our process at the

programmatic level.

MS. JEFFRIES: Thank you, Laura.

Barmak, something new?

MR. NASSIRIAN: Just to address

Laura's point.

MS. JEFFRIES: Okay.

MR. NASSIRIAN: We are not attempting to exclude expertise. Certainly, those folks can be consulted by accrediting bodies. More importantly, you don't need to have a dean. What you need is pedagogical experts. Presumably, the entire faculty are available to you. Just because you do something a certain way today doesn't necessarily mean that's the only way to do it. If there is one critique of accreditation that is quite prevalent on across the political spectrum today. It is that it has been captured by regulated entities for purposes that go beyond what it was supposed to be doing. It is not so much that these folks don't have the credentials. They have the credentials, but they also have a fundamental conflict that is then reflected in the terrible outcomes we see in accreditation. Nobody's saying don't talk to deans, don't talk to chancellors or presidents. Yes, they're important stakeholders and should be consulted. They shouldn't be decision-makers, given the fact that there is a fundamental divergence of-

potential divergence of interest. Aagain, I want to emphasize there is black letter statutory language that I believe prohibits the practice. The ubiquity of a practice doesn't make it right. Just because everybody does something doesn't mean it's compliant with the underlying language that we need to be following. Thank you.

MS. JEFFRIES: Thank you, Barmak. I make note that David Cohen has come in for a proprietary institution. With that, David, you are up.

MR. COHEN: I just had a quick question on 602.15 on the word educators, given that a lot of, postsecondary programs are taught by practitioners that aren't necessarily licensed teachers, if the Department has an expectation of what an educator would be in those situations. How did we define that?

MR. BOUNDS: We have never defined academic administrative personnel, educators, or practitioners. We really rely on the agency's definition. I mean, if you were to think about the difference between maybe an educator and an academic. Maybe an academic is a person who's, background has a lot of research background at a research institution level. An educator, who may be an instructor but just doesn't have maybe a research background. Again, we don't define

those. We let the agency define, , what those are. Obviously, practitioner is self-explanatory. We would understand that and understand employer. But yeah, we've never defined, educator or practitioner.

MR. COHEN: Thank you.

MS. JEFFRIES: Thank you. Jo.

MS. BLONDIN: Yes. To follow along a little bit with what Herman was saying about definitions of education or education and educator and practitioner. I just want to really lift that so much of accreditation is mission-driven and mission-specific. When we talk about research institutions, those aren't necessarily the educators and practitioners who are going to do peer review at community colleges. I just want to be really, really clear about the mission-driven process of accreditation. I also want to take deep exception to the fact that there are conflicts of interest that are rife in this process. They're managed. I'll leave it at that. Thank you.

MS. JEFFRIES: Thank you, Jo. Alright. Any other comments? Suggestions? Jamie.

MS. STUDLEY: Yeah. I need to come back to the comment about barring fiduciaries from participating. This would be a fundamental change in the way that we draw on various forms of expertise. On the

specific level, this is not just pedagogical expertise. There's a great deal more that we are asked to look at that includes the expertise of business officers of institutions and, senior officials, including CEOs who are in the best position to judge things. Like the ability to meet our standard on integrated institutional planning, financial sustainability, and so forth. I have a great respect for faculty, but not all of them have these capacities. Many of them go to the overarching questions of whether the institution can deliver at a quality level, the program that they're designing. Second, it's partly in search of a problem. If an accrediting agency is being starved in its budgeting by people who do not want it to be effective, we have a staff of expert people at the Department who inquire about that. Third parties can comment if they think that's a problem. An institution should not be federally recognized if it's in that situation. But the way to get at that is to assure that we have the kind of- effective open process for Federal recognition. Not to constrain the activities of a nonprofit organization that is meeting the Federal standards and is required to provide the institutional support, or the, administrative support and capacity and to carry and to follow up on standards that have been set in the public eye, and to

the satisfaction of the Department.

MS. JEFFRIES: Thank you, Jamie. We're going to take one last comment on this. Then move forward with a temperature check and then an afternoon break and then continue with the document. So, Barmak.

MR. NASSIRIAN: Three points. One, it's important not to mischaracterize each other's positions by no means. I've said it before, I want to be explicit. We do not wish to exclude fiduciaries, executives, owners, their cousins from being available for purposes of consultation of providing insights. All of that. The issue is, should they then be able to also make decisions about the entity that is charged with overseeing their own operations? That's one point I want to make very clear. The second point I want to make is that, the way our system is being described, makes it sound like accreditation is working extraordinarily well and that somehow this radical change. I do concede it's a radical change, but it's a meaningful change. In candor, it's the only meaningful change this committee is considering. People are acting as if everything is hunky dory, and somehow a group of know-nothings are coming in without understanding what a magnificent Swiss watch they are breaking up. Look, ACICS was deemed to be a reliable accreditor until nothing, but disaster was left in its

wake. There is plenty of evidence of it not- people take offense at the suggestion that there is a conflict of interest. Please understand, we're not pointing any fingers at any individual as personally conflicted. It's an ethos, it's a mindset, and more importantly, it runs on a spectrum that may not be represented on this committee. Perhaps for all I care for 90% of participating institutions, but for the 10% where it is frankly obvious to anybody who cares to look, it is victimizing a lot of people. We have too many vested interests making decisions, sitting in judgment of their own selves and their own industries, and causing real heartache. You've heard from some of the victims during these proceedings and previous ones. It is not like what we are suggesting [background talking].

MS. JEFFRIES: I'm sorry. Someone is off mute.

MR. WEATHERS: 30 seconds remains.

MS. JEFFRIES: Okay. Barmak.

MR. NASSIRIAN: I just want to make sure people don't look at this as a theoretical issue. The kinds of concerns we are expressing are evident in the outcomes associated with accreditors.

MS. JEFFRIES: Thank you. Alright. Scott Dolan is back in for private nonprofits, just as a

note. That was the last comment on section 602.15, administrative and fiscal responsibilities. Let's go ahead and take a temperature check if you're ready, Herman.

MR. BOUNDS: I think we're ready.

MS. JEFFRIES: Alright. Let's see the thumbs. I keep wanting to say, show me the thumbs. Barmak Nassirian is a thumbs down. Hang on Carolyn Fast is a thumbs down. Jessi, you are thumbs down, correct? Scott Dolan, you were okay, right? So those are the dissents. Anything outside of what's already been stated, pertaining to the section from those who are thumbs down, please, let us know by raising your hand. Doesn't look like they have anything new so that they did a thorough job of explaining their concerns on that section. It is 2:23. I'm going to suggest we go ahead and take a break. Herman, how long a break would you like? 10, 15 minutes ?

MR. BOUNDS: 15 minutes? Is that too long?

MS. JEFFRIES: No, that's fine. Okay, let's make it 17. It's 2:23. So, let's come back about 20 minutes to 3:00, and then we'll continue through this document right up until public comment at 3:30. With that, we can go ahead and pause the live feed. Welcome

back from the break. We're ready to pick back up where we left off, which I think, Herman is 602.16, accreditation and pre-accreditation standards.

MR. BOUNDS: Yes, you are correct. Alright, so under 602.16, I would expect some passionate discussion here. We made changes here, based on recommendations from the committee. I think here in the first highlighted portion here, we included the accreditation standards must set forth clear expectations. I think we added that to language. If we scroll down I think we talk about in here the use of using reliable data- see where that change is. Yeah, it's in that first paragraph, I'm sorry, if you can go back up. too much going on here. Then we added here, where appropriate, consistent, and reliable data, which may include, Federal data. Those are the major changes that we added under 602.15. I think there , that is really it. At this point I think we can open discussions on 602.16.

MS. JEFFRIES: Scott Dolan.

MR. DOLAN: I guess first question would be for further information about how an accreditor or an institution might collect information or define what minimum expectations for the development of curricula might look like. Given the pedagogical

expertise of different constituents who might have proposed this. It would be helpful to kind of have a clearer understanding of what this would look like in practice. Given the variety of programs and types and disciplines and the role that the faculty play in developing curricula according to standards of varying types. It just would be helpful for us to kind of fully respond to this if we were clearer on, what this would look like in practice.

