On the 11th day of January, 2024, the following meeting was held virtually, from 1:00 p.m. to 4:00 p.m.
PROCEDINGS

MS. JEFFRIES: Welcome back. I hope you all had a nice break and a chance to get some nourishment as we have a very aggressive agenda yet to do this afternoon. So, I'd like to pick up with, I believe John Ware was first and then Jamie and take those two comments on 602.23, and then we're going to move on to the rest of the areas in the red text. So, John.

MR. WARE: Thanks. Yeah, just responding to the proposed revisions to the complaint provisions, state we're generally supportive of those provisions. And I think a lot of that's probably already occurring at the accrediting agencies. So, this is just kind of formalizing the process. One suggestion I would have, is putting something in there that would require notification to state authorizing agencies who want the information. So, more of an opt-in type provision about substantive complaints. I don't think every state authorizing agency necessarily wants to get the information. And I certainly don't think they want to get notice of every single complaint that comes in. But, if there's a substantive complaint or something that the accrediting agency reasonably believes is fraud or misrepresentation, I know my agency would be interested in knowing about it, and I'm sure other state authorizing
agencies would as well. The second thing I want to touch on is just the notion of anonymous complaints. You know, I'm also supportive of the idea that you can't just outright dismiss anonymous complaints because, even though nine out of ten, probably you can't do anything about it, because of a lack of specificity, there are some that come in that are very specific. And, you know, it really does require the ability to follow up on. When I started 25 years ago, we have a provision in our law, it's still in the law, that says all complaints must come to us, must be signed and written by the complainant. So, when we get an anonymous complaint, we just call it a compliance matter and investigate it the same way. So, you know, I think that's kind of what the accrediting agencies were alluding to. But yeah, I support the idea that, you know, if something comes in and it has substance and that it really needs to be investigated whether or not there's a specific signature on it. Third item, confidentiality. This is a tricky one. Our general policy is we can't promise confidentiality, although we'll make reasonable efforts to keep information confidential. Sometimes in the course of an investigation, it's- you know, the school's going to figure it out. Let's put it that way. I mean, if you're doing an investigation about a specific consumer issue, a
lot of times it's already been raised at the school level. So, we tell students we'll make reasonable efforts to keep the information confidential; you know, a lot of them are staff complaints, too. But we also tell them, look [30 seconds] the school's going to figure this out and also understand that if the matter goes to a formal hearing or something, it's almost 100% sure that either the plaintiff is going to be a witness or their name is going to come out in some type of discovery process. So those are my thoughts. Thanks.

MS. JEFFRIES: Thank you. Jamie?

MS. STUDLEY: Three quick points. One, I appreciate Carolyn's reference to the recent discussions of what makes for good complaint practices. And many agencies have already revised their practices or have improvements underway. In some cases, very well-intentioned improvements turned out to need further tailoring. For example, moving from paper requirements to electronic was smart and relevant to a generation that probably can't locate a stamp. But then we realized there are some people, such as incarcerated individuals who may not have electronic access and need another model. That's the evolution in learning, and we are attentive to that, and making those changes. Second, if something does not fit within the complaint practice either because of the
way the person wants to do it, or an individual who chooses not to file a complaint, and does not want to go that route, accrediting agencies still have the ability, as John just said, to take cognizance of things that come to our attention. And, we do so we learn of things in a variety of different ways, and we follow up as appropriate. So, somebody who tells us something, who says, no, I don't want that to be a complaint, has other choices. It can be a third-party comment, or it can simply be having heard that I need to do something to learn what's going on at that institution. And finally, we could all help students - with directional signals. I always worry about the picture of a student trying to find the right doorway for a complaint or concern, and maybe there's something we can do together outside the regulatory process that would say, here's what the state attorneys general does, and is responsible for. Here's what the Department, the Federal Trade Commission, VA, DOD, US Department, and the accredits, and here's the best way to take your concern, so that you have the best chance of getting to the right actor who can assist. I'm not trying to duck the responsibility that we should have, but helping people get to a responsible and responsive entity could also help all of us act in a timely way.
MS. JEFFRIES: Thank you, Jamie. Jo, do you have something really quick? Because we were going to take the two and move on.