MS. JEFFRIES: You want to put those questions, Scott, in the chat, because it doesn't seem as though the Department has a response right off-hand, and we don't want to lose track of it.

MR. BOUNDS: I'm sorry, was that question for me or was it for other members of the committee?

MR. DOLAN: I would suggest it could be for both, right? Because at least what I heard was that this was included as part of the language based on some of the proposals that other negotiators had put forward. I don't think it was any of the proposals that institutions of higher ed or accreditors put forward. I think it would be helpful to hear from both the Department and the other negotiators about what the rationale would be and how we would go about doing this.

As someone who oversees academic programs and business technology and liberal arts, it would be helpful for me to have a little bit of more guidance around what we might be looking for here.

MS. JEFFRIES: Laura.

DR. KING: I just wanted to ask about the authority of the Department to regulate in this area. I wanted to call out specifically language in the statute since I know probably not everybody has it in front of them. It says, notwithstanding any other provision of the law, the Secretary shall not promulgate any regulation with respect to the standards of an accrediting agency or association described in subsection (a) (5). 'd like to hear maybe from the Department about their thoughts about the authority on this issue.

MR. BOUNDS: Of course, I'll ask my colleague to join, too. We don't think that putting this language bridge that boundary. We're not setting benchmarks or any of those things. I think this language here is just saying that they must, set forth some clear minimum expectations. We're not saying what those expectations ought to be. That's going to be totally up to the accrediting organization. We just think that this may be helpful for institutions or programs to better understand what the agency standards are. We don't

believe we have crossed that threshold because we are very aware of the limitations on the Secretary's authority here and also in the Organization Act. Donna, I don't know if you want to add anything to that.

MS. MANGOLD: You captured it, Herman.

MR. BOUNDS: Thank you.

DR. KING: Requiring minimum expectations is, in fact, regulating with respect to the standards.

MR. BOUNDS: Again, I just stated our point, Laura. We'll take any other comments into consideration. But at this point we don't think that we've overstepped that boundary.

MS. JEFFRIES: Any other comments on 602.16 and/or the questions that Scott Dolan posed, seeking a little more clarity that would help him? Barmak.

MR. NASSIRIAN: Couple of, editorial suggestions with some substantive consequences. I would suggest that the Department wants to strike out the word consistent in, subsection (1) of 602.16 and replace it with valid. In research methodology, reliability refers to consistency of data, meaning something is repeatedly observed to be the same, and validity refers to the accuracy and veracity of data. To refers to something as

consistent and reliable is duplicative. More importantly, you can have erroneous data that are repeated consistently and are thus reliable in that sense. I think what you really want to use is standard methodological language of valid and reliable. That's an editorial change. I think it is pretty consequential in terms of consequences. The other editorial change I would suggest would be to replace the word may in that sentence that follows consistent and reliable, which shall include Federal data where available. I just don't see any reason why if Federal data are, in fact, available, why you would not expect the agency to use them? I would make that suggestion. There should probably be a requirement for agencies to actually quantify performance goals, and we can submit some language in the chat to accomplish that. Thank you.

MS. JEFFRIES: Thank you, Barmak.  
Jamie.

MS. STUDLEY: Thank you. Let me tease out a few different pieces. I think Laura asked an important question. While I respect the Department's view, the use of the word enforce does seem to risk transitioning into a bright lines effect of those expectations. I'd like to speak separately to student achievement and to the other criteria. With respect to

student achievement, this is a major area of change in transitioning. Agencies have been using information and being increasingly clear. In fact, this is an area in which it may well be able to come to some agreement that takes what is happening now by every agency. I've heard before, the last three cycles of NACIQI and put it in an appropriate way into this language. But I don't think we're there yet. Minimum expectations of performance or clear minimum may just be more than is feasible. We need to assure institutions that this can be done in a way that's appropriate to different institutional populations. I do not mean to make excuses or allow institutions to make excuses by the population that they serve, but that is part of understanding what a reasonable outcome measure might be. The NACIQI conversations have been just the kind that the regulations should be promoting. What do you expect of institutions? How many of your institutions are- how are your institutions doing? What are your medians? What prompts action by you? What action have you taken when people fall short. There's a good conversation going on, and I'd hate to see regulations stifle or stymie that or set that back. As to the other set, expectations of performance for curriculum, facilities, faculty, the test of those is in the overall student performance. A good

accreditor doesn't go stare at each curriculum. They say, what do you expect students to learn and be able to do? Do they learn it? Can they do it when they finish? Do they graduate? Do they have a manageable or positive or effective or desirable financial circumstance when they end, which are increasingly the questions that are being asked. You can't tease out minimum expectations. [30 seconds] To do so would take us back to the bad old days of input measures, to have specific expectations for those, and you can't have numerical ones for those criteria. What you have is an institutional performance result that shows student achievement and an accreditor that manages to them.

MS. JEFFRIES: Thank you, Jamie. I have Robyn Smith back next, but I want to make note that Magin Sanchez has joined the table for civil rights and consumer advocates groups. So, Robyn.

MS. R. SMITH: Thank you. I appreciate that the Department is attempting to sort of tighten up some standards that accreditors must comply with. But I'm very concerned. This is an area of substantial concern for the low-income clients that I represent because we see many institutions that have poor student outcomes but continue to be fully accredited by accreditors. I just want to cite to a report that came

out today which we are happy to post or I can post in in the chat in a minute., The study shows that 37% of fully accredited institutions have completion rates of under 50%. These 628 schools receive \$20 billion in taxpayer-funded student aid dollars. This is for the year 2021 to 2022. In addition, 129 accredited schools had a completion rate of less than 25% of their students, and they took in 4 billion in taxpayer dollars. In the last category, the 25%, 51 of those students are Pell Grant recipients. They are low-income people who are seeking an education to improve their economic stability and the future of their families. It's hard to understand why accreditors are letting such schools continue to receive this Federal funding, when it's clear that the majority of those students are not going to possibly get the benefits of the education they're paying for. I also want to mention that the average annual price for a bachelor four-year degree program at the 50% number was, \$15,920 a year and \$63,000 in average in a net price for a four-year bachelor's degree. This is not an insignificant investment for these students. I don't think they're being well served with the current sort of standards. I appreciate what the Department has done, but as we mentioned, put forth some suggestions for how the Department could tighten some standards, and we'd be

happy to share those with the wider group.

MS. JEFFRIES: Thank you, Robyn.

Magin.

MR. SANCHEZ: Bouncing off of that. I can appreciate the Department's proposal on this, and we submitted this as well in language. Particularly recommend the clarification for in terms of setting expectations for accreditors in terms of looking at student achievement, particularly looking at all students. That's particularly disaggregating the data by subgroups. We're talking, right, Pell grants for [inaudible] race, gender. I think that's especially crucial right if we're setting expectations [inaudible] here because, you can put a graduation rate, a general one for entire school but that outcome can be very different for, students of color, right, relative to that. I think it's very important that's considered. For the stats that Robyn just brought up in terms of, for example, for Pell Grant recipients, that's very crucial to know, again, not just generally for this policy, but again, for best practice to know what's going on for these populations. I do recommend the Department move forward with that point. Thank you.

MS. JEFFRIES: Thank you, Magin.

Jillian.

MS. KLEIN: Thanks. My question, I think was similar to Laura's. I think, follow-up based on what I think we heard from Herman. Can the Department provide a little bit more either context or details about what compliance might look like for an agency to meet the minimum requirements threshold in the language? I think I heard no benchmarks. That confused me even more honestly, because I'm just trying to figure out then what exactly the Department is expecting or what it means to be in compliance with the proposed language.