MS. BLONDIN: I do, I just want to add to that, for example, the Higher Learning Commission has a student right to know guide that helps them in that process as well. And so, I know a lot of the accreditors are making efforts or have made efforts in that regard. Thank you.

MS. JEFFRIES: Thank you very much. We appreciate the comments on 602.23. Next, we're going to move to the remaining sections, which are 602.30 through 602.39. We would like to conclude those discussions by 1:50, so that we can give you a quick ten-minute break and then move into the discussion piece on where the Department will be looking for guidance on drafting some regulatory texts so that they can have that to come back with for the next session. Okay? So, with that I'm going to turn it over to Herman, who can start walking us through.

MR. BOUNDS: Alright. Thank you. Good afternoon, everyone. Hope everybody enjoyed their lunch and got some time to take a little breather. I won't go over everything we have done in this session. I'll just speak in general terms, our changes here were number one
to try to help fit whenever we develop our risk-based review process that we're thinking about implementing, to streamline the timelines that are in the recognition process. Which, you know, when we first put these in, we thought, yep, this is probably going to be a good idea. But operationally, we had found out that they are causing some problems. So that's the main reason for the changes that we've made here are specifically related to the timelines.

We also wanted to separate some of the requirements from, let's say, like renewal of recognition and submission of compliance reports, expansions of scope, and those things. So, we can start, (a) has a couple of changes there, and then we can just go down the list as we see fit. So, I'll open it up for discussion from this point.


MS. STUDLEY: Yeah, we still want to keep looking at this because it is very detailed, but in general didn't spot broad concerns. We appreciate the Department's thinking about how the timeframes work and how the notification works, but efficiencies in the recognition process, you know, are reasonable to try and
improve what we do. And we will, comment about specifics, but, that had not yet identified any real concerns and respect the effort to think about how to make it flow so the public can participate and the comments can be timely. We appreciate that this is connected to Department workload issues, but nobody wants to be making decisions on stale information either.

MS. JEFFRIES: Okay, thank you. Any other questions, comments on what Herman just covered? Okay. Herman, you want to move on?

MR. BOUNDS: Sure, if there are no questions in that section we can move down. Please let me know if I skip something. We can move down to looks like 602.31, the new 31. If we want to display that on the red text on the screen. And we will be hitting 604 on this later too, so I just want to make sure. Yeah.

MS. JEFFRIES: Yes.

MR. BOUNDS: And, no, really, I covered our basic purpose here, so I'll just open it up for questions or discussion. Again, this all has to do with the process.

MS. JEFFRIES: Okay, 602.31. Laura?

MS. RASAR KING: Thanks. I'm not sure we're fully supportive of striking the 24 months in advance submission of the petition that was not helpful,
I think, for either the accreditor or the Department. And the information got stale before it could even be reviewed. So, we support that. The language, though, that's in the place of it is just a- I'm sorry. A submission deadline set by the Department is that because we haven't discussed the risk-based stuff yet, or are you not intending to put a parameter in there? Because, I think, it would be fair to set some kind of timeline. It's not 24 months, but what would the timeline be and why isn't that proposed at this time?

MR. BOUNDS: Yeah, so let me answer that with maybe two short answers. So, if you remember previously in the regulations before the 2020 change, we didn't have a submission timeline in those regulations. We did the recognition process operationally where we gave you notice and let you know when you were supposed to come to the NACIQI meeting based on the expiration of your recognition date, which is in that SDO decision letter. The second part is, true. This is related to our risk-based review process. Because once we figure out what that model is, we may be able to put a specific time for submission, but we're still working those things out. We just have found out when we put this hard 24 months in there, we just found problems with it. So, we don't know if an 18-month would be good or if a 12-month. We think
that this is something that can happen operationally as long as we give the accrediting agencies the time they need to get everything ready. Currently you get somewhere around 6 or 7 months to submit once you get that notification from us. So, but you're right, it's kind of based on risk-based review.

MS. RASAR KING: I do like the idea. The one thing I did like about the 24-month period is that it gave us a timeframe. That's the only thing I liked about it, but at least it gave us a timeframe. I would suggest putting in a timeframe once we get to that point, just for fairness on all sides.

MR. BOUNDS: Yeah.


MR. NASSIRIAN: A group of us have submitted comments in writing. Some of them are just basic editorials, some of them are quite substantive but, I'm assuming we're just going to have the Department absorb those before it comes back. There's no need to burn time now trying to debate them, right? But, they are on the record and the Department will review them, I assume.

MS. JEFFRIES: You're talking about the proposal you sent?
MR. NASSIRIAN: Yes.

MS. JEFFRIES: We sent them. And they do have it, as well as the rest of the negotiators in it will be on the website as soon as it's completed, okay?

MR. NASSIRIAN: Thank you.

MS. JEFFRIES: Thank you. And thanks for being considerate— the time. We appreciate it, Barmak. Jesse.

MS. MORALES: Alright, so before we go on to look at further language, I think it's important to kind of take a step back and really start to understand why we're looking at stronger accreditation regulations. It's supposed to be a critical part of the triad that ensures that students, especially, are being served well and not being harmed. And I think, as we discussed with some of the standards for accreditation this morning, accrediting agencies may be serving their institutions well, but are often failing the students at those institutions who are counted on and have that expectation that accreditation means that there's a stamp of approval by the Department. So, the institution is going to work for those students, and ultimately, they're not. There's— across thousands of currently accredited colleges, barely half of the students are graduating. And of those programs at currently accredited colleges, many of the
students are having to leave in a lot of debt, and earning less than they would have if they not gone to college at all. Many can’t get a job because their degrees aren't actually helping them to achieve that. And as students are leaving, and being left off again. It's important for us, as we're looking at this language, and for the Department to be ensuring that accreditors really are the trustworthy arbiters of the quality that they're saying that they are. Then instead of the Department's processes—instead, right now, the Department's processes often leave accreditors failures left unchecked. It's why we're looking through this language, that has to be something that we're looking at. What are the things that we're truly addressing that are touching students? Because as all of you here at the table and as I represent, our foremost concern should be for students and ensuring that students are getting a degree and an education that is of quality, that can help them in the future. So, I also wanted to add in the chat a letter from outside organizations sent to the Department last year, I believe, that echoes, and kind of expands on some of these concerns, and I hope the negotiators here at the table and others will look at it. Let me just say that I understand all these people that are representing at the table right now, I'm sure you're doing the best that you
can, but nonetheless, so many aren't. This is the purpose of why we're at the table, to make sure, and to check, and ensure that students are being served well.


MS. HAYCOCK-LOHMANN: I also wanted to add on to what Jessica was saying, especially when you're looking at entities like the Department of Veterans Affairs and the Department of Defense, they rely very heavily on what the Department is doing in accreditation to ensure that the programs they approved for things like GI Bill benefits and tuition assistance are good programs and good uses of those dollars as well. You know, oftentimes we see a lot of issues with veterans who are using GI Bill benefits access, having access to those programs and not being able to graduate on time or utilize those degrees as well. They're expecting that if something has VA- expects if something has the stamp of approval from Department, that it's going to be a legitimate program that's going to lead to employment for our veterans and military families. Thank you.


MR. NASSIRIAN: Sorry about that. But,
Ashlynne reminded me of something I just wanted to bring to the committee's attention, and that is that obviously, the Department operates an ecosystem for its own programmatic purposes, that in which, accreditation is just one of part of the triad. I think the committee should be aware that the fact of accreditation by a Secretarially-recognized agency becomes a shortcut for eligibility for VA and DOD programs, particularly for VA programs, which means we have institutions that obtain Secretarially-recognized accreditation, but opt not to participate in Title IV very consciously, precisely because they don't want to be subject to the other requirements of the law on which we may be relying in terms of our thinking about how to configure accreditation. I can see why some may think, the accreditor, maybe we could ease up on the accreditor, which, by the way, I support. I know we're throwing too much at them, but it's important to understand that while the system may work, when you absolve the accreditor from certain kinds of responsibilities because, to say the certification process will take care of it, other agencies look at the accreditor being recognized by the Department almost like a blank check for purposes of eligibility. So, Ashlynne's comment is particularly worth paying attention to because the accreditor, in some
cases, is all there is for billions of dollars of taxpayer money and tens of thousands of students. Thank you.

MS. JEFFRIES: Thank you, Barmak. Okay, no further hands. Herman, back to you.