MR. BOUNDS: I mean, definitely no, no benchmarks. The other factor to look at here is the language in (a) where it talks about, we have to determine whether an agency's standards are sufficiently rigorous. When you combine those and all we're asking here is for the agency to explain to us what their clear minimum expectations are. We're not putting some sort of, clear bottom on this. We think that it's important though that in the agency standards they do talk about again, what are their minimum expectations for an institution to be compliant with their standards? It doesn't have to be a numerical benchmark. It could be a sum of, qualitative requirements that may form that minimum expectation. This is all going to be determined by the accrediting agency. I think we would also ask,

how does the agency determine that their standards are rigorous? What kind of research have they done? What kind of, reviews or comparisons have they done when they establish whatever student achievement standard they have? Not just that, we think this one sounds good. I think there's a lot of evaluation that would go into our review of an agency student achievement standards, just like they do now for the agencies that don't have benchmarks.

MS. KLEIN: I guess I would just say, with all due respect, you guys have heard me say this on other topics too. It's not just this section, but again, I don't run an accrediting agency, but I would think it would be challenging to meet this requirement from a compliance perspective without more details. I understand that the Department feels like they can't give more details, which I think puts us in a really challenging spot in terms of how we're to understand what compliance looks like for this section. I just, again, would reiterate sort of Laura's question at the jump about statutory authority in this direction and sort of what the Department's intention is. Thanks.

MS. JEFFRIES: Thanks, Jillian.  
Laura.

DR. KING: It seems like from the

examples that, the Department has given, that the intent really is to apply this to student achievement. I think the problem maybe you're trying to apply it to everything, because that's a great way to get at student achievement. I don't know. I think the challenge that I see is minimum expectations, for example, in terms of facilities or equipment, minimum expectations on fiscal and administrative capacity as well. It already says as appropriate to the specified scale of operations, which is what we assess as it is now. What kinds of minimum expectations? I mean, numbers of buildings, minimum budget? I mean, you can't do that. You have to do that per program, depending on what the program offers, or the institution offers. It's very context specific. I think the language is really problematic in that area about setting minimum expectations.

MR. BOUNDS: I think it kind of goes back to one of the committee- it all depends on the mission is a thing. What's the mission of the institutional program when those things are being established? Again, the statute and regs is clear. We don't set what those are. We're relying on the agency telling us what they think those minimum expectations are when it comes to facilities. Again, this is something that the agency again, would have to define. It's

largely dependent upon, again, the mission of the institution or the mission of the program or the objectives of the institution or program. We hear the concerns, and we will definitely, look at that language again. But, you asked me to kind of explain how we would evaluate that. That's kind of how we would. Again, it depends on the mission of the program and the institution, and it's up to the agency to define those things. Again, we have to determine whether the agency standards, again, are sufficiently rigorous.

DR. KING: Right. If that's the case, that's what we do now. We base it on the mission of the program or the mission of the institution, the composition of the institution. That's what we do now. I'm confused about why the need for the minimum expectations in those areas that are not related to student achievement.

MR. BOUNDS: Yeah. And of those, as you're saying that you do those things now, what are those factors or things that you evaluate to determine whether that program does meet your standards? What are the minimum expectations that you expect when you're conducting that review? But that's what we would like for you all to tell us as part of this standard. But again, we hear the concerns, and we'll definitely discuss this

later, but that's exactly what we're looking for.

MS. JEFFRIES: Thank you. David Cohen, hang tight one second. I just want to announce that we are a little bit shy of 30 minutes away from public comment. Those who have assigned times, we ask that you sign in about 15 minutes prior to your assigned time. You will be admitted into the meeting room at your assigned time. With that, I want to state that David Cohen is in now for proprietary institutions. David.

MR. COHEN: I just wanted to not quite echo what the other last two speakers were saying. I just wanted to point out, like if you were looking at the minimum standards, it's not just, by program. You also must consider where the school is located, the population that they serve, the size of the institution. There are so many regional nuances to what a school looks like that coming up with minimum standards. I just think would be very, very difficult and not only for the accrediting agencies, but then also for the schools in terms of trying to understand, what the expectation would be in order to meet those standards.

MS. JEFFRIES: Is that a question for the Department ?

MR. COHEN: Just a comment

MS. JEFFRIES: Okay.

MR. COHEN: The last two speakers.

MS. JEFFRIES: Okay, sounds good.

Thank you for sharing, David. Jamie Studley, you are next.

MS. STUDLEY: I feel like we're all trying to get to the same place, and it's interesting that as I said, the student achievement area is one that accreditors are moving toward. Actually are more sympathetic to asking us to think about how to communicate what, call it targets, what comparisons, what context, makes a well-performing or weak performing or superbly performing institution. On the other ones, the idea of asking us to set a clear minimum expectation for curriculum when when what we do is look at whether the total package using sufficient of these resources and components yields student achievement. I suggest that putting our emphasis on what the results are for students is the way to get to what we all want. It's not saying you must have this for faculty or that specific array of laboratories. It's did people learn what they came to learn and to use James Kvaal's phrase, are they better off when they left? To the extent that there are many students who do not meet that task in American higher education, I think we are aligned in wanting to fix that. It doesn't help us to go back to putting our energy into

internal details when our eyes should be on student achievement and rewards to students. I think there's a purpose here that many could share. Many agencies will say we are moving there already, and that NACIQI's inquiry and the Department's expectations already accomplish what you're talking about. We were all asked about the array of performance by our institutions. When people were what we thought were, what were we doing about it? I think that's the line of analysis to continue, and that the second part of it would just take us [background talking].

MR. WEATHERS: 30 seconds.

MS. JEFFRIES: Someone is off mute.

Go ahead, Jamie.

MS. STUDLEY: We'd just be dangerous and distracting from the purpose of serving the very same students that Robyn's talking about.

MS. JEFFRIES: Thanks, Jamie. Robyn Smith, you are next.

MS. R. SMITH: Alrighty. Thank you. I just want to mention that in addition to sort of ensuring there's minimum performance measures that are enforced that appropriate action is taken by accrediting agencies when schools do not meet minimum standards. It's really important for the Department, I think, to require that

agency's standards include adequate controls to prevent the manipulation of rates. We know, for example, that some for-profit schools in the past have a well-documented history of inflating placement rates. Different numbers of ways by counting placements that they shouldn't count as placements by preventing. For example, licensure students from completing their coursework so that they don't get counted in a low licensure rate. I think it's really important for the Department to consider language that we've proposed to ensure that the accrediting agencies are looking below the numbers. That they have standards and adequate controls in place to audit those, placement rates, to look at those numbers, to take a step below what the school is reporting. We also propose having some kind of language around that issue in our proposal, which we can also post. Thanks.

MS. JEFFRIES: Thank you, Robyn.

Jamie. You're on mute, Jamie.

MS. STUDLEY: Having been an expert witness in Kentucky on behalf of the attorney general in a case that raised exactly these issues, I think it is something worthy of our attention. The danger in some of this is overregulating for everybody because there can be a problem. I'm not saying we shouldn't, but I think we

need to be as surgical or refined as we can be. I appreciated your correction from enforcement to action. Appropriate action to follow up is a reasonable request to make of agencies. Finally, I think it would be well worth our time, maybe offline, to think about, what I will call the NCLEX situation, where, the effect of regulation or rewarding things leads to behaviors that are not in the interest of students. I think Robyn's point about this issue is something that deserves some attention. I don't know whether we'll be able to do it within this negotiation, given the time and what the Department's put forward. I think it is a worthy question, both in data quality and not creating perverse incentives that are bad for students.

MS. JEFFRIES: Thank you, Jamie. I see one more hand on this up, and that is Jo Blondin. then I think, Herman, at that point, if you're ready, we'll take a temperature check.

MS. BLONDIN: I was just going to add the data hygiene question, and I don't like to ever use the word hygiene in this regard. I'm always concerned again, a mission perspective, how we capture student intent and what the student is actually intending to do. Again, at a community college, often a student comes for one class. That student is not first-time, full-time, and

that student is not counted as a completer by many standards. I do agree with Robyn on her point about making sure that we have data and that we don't have bad actors in that data. I also want to be clear about making sure that the data that we are collecting makes sense by institution. Again, I'm not eschewing what Robyn is saying. Please let me be clear about that. I'm simply saying I want to collect data that makes sense for my students, because out of 6,000 students, about 350 are first-time full-time. Thank you.

MS. JEFFRIES: Thanks, Jo. Alright, I think we're ready for a temperature check on 602.16, accreditation and pre-accreditation standards. Can I see your thumbs, please? Alright, I see Laura Rasar-King is a thumbs down. Jo Blondin as well. Robyn Smith is a thumbs down. Jason Logan is a thumbs down. Jamie Studley is a thumbs down. JoEllen Price is a thumbs down. Erika Linden is a thumbs down. Jillian Klein is also a thumbs down. Thank you all for that. With that, Herman, are we ready to move to the next section? Does 602.17 have changes?

MR. BOUNDS: Let's see. No, I think if there is one minor change in 602.17 where it says at a minimum. I would just like to say under student achievement, we do appreciate all the comments. Student achievement is always a tough subject to talk about.

We'll be happy to entertain or to look at any additional suggestions that the committee might have in that area. It is always a tough one to discuss, and standards in general. So, yeah, but I don't think, yeah, I think it's the only one in- and then we struck, if you can go back up, we did strike- I'm on, I think a couple paragraphs below at a minimum, we struck including pilot programs. That was just the wrong reference there, I believe. That's why we got rid of those citations there. I think we're down to 602.18, ensuring consistency in decision-making. There are some minor, very, very minor changes there. We talked about the language that we have stricken here in that section. We talked about that before, some of this has been moved under 602.20, I believe. I think this portion has been deleted altogether. Most of this has been moved under 602.20. If you scan down. I'm sorry, I'm ahead of you. If you scan down to page 17 and then into page 18.

MS. JEFFRIES: Discussion on 602.18, ensuring consistency in decision-making, with the changes that have been proposed there. Discussion? Alright. Seeing no hands. Do you want a temperature check, Herman?

MR. BOUNDS: We can. I think most of this was deleted, I'm happy to check with the deletions.

MS. JEFFRIES: Can I see your thumbs, please? Alright. I'm not seeing any thumbs down. Alright, let's move to the next section.,

MR. BOUNDS: Looks like next we are 602.19. One minor change there. I think that was at the recommendation of the committee's next available meeting of the National Advisory Committee. I think that's it for that section. I don't know if we need a temperature check there. I'm happy to take one, but there's only that one small edit there.

MS. JEFFRIES: We can ask the negotiators if they're good with just moving on okay, I'm seeing a lot of head nods, so why don't we move on to the next section?

MR. BOUNDS: The next section where we have some major changes is under the enforcement of standards. There are several in this section. Let's see. In paragraph (a), we basically kept the recommendations here to, increase the enforcement timelines, excuse me, not increase, but go back to what was in previous regulation here. Then we still have a carve-out for student achievement. If we go down looks like page 20. This is the language from the previous regulation, where we went back to, which is basically the 12 months or if the longest length of the program is a year, 18 months.

If the length of the longest program is at least one year less than two and then two years for the agency to come into compliance if the program is two years. I think we discussed a lot of this language before. We did keep the carve-out here for student achievement and allowing that provision to stay at the four years or 150% of the length of the program. We did put in a maximum timeframe for an extension for good cause under (c) and we limited that to one year. I will have to say that this is the first time that we have put a limitation in for extension for good cause. That was not a requirement in the 2020 regulatory change, nor was it a requirement in the regulations before we had the rulemaking in, in 2020. If we go down to (e), I think we're on page- yeah, we're good. On (e) we put in initial arbitration requirements under- that's (f) now. I'm sorry. Under (f). Then if you would scan down to the next set I know it's a lot. If we scan down to the next set of major changes in (h), we left this language in previously, but we did add if you go down to the next page, I think it's going to be page 22. We did add five here. Where we say that an extension in this area under special circumstances must constitute this sort of new and independent noncompliance area. I think that kind of addressed some folks' concerns about somebody maybe being able to stack on the

special circumstances here with the situation that an institution may be already noncompliant for. Again, I know that's a lot in that section. So, happy to open it up for discussion, which I don't think we'll finish before third-party comment because this was quite a bit. We're happy to open conversation and hear your suggestions or concerns in this section.

MS. JEFFRIES: Thank you, Herman. Before I start calling on people, just another reminder to the public to please log in 15 minutes prior to your assigned speaking time. Please utilize the name that you registered under when you log in. Thank you. So first up we have Laura.

DR. KING: Thank you. I wanted to look at (a). I'm trying to kind of go in order here, (a)(1). Immediately initiate adverse action against the institution or program. I don't know. I think, Herman, that was previous language that was in the regulations before. Is that correct?

MR. BOUNDS: Yes. This is taken from the regulations prior to the 2020 change. I think, let me double-check. I think that language is also still in our current set of regs. Let me get to that but go ahead.

DR. KING: While you're looking I can

immediately initiate adverse action. It would still be subject to due process requirements, correct?

MR. BOUNDS: Absolutely. That's after the institutional program has completed the requirements in 602.25 would prevent you from taking this immediate adverse action until that process had been worked through.

DR. KING: Thank you.

MS. JEFFRIES: Thank you, Laura.

Additional comments, discussion on 602.20, enforcement of standards? Barmak.

MR. NASSIRIAN: Yes, just to point out that we need conforming changes with .16 regarding valid and reliable as opposed to consistent and reliable. There are a couple of occurrences of that phraseology that need to be corrected if the Department buys the argument in 16, they need to be corrected here.

MS. JEFFRIES: Okay. Thanks, Barmak.  
Jamie.

MS. STUDLEY: In the interest of the hour, I'll start with a practical one. Looking at number five and what Herman called the possibility of stacking, let me just offer a real example and the Department might want to think about this one. An institution might be, unsanctioned for financial sustainability reasons. Over

the time that it was allowed, it has made substantial progress and is moving well toward compliance with that standard. The hurricane, typhoon, fire, you name it, hits, and causes damage to buildings, need to support faculty and staff and students. Student aid increases to cope with the emergency. They're now, their financial situation is now more challenged. Would that be an unacceptable- it was always financial so you can't have the extra time because of the hurricane or typhoon? A comprehensive look at the situation; they were moving toward stability. They understand how to do this. Something happened that qualifies them for some time to come out of the new hole or crisis. I'm just literally thinking about institutions that have had these problems and trying to be fair to them.

MR. BOUNDS: I think that's a valid point, Jamie. We meant to kind of deal with something like that. We said an independent cause for noncompliance. Like you say, if an institution was going through some sort of financial issue and I taught in Oklahoma for 15 years, and we had institutions with tornado damage. Y We would not frown upon, the provisions of this particular criteria playing a role in maybe that institution having some additional time to get back on its feet. Number one, because this is a new

issue that caused that. We would understand your decision that they were moving and making some pretty good progress toward compliance, but they had this issue that they had no control over.

MS. STUDLEY: Right. I think we all just ought to look at the language to make sure it is what you are describing.

MR. BOUNDS: Absolutely. We'll take some more suggestions here, yes.

MS. JEFFRIES: Thanks. We are four minutes away from public comment. Robyn, you had your hand up and then down and now back. Oh, okay. Jillian, do you have something that you-

MS. R. SMITH: I was on mute. I didn't mean to do that. Just really quick. I just wanted to mention that we appreciate the Department's trying to restore some of the shorter time periods during which a school may remain out of compliance and continue to be accredited. We have concerns that some of the periods are still really too long. We just want to remind people that during this period, during which a school is having issues, students continue to enroll and may be getting a substandard or low-quality education. We've made some proposals to the Department about potentially shortening some of those time periods, and would really strongly

encourage the Department to really consider the harm to students and shorten these time periods so that noncompliant institutions aren't continuing too long in operation.

MS. JEFFRIES: Thanks Robyn. Jillian, are you able to say what you want to say in a minute or less? If not, we can pick up with you first thing in the morning.

MS. KLEIN: I'll wait till tomorrow, thanks.

MS. JEFFRIES: Great. I wanted to give you the option because I didn't want to cut you off because we do need to start the public comment on time, so I appreciate that. Thanks. I made a note that we will pick up in the morning session at 602.20 with the discussion leading off with comments from Jillian, okay? With that, I think that we can prepare for our public comment. Krystal, who do we have up first?

MS. K. SMITH: Yes. Our first speaker is Natasha Monk, who is representing herself. Natasha is in the room.

MS. JEFFRIES: Thank you. Natasha, can you hear me? Natasha.

MS. K. SMITH: You're on mute, Natasha.

MS. MONK: Thank you. Yes, I do hear, y'all.

MS. JEFFRIES: Great. So, welcome. A You will have three minutes to address the committee. Your three minutes start now. You will receive a 30-second warning. Go ahead and begin.

MS. MONK: My name is Natasha Monk, and I'm here to tell you how I have never been able to use the degree I received from the University of Phoenix. I was a single mother, and I was determined to make more of my career for myself to support my kids. In 2009, I decided to go back to school. I chose the University of Phoenix because they fit my schedule. I would work all day and then go to classes at 6 p.m., sometimes till 10:00 at night. I was a full-time mother, full-time worker, full-time student. The program went straight through with no breaks, and I just wanted to get it done and move on in my career. I told Phoenix advisors that I wanted to be an accountant together with them. I chose to enroll in the Bachelor of Business with a concentration in accounting. They told me that it would give me a diversity of experiences and allow me to work either in accounting or in a management. In the last year and a half of my program, students started dropping out. We heard that there was an accreditation of the school that

was in question. I was self-motivated to see it through what I had started, so I persevered. However, when I started looking into the CPA exam. I realized that I would not have enough credits that I needed to take the test. My degree included six accounting classes which I would need seven to become a CPA. All the jobs that I was looking into were CPA candidate preferred. I applied for lots of jobs, but I never could get any without additional classes. I contacted Phoenix to see what classes I would- that I- to take one class. They told me I would have to enroll in a master's program and take a bunch of prerequisites before I could take the final accounting class. After graduating from Phoenix, I worked at the same place as I did before I started. I never have been able to get an accounting job. I've never been able to be promoted to one of the roles that required that degree. My past promotion did not require a degree at all. I graduated with \$50,000 in debt. Over 50, excuse me, \$80,000 before the loans were discharged. I felt that Phoenix failed me. They would not fix the problem they had caused by letting me take one class. I am not able to utilize my degree for promotions for better job opportunities. I have received no financial benefit from the degree, only years of strain. Phoenix knew what I wanted.

MR. WAGNER: 30 seconds remaining.

MS. MONK: And the program they enrolled me in should have made me eligible to become one. I hope you will consider my situations like mine, to make rules that help students get what they paid for. Thank you for your time.

MS. JEFFRIES: Thank you, Natashia. Krystal, who do we have next?

MS. K. SMITH: Next, we have Henry Hawley, who's representing himself. Henry is in the room.

MS. JEFFRIES: Welcome, Henry. Can you hear me? Henry?

MR. HAWLEY: Yes. I can hear you.

MS. JEFFRIES: Wonderful. You have three minutes to address the committee. You will receive a 30-second notice of time about to expire. With that, your three minutes begins now.

MR. HAWLEY: Sounds great.

MS. JEFFRIES: Go ahead, Henry.

MR. HAWLEY: Good afternoon. My name is Henry Hawley. After serving in the Navy for four years, I decided to use my GI Bill benefits to attend college. I chose Stratford University and attended from 2010 until 2013. I completed an associate degree in

culinary arts and then began a bachelor's degree in hospitality management. My hope was that this would set me up for a career in management. I finished my culinary arts requirements and received my chef's coat, but the school did not award me my diploma. They said they would wait to award me my associate degree with my bachelor's once I completed it. When I was about two-thirds of the way through my degree, I started at Stratford at a different Stratford campus. Stratford said I would be able to carry over all my credits, but that actually was not true. I had to retake some courses I had already completed, and many of the non-degree classes were very low quality. In my Spanish class, I knew more than everyone else in the class, including the teacher, even though all my Spanish I knew was from high school classes. I was ahead of all the students in my program in some courses. I was the only student at one point. I had to take medical leave for a burst appendix, but the school still required me to pay out-of-pocket even though I was through for the classes. Before I could complete the master's degree, sorry, I had to move back to Minnesota to take care of my parents. When I tried to transfer to the University of Minnesota, they said they would not accept credits from Stratford because the school was fraudulent. Stratford has since closed. Not

only did I leave Stratford with worthless credits, but I didn't even get the associate degree that I earned. I wish I could say that Stratford wasn't a bad apple, but also briefly attended the Art Institute, and it was having the same sorts of problems. These schools target veterans because they know they can access our benefits. Please consider rules that will force predators to weed out bad schools so that veterans like me don't waste our benefits. Thank you for our time.

MS. JEFFRIES: Thank you, Henry.

Krystal, who's next?

MS. K. SMITH: Next we have Sharon Edwards, who is representing herself and [inaudible] she should be in the room.

MS. JEFFRIES: Let's go to the next one until we figure that out.

MS. K. SMITH: Our next one is Madison Weiss, who is from the Center for American Progress.

MS. JEFFRIES: Thank you. Madison, can you hear me?

MS. WEISS: Hi. Can you hear me?

MS. JEFFRIES: Yes. Welcome. You will have three minutes to address the committee, and you will receive a 30-second notice of your time about to expire,

okay? With that, you may begin and your three minutes will start.

MS. WEISS: Thank you for the opportunity to provide input on the proposed negotiated rulemaking. My name is Madison Weiss and I'm a policy analyst at the Center for American Progress. The Cap Higher Education team works to ensure that the American higher education system provides a high-quality, affordable college education that prepares all students for participation in an inclusive economy in American public life. Today, I'm going to provide input on accreditation. Accreditors significantly influence college and university operations and thus the student experience. Under current regulations, accreditation centers, colleges, and universities at the expense of protecting students from low-quality institutions and programs. During this rulemaking, the Department has an opportunity to revitalize accreditation so that it might serve its original purpose in signaling quality in higher education. The following recommendations prioritize student welfare in every aspect. First, the Department should provide stronger oversight of events that may substantially change an institution. Oversight should include continuous and detailed monitoring, specialized training for review teams, and internal audits to ensure

that standards are consistently applied. Second, the Department should eliminate expedited reviews of substantive changes. Expedited reviews can overlook critical risks to students, and accreditors should have ample time to review these changes. Colleges often go a full decade between accreditation reviews. Because of this, it is important to have a solid structure in place for review of any significant changes to mission programs or modes of delivery in the interim. Written arrangements between institutions and third parties that are engaged in the enrollment process can have major consequences and should be treated with caution via the substantive change review process. Accreditors should be required to, at a minimum, see assurances that an institution actively supervises or maintains control over core program functions, as well as marketing and recruiting. Third, compliance issues should be addressed more rapidly. Accreditors should be required to act as soon as it becomes evident that an institution is not compliant with standards. Institutions should be given a maximum of two years to come into compliance. Fourth, institutional performance data should be reported in a consistent format. Accreditors should retain the ability to assess schools against their stated missions, while also evenly reporting that information using metrics that are

consistently defined across agencies. This will enable students to compare key insights into the level of quality to expect at different institutions and allow for a more reliable assessment of accreditor efficacy. Finally, the accreditation process should be more available and accessible to the public. This should include easing the requirements for submitting feedback to both institutions and the Federal panel that oversees accreditors. The barrier for participation in accreditation and accreditor review processes is enormously high. When compared to comparable processes that originate out of the Department that are open to the public, like this very rulemaking session. By considering these recommendations, the Department can ensure that the accreditation system not only upholds [30 seconds] of educational quality, but also reflects the interests and concerns of students. These reforms are essential for making accreditation a reliable indicator of quality and effectiveness. Thank you so much.

MS. JEFFRIES: Thank you, Madison.

Krystal, who do we have next .

MS. K. SMITH: Go ahead, Cindy.

MS. JEFFRIES: I do want to remind people that we do have ASL interpreters behind the scene interpreting what's being said here. So, please be

cognizant of that when you're speaking at a pace that is reasonable for them to keep up with. Thanks. Krystal, who do we have?

MS. K. SMITH: Sharon Edwards is in the room. Sharon, can you unmute yourself? You are next.

MS. JEFFRIES: Sharon, can you hear me?

MS. K. SMITH: We can't hear her, so we will go on to our next person, who is Aaron Shenck.

MS. JEFFRIES: Aaron. Are you there? Can't hear him.

MS. K. SMITH: Looks like he's on mute.

MS. JEFFRIES: Aaron, if you're on mute, unmute yourself so that we can hear you.

MS. K. SMITH: In the bottom left-hand corner.

MS. JEFFRIES: I'm not seeing anyone.

MS. K. SMITH: Okay.

MS. JEFFRIES: Let's move on. Oh, there he is. Aaron?

MR. SHENCK: Yes. Hello? Are we ready?

MS. JEFFRIES: You have three minutes, and you'll receive a 30-second notice. Your three minutes begins now.

MR. SHENCK: Great. Thank you all for the opportunity to speak today. Also, thank you for volunteering to serve on this neg reg committee. My name is Aaron Shenck, and I'm the executive director of the Mid-Atlantic Association of Career Schools. We're a 501C6 nonprofit that advocates for over 100 career and technical institutes from a five-state region. In the distance education regulations being discussed, I ask the committee to reconsider or table the proposal to remove asynchronous learning and clock-hour programs. Before 2020, most of my member schools did not offer online education. They are career and tech institutions with predominantly hands-on education programs. Many of them either feared online learning or simply did not think it was an appropriate modality for hands-on education. Then COVID forced their doors to close for many months. They had no choice but to figure out creative ways to continue to offer education through various forms of distance education, both synchronous and asynchronous. Since 2020, I believe the pandemic helped a lot of my members become better schools. Because this forced change, many of them have now permanently changed their programs to offer a portion of their curriculum through hybrid deliveries. They've realized some theory-based courses can be delivered remotely, while continuing to provide the

hands-on practical education in person on campus. Furthermore, the flexibility works for the students. Many of the population served by postsecondary career and tech schools are nontraditional students. Many of them are raising families and holding down jobs while in school. By providing a portion of their program through distance education, including through asynchronous tools, this gives students greater flexibility. This flexibility provides a stronger chance of program retention, completion, licensure, and employment. Personalized learning is the future of many educational paths. Although, I understand the Department's concerns how you accurately account for asynchronous clock hours, my recommendation is to figure out ways to better account for these hours. Nnot to throw away a whole modality of learning that helps many students and can improve outcomes. Whether it's flipped classrooms, learning management systems, video instruction, artificial intelligence, and many more options. There are a ton of ed-tech tools and other emerging technologies available to help with asynchronous learning. Finally, I want to close by raising a different issue, but related. In a recent Department regulation, there is a new rule set to take effect July 1st that would essentially mandate all clock-hour programs change their program length to align

exactly with state minimum hours. This rule change is already removing flexibility for institutions to offer programs in a way they believe best prepares student for licensure or a career. Now, this current proposal to eliminate asynchronous delivery and clock-hour programs would be yet another loss of flexibility for institutions to meet student and employer needs. In the year 2024, [30 seconds]. Thank you. In the year 2024, we should be advancing flexibility that leads to strong outcomes, not restricting them. Let's not go backwards in policy decisions. Please reconsider or table the proposal to remove asynchronous modalities. Thank you again for your time today.

MS. JEFFRIES: Thank you, Aaron. Krystal, I see Sharon is on camera now. Sharon, can you unmute yourself? We can't hear you. Try it again.

MS. EDWARDS: It's unmuted.

MS. JEFFRIES: There we go. We got you, girl. Wonderful. Sharon, you'll have three minutes to address the committee, and you'll get a 30-second notice of your time about to expire. So please go ahead and start. And your three minutes begins now.

MS. EDWARDS: Thank you for the opportunity to allow me to share a bit about my not-so-great experience at Fisk University. My name is Sharon K.

Edwards and for the longest time I have put off going to college while supporting my husband's 21st year in the Army career. My desire to go to college was to study, get a degree and be allowed to help others. In 2019, I saw an online article and a flier from the Fisk University that was coming to Clarksville, Tennessee, advertising an online human development leadership degree, bachelor's degree. I reached out to the recruiter about that degree and was told that I would receive that degree in two years with no core classes. Fisk University Facebook page confirmed the two-year time limit as well. No time during that recruiting process was it mentioned an associate degree was needed. I was 59 years old, and this was my first time attending college, so this was all new to me. I was enrolled in the online program under the assumption I will be getting a two-year Human Development leadership bachelor's degree with only 60 credits hours and not requiring any core classes. The robot process felt rushed. I felt myself signing lots of forms. The forms were done via mail and phone. During the enrollment period, Fisk requested a high school diploma and that is all I had. I was a first-time college student. I had been at Fisk for about four months without an advisor for my major. I had to request one. After the completion of 58 credits, I met my advisor to see my next step for

graduation. I was approaching my 60 hours. The advisor for the very first time informed me that the degree of human development was a 100-hour degree, a 120-hour degree, and it was a requirement to have an associate degree prior to me being enrolled in this program. I had not done that. I had only done the 58 credits. I would have to complete an additional 62 hours more to contain that degree. I felt deceived, disgusted, devastated, and disappointed when I left Fisk. It took me two years to find another college, which is Austin Peay University. The gap what the school promised and what the school delivered left me \$14,000 of debt and used up half of the GI Bill benefits I was granted. I want to ask, the accreditors need to make sure colleges and universities [30 seconds] are clear about what they offer for recruitment to graduation. They are to be held accountable and the college's oversight to stop this kind of experience from happening to our students. Thank you very much.

MS. JEFFRIES: Thank you, Sharon.

Krystal, who do we have next?

MS. K. SMITH: Next, we have Christina Navarro, who's representing herself. She's in the room.

MS. JEFFRIES: Okay. Christina, can you hear me?

MS. NAVARRO: I can, can you hear me?

MS. JEFFRIES: Yes, wonderful. You will have three minutes to address the committee, and you'll receive a 30-second notice of your time about to expire. With that, you can go ahead and begin, and your three minutes will start now.

MS. NAVARRO: Thank you. My name is Cristina Navarro, and I wanted to come here today to share my University of Phoenix story. In 2009, I was already well-established working in the financial industry for one of the largest banks in the country. I had jumped into my career straight out of high school, didn't go to college right away, but my employer did offer to pay for me to go back to school. Since I already had a full-time job, I needed something that was flexible that didn't require me to be in a physical classroom every day. After looking through the options, I enrolled at the University of Phoenix and earned my associate degree in computer networking. But that was not the end of my time at University of Phoenix. That associate degree did help me get a new job at the same company. While I was raising a family and living through the global pandemic. I decided in 2020 that it was time to return back to the University of Phoenix to achieve my bachelor's. Over the next ten months, I was able to

complete my bachelor's degree in Business Administration. University of Phoenix made it possible for me and many other working adults to finish our degrees while not sacrificing our flourishing careers as well as our family life. As working adults, we know firsthand how essential alternative pathways are for career-oriented individuals and those that were provided by the University of Phoenix and to the future of higher education. I recently joined with a large group of other Phoenix alumni in signing a letter to Secretary Cardona. We asked to meet with representatives of the Department. We feel that our experiences as adult students should be heard and the choices we made should not be questioned. I am here today to ask you to carefully consider the implications of your proposals on adult students as you work to ensure all students have opportunities to pursue affordable, high-quality degree programs like those offered at the University of Phoenix. As we wrote in our letter to Secretary Cardona, we do hope to explore with you how to elevate the discourse about higher education and share with you why adult students require many different options than those that follow a traditional pathway from high school to college. I kindly ask that you seek out more adult learners like me, ask us about our experiences and listen to our stories. Thank you so much for this

opportunity to speak with you today.

MS. JEFFRIES: Thank you, Christina.  
Krystal, who's next?

MS. K. SMITH: Next, we have Robb  
Friedlander from Swipe Out Hunger, and Robb is in the  
room.

MS. JEFFRIES: Robb, can you hear me?

MR. FRIEDLANDER: I can, yes.

MS. JEFFRIES: Wonderful. You have  
three minutes to address the committee with a 30-second  
notice of your time about to expire. With that, you can  
begin now along as your three minutes will start now.

MR. FRIEDLANDER: Fantastic. Thank  
you so much, everyone, and hello, committee members. I'm  
here today to speak in favor of the proposed changes in  
cash management to credit a student's ledger account for  
unused dining dollars spent. My name is Robb Friedlander.  
I'm the director of advocacy at Swipe Out Hunger. We are  
a national college student anti-hunger organization that  
works on more than 750 campuses across all 50 states to  
end college student hunger, both on and off campus. The  
proposed additions are an excellent improvement and would  
allow students to use their Title IV funds the way that  
they deem best. However, we are concerned that by  
focusing only on the cash equivalent portion of meal

plans. Students may still be faced with losing significant funds if they are unable to use all of their meal credits that do not have a cash equivalent each month. Students frequently find that they have unused meal credits at the end of each semester as we work with more than 200 colleges across the country that run meal credit donation programs, because of many meal credits wasted each year. This is in addition to an ever-growing number of higher education institutions, which are requiring all students, including low-income students, to purchase meal plans despite their income or their level of need. Students who drop out of school may need those funds to cover living costs and even student loan debt they cannot afford to repay. In particular, we are concerned that even more institutions could adopt a meal credit approach in response to these regulations as a loophole that will allow them to continue to hold on to Title IV students' unused funds. Effectively free money for the school at the direct expense of students whose school may even require them again to purchase more meal plan swipes than they were able to use, or any at all. To correct this issue, we are suggesting that institutions should be able to also refund the students the equivalent of the cost of value, not the retail value, to students, along with any cash equivalent funds. Thank you so much

for your time today and greatly appreciate it.

MS. JEFFRIES: Thank you, Robb.

Krystal, who's next?

MS. K. SMITH: Our next speaker is Amy Ledgister, who's representing herself. Amy is in the room and just needs to go on camera

MS. JEFFRIES: There she is. Hi, Amy.

MS. LEDGISTER: Hi.

MS. JEFFRIES: You have three minutes to address the committee today, and you'll receive a 30-second notice just before your time expires. With that, you are free to begin, as your three minutes will start now.

MS. LEDGISTER: Hi, my name is Amy Ledgister. I am the founder and CEO of 3D Lash and Brow Salon and Academy in Dallas and in Forney, Texas. Thank you for letting me be here. I'm in support of distance learning as it has positively impacted our student body. Many of which are single mothers or divorcees or widowers who are needing to get their license to provide for their families. Having that asynchronous learning allows them to continue their education from wherever they are. Sometimes they have difficulty with childcare, or maybe they're in an abusive relationship and they don't have access to transportation that day, but they can continue

their education. Getting that license might be the thing that will allow them to get out of that particular situation that they're in. In Texas, we're required to use Milady as a textbook. However, they have leveled up and now created a digital platform called CIMA. This has tests, quizzes, reading materials, basically everything that we as an instructor will be giving to our students, they now have access to it at their fingertips. It allows for our students to still be able to learn wherever, whenever. Covid-19 kind of changed things up, shut everything down, and we had to go 100% online. Using these platforms like CIMA and Milady really allowed for our standard of education to continue to stay high. Our school is at a 95% state board passing rate, even since Covid and even now with our distance learning opportunities. I really think it's a benefit for schools to keep this. Not only does it have excellent education, but it also has great time-tracking capabilities. Students are only getting the time earned for what they're doing in these platforms, so it's keeping track of everything. I do have a letter that I wanted to read from one of our graduates. It says, thank you for having me in the esthetician program. This has truly been a blessing for me to be able to do some online learning. I am a single, divorced mother of three children, and I

also work full-time as a nurse on a night shift. The esthetician online program has allowed me to make a career change from making a living to doing something I truly enjoy. Most importantly, it will allow me in the future to be more present with my children and work while they are in school, thus eliminating any daycare babysitting expenses. I have looked forward to becoming an esthetician for quite a few years now. However, I have been unable to find a cosmetology program that I can attend due to having to work full-time to support my family. This online program I'm currently attending has impressed me because I can work and attend this program, which is an answer to my prayers. Because of my support [30 seconds] I have been working full-time while being able to continue to work on this program part-time. If I'm not able to finish this program, I will be devastated. I put time, money, and lots of effort into my studies, and I'm so proud of the progress that I have been able to make.

MS. JEFFRIES: Thank you.

MS. LEDGISTER: Thank you.

MS. JEFFRIES: Krystal, who's next?

MS. K. SMITH: Our next speaker is John Eielson from- the CO-CEO of Flat World. And John is in the room.

MS. JEFFRIES: Welcome, John. Can you turn yourself off mute, please? Should be a little button by your- let me see.

MR. EIELSON: Can you hear me now?

MS. JEFFRIES: Yeah. There you go. You got it. Welcome. You have three minutes to address the committee, and you will receive a 30-second notice of your time about to expire. With that, your three minutes begins now.

MR. EIELSON: Well, thank you. Good afternoon, everybody. I've been waitlisted the last couple of days, so I want to turn the topic back to cash management. Flat World, who I represent, is a small college textbook publisher with a mission to publish high-quality textbooks at affordable prices. Our books are written by faculty, peer-reviewed and priced in the 30 to \$40 range, including a full homework system. We've been growing fast as a popular, affordable alternative to the big publishers. Most of our sales are made directly to students as we pass on the distribution savings in the form of lower prices. I've also, in a previous life, spent 20 years working for the big publishers, advising them on pricing strategy and, other growth strategies. I know the economics of the industry well. We firmly believe that inclusive access programs are bad for the

student. The industry loves them. Since everyone in the value chain is making more money at the expense of students. These programs are dependent on auto opt-in. Auto opt-out doesn't work. Opt-out- auto opt-in is required for them to make the money they want to make. The industry is fighting hard against these proposals. We strongly support the Department approach here. When you look at the value chain, you start with bookstores. These agreements give them the exclusive right to sell all the materials at the school. Their market share goes from 25% to 100% at the schools. They also get guaranteed markups for books, typically demanding 33% or more. They make more money. They love these programs. Publishers make more money because it squeezes out the competition of alternatives such as used book borrowing, libraries, etc. So 100% of the students have to buy new materials, and the discount off of the prevailing rate is de minimis. Usually, the student's paying more because the markup on from the bookstore. Finally, the universities are making more money. They typically get 15% of gross sales on books sold to the bookstore. The contracts I've seen even have a kicker in it if they have first-day access in it where they get another 7% or so. They're up to 25% of the gross revenues from sales of the bookstore for learning materials. Universities care about this

money. We try and get professors to send their students to our website because it's always the lowest cost. We frequently get the response of professors, we can't do that because the university makes money from textbook sales through the bookstore, and this is an important source of revenue. Everyone's making more money and the student is on the short end of the stick here. They're the ones that's paying more. We as a company try to avoid these programs because they're counter to our mission of affordability, but we're forced into it many times to win an adoption by the bookstores and the school. T [30 seconds] Finally, first day completed the most anti-competitive of all material fees per credit hour. Take away the incentive of professors to care about the price of textbooks and selecting materials for a class. That's because the individual professor's decision will have an insignificant impact on the overall cost per credit-hour. This will prevent value-based publishers like us from successfully competing, and no one will care about price, and prices of learning materials will start to rise at 10% plus a year like they were a decade ago because no one cares about pricing. Thank you very much.

MS. JEFFRIES: Thank you, John. We are going to squeeze in one last speaker, and I see Ben has joined us. Ben, can you hear me?

MR. REYNOSO: Yes, I can.

MS. JEFFRIES: wonderful. You will have three minutes to address the committee with a 30-second notice of your time about to expire. With that, please go ahead and your three minutes will start.

MR. REYNOSO: Well, Good afternoon, Committee. My name is Ben Reynoso. I am the director of three TRIO programs here in California. I oversee Student Support Services, which helps college students, as well as two Upward Bound programs which help high school students who are first-generation. I'm here to talk a little bit about the expanding of TRIO programs eligibility for undocumented students. In the last year, we've been participating in what we call the P3 Initiative, which allowed us in the state of California the ability to bring on board undocumented students into our programs. This initiative has been highly successful throughout the state. As a person who sits on our WESTOP Board and Service Council. I can attest that last year when we had a WESTOP conference, we had over 125 members attend a workshop on how to serve our undocumented students better. With all of them very excited and anxious to be serving our students. We've proven over the last year that these students we were able to retain them in high school, get them to go to college as well as

for them to continue on in college or attend college retention. With the P3 statistics, you'll be able to see that, we've been able to do that. Currently, I'm the the Dream Center director here at my college. We have over 700 students in a \$21,000- 20,000- 21,000-student district. If you do the math, that's about 5% of our students are dreamers at our college. Our goal is to serve all students equitable, and give them support. With TRIO now being on the forefront of being able to do this, we highly, highly push you to be able to add this language as an option for us. In some areas they may not have undocumented students, which is great. They can continue to get those first-generation, low-income students. In some areas, like my areas, we want to be able to serve these students as well. They are not taking the spaces of anybody. They are hard-working students. They come from great families. I will tell you in the last year that we've had this program, P3, there has not been one issue with anyone being against it or having any kind of issue with us having it. With that being said, I thank you all for your time and hope you guys vote positive on adding this language. Thank you.

MS. JEFFRIES: Thank you, Ben. That concludes day three of session two. We will resume at 10:00 a.m. tomorrow morning promptly. Wwith that, well,

have a good evening.

**Zoom Chat Transcript**

**Program Integrity and Institutional Quality- Session 2, Day 3, Afternoon, February 7, 2024**

**\*Chat was copied as presented, as a result minor typos or grammatical errors may be present.**

From P, Jamie Studley, Institutional Accreditors to Everyone:

I'd suggest that those provisions serve different purposes.

From Robyn Smith to Everyone:

I agree with both Carolyn and Barmak's points.

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

+1 to Barmak's point about the critical need to eliminate inclusion of people with fiduciary obligation to a regulated entity from accreditor commissions

From Robyn Smith to Everyone:

Here is the research Carolyn referred to:

<https://www.americanprogress.org/article/bolstering-public-voice-accreditation/>

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

Here is a summary of the research I was quoting earlier:

<https://www.americanprogress.org/article/bolstering-public-voice-accreditation/>

From P - Erika Linden, Private Nonprofit Institutions to Everyone:

Scott Dolan joining for private nonprofits.

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

Magin Sanchez is joining the table to comment.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Erika will step back in

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

important to note conflict of interest policies

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

+1 to Magin. The issue is independence, not expertise, or commissioners.

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

Replying to "+1 to Magin. The is..."

\*of commissioners.

From Robyn Smith to Everyone:

+2 to Magin, having non-insider, non-fiduciary as public members adds value and credibility to accreditors.

From Robyn Smith to Everyone:

I just want to clarify that the proposal we submitted re fiduciaries was in our first accreditation proposal submitted in January, thanks.

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

+1 to Barmak, if they have written policies that they are not following, that is not substantial compliance.

From P, Jamie Studley, Institutional Accreditors to Everyone:

the accreditor is mentioned specifically in a federal program requirement

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

602.13 Please add student/consumer groups to the list of recommendations that an agency seeking initial accreditation must produce

From A - Zack Goodwin (he/him), Financial Aid Administrators to Everyone:

Reacted to "602.13 Please add st..." with 🙏

From Donna Mangold - ED OGC to Everyone:

as to 602.15- reference to 668.14 (b)(18) is conviction, plea to crime, etc. 668.16 is reference to suspended or debarred

From P, Jillian Klein, Proprietary Instit to Everyone:

I know Jamie mentioned this in another section, but would just call out that the use of the word "effectively" also here is vague and unclear.

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

602.15(a)(2) Competent and knowledgeable individuals, qualified by education or experience in their own right and trained by the agency on their responsibilities, as appropriate for their roles, regarding the agency's standards, policies, and procedures, to conduct its on-site evaluations, apply or establish its policies, and make its accrediting and preaccrediting decisions, including, if applicable to the agency's scope, their responsibilities regarding distance education and correspondence courses, except that the agency shall not include individuals described in 34 CFR 668.14(b)(18)(i) or (ii) or 668.16(k) or individuals with a fiduciary obligation to a regulated entity, such as board owners, board members, or executives of an institution of higher education do not meet this requirement;

From Robyn Smith to Everyone:

+1 to Barmak and Carolyn.

From A, Magin Sanchez, Civil Rights/Consumer to Everyone:

Reacted to "602.13 Please add st..." with 🙏

From P, Jillian Klein, Proprietary Instit to Everyone:

My alternate, David Cohen, will join the table to make a comment

From P - Erika Linden, Private Nonprofit Institutions to Everyone:

Scott Dolan back in for private nonprofits.

From A. Ashlynn Haycock-Lohmann (vets) to Everyone:

Reacted to "+1 to Barmak and Car..." with 

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

+1 To Barmak's comments about the need for meaningful change in the system to protect students, and the fact that addressing conflicts of interest is critical.

From P, Jillian Klein, Proprietary Instit to Everyone:

Echo Laura's general question on statutory authority

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

Magin Sanchez is joining the table to comment.

From Robyn Smith to Everyone:

Here is the study I mentioned: <https://www.thirdway.org/blog/when-will-the-watchdogs-bite>

From P. Jo Blondin, Community Colleges to Everyone:

and Part-time v full-time

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

Proposed 602.15: "(1) The agency's accreditation standards must set forth clear and effective minimum expectations of performance that the agency must verify and enforce for each institution or program it accredits, including by using appropriate, valid and reliable data, which shall include Federal data where available. The accreditation standards must set forth minimum expectations, including, as applicable, a quantified and statistically appropriate performance goal for each institution or program, in the following areas:"

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

CORRECTION to my previous submission-- citation is 602.16(a)(1)

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

i think the details are important to ensure compliance. the accreditation standards do already lay out expectations across all of these categories.

From P, Jillian Klein, Proprietary Instit to Everyone:

David Cohen will rejoin the table.

From P, Jillian Klein, Proprietary Instit to Everyone:

Maybe "clear" expectations instead of "minimum"?

From P - Erika Linden, Private Nonprofit Institutions to Everyone:

Erika Linden has rejoined for Private Nonprofits.

From P, Diana Hooley, State Attorneys General to Everyone:

Agree with Robyn that such adequate controls/audits need to be in place to prevent manipulation.

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

+1 to Robyn's comments about the need to include language on manipulation of standards.

From Robyn Smith to Everyone:

We propose a new section (2) as follows: The agency's standards must include adequate controls to prevent institutions from manipulating or otherwise inflating their performance on the standards, such as by discouraging or precluding students who complete coursework from taking licensure exams or by preventing institutions from inflating their job placement rates by counting individuals as employed who are not bona fide employees or who were employed in the field prior to graduation.

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

Addressing Jamie's point about the "NCLEX issue," we suggested specific language: "(2) The agency's standards must include adequate controls to prevent institutions from manipulating or otherwise inflating their performance on the standards, such as by discouraging or precluding students who complete coursework from taking licensure exams or by preventing institutions from inflating their job placement rates by counting individuals as employed who are not bona fide employees or who were employed in the field prior to graduation."

From A-Alyssa Dobson, 4Yr. Public Institutions to Everyone:

With regard to this topic, am trying to reconcile the juxtaposition of creating minimum standards and then limiting/prohibiting practitioners or experts from evaluating them?

From P, Jillian Klein, Proprietary Instit to Everyone:

Reacted to "With regard to this ..." with 

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Reacted to "With regard to this ..." with 

From P, Jillian Klein, Proprietary Instit to Everyone:

+1 Alyssa's comment - would be helpful to understand how we should make sense of these two seemingly contradictory approaches.

From Robyn Smith to Everyone:

We don't think they are contradictory, happy to discuss further.

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

+1 To Robyn's comment about long periods of noncompliance putting students at risk. We urge Department to reconsider the time periods.