MR. BOUNDS: Alright, let's see. We can then go down in the red text, I think. We get to see where we are. Yeah, 602.32. Again, I talked about this earlier. This is again trying to reorganize the recognition process. Here we just moved review of expansions of scope compliance reports, and the increase in enrollment headcount. We wanted to put that in a section of its own. Mainly because the timelines in the earlier portion of the regulation, you alked about submitting two years in advance that may not be applicable here, nor so the amount of time that we have to give a credit to respond to a draft analysis. So, we just wanted to separate those. So, with that said, I'm happy to open it up for discussion.

MS. JEFFRIES: Okay. Thank you, Herman, for the overview. So open discussion on 602.32. Comments? I know some of these things were addressed in some proposals that have already been sent through by some negotiators. Jamie? You're on mute, Jamie.

MS. STUDLEY: Sorry to be taking-
commenting so often. On this one, we are a little concerned about the restrictions on the ability to bring forward a request for a scope increase. If institutions or program development need it, the Department speaks about innovation, and about allowing institutions to offer programs that are desired by students, by workforce, by states. To the extent that this could have the effect of slowing things down, the Department tried to anticipate that in saying to prevent the delay of educational programs for which high interest exists. It may not be massive, but it may be something the accreditor is willing to do. We know that's something we'd like to look at further, we appreciate the Department wanting to be efficient, but we would also like to be able to be responsive as fields or needs evolve and accreditors who meet Federal standards want to be able to review new types of programs. This may also be an issue for specialized accreditors.

MS. JEFFRIES: Thank you, Jamie.

Anyone else? Barmak.

MR. NASSIRIAN: This is another conundrum, obviously. We certainly support evolution, and innovation, with the realization that there is risk involved. The question that is not sufficiently attended to in our current practice is that risk is borne almost
entirely by students and the taxpayers. You know, its innovation doesn't always succeed. It has a very warm and fuzzy feel to it when you say innovation, because we tend to think of innovations that succeeded. For every one that succeeds, there may be 99 that fail. When that happens in this environment, you're dealing with students under crushing debt. You're dealing with students significantly worse off than, if they had not been participants in the system. We want a system that is safe. Yes, we want it to be innovative. We want it to move forward. It has to come with significant safeguards that do not exist. I would be remiss if I don't go back to the vets and active duty members who don't even have the safety nets that the Department has so wisely implemented for purposes of protecting victims, at least post-facto from programs that prove less than adequate. We don't have those protections necessarily for vets and active duty service members. In all instances, the wasted time obviously cannot be made up. So, it is critical that as we attempt to accommodate innovation, we also think about the downside of not only possible, but probable failure, precisely because it's something we haven't done before. We don't know what the outcome is going to be. Thank you.

MS. JEFFRIES: Thank you, Barmak.
Jamie.

MS. STUDLEY: One of the advantages of regulatory negotiation, which I will still call neg reg, accidentally, is that we can learn from each other about what we're seeing. Barmak, I agree with everything you just said in a that broad statement. Can you help me understand how that applies to expansions of scope? I just truly don't know how it plays out in accreditor expansions of scope. And if I did, I could think about how-, we could all think about what the regulatory guardrails ought to be.

MR. NASSIRIAN: I mean, as when you expand- may I respond?

MS. JEFFRIES: Yes. Oh, absolutely.

MR. NASSIRIAN: Okay. Yeah, The concern is that even diligent and attentive accreditors may be confronted with completely new configurations of delivery, completely new arrangements of programmatic offerings. That may sound good, that may look good, that may have all kinds of theoretical virtues except for one little defect, which is that they really can't work in practice. Right? I mean, there's lots of things that they called existential fallacy that lots of things can be thought of, but just because you can think of something doesn't mean you can do it. You may be able to construct
a submarine to go to the depths of the ocean to visit the Titanic on the cheap. It would be a good idea to have that, except that sometimes it doesn't work. So, the concern is that as accreditors are confronted with this onrush of innovative ideas, many of them driven by private equity and techno utopia. Techno utopian claims by outside parties who claim to have a better way that they may end up expanding the scope of their recognition practices to accommodate what sounds good but ends up victimizing lots of students. That's our concern. Otherwise, Jamie, you and I are very much on the same page. It's the critical task of striking the right balance to ensure that we don't stifle and ossify the system at the same time as we ensure that people are not victimized. It's a tough job.

MS. JEFFRIES: Thank you. Seeing no further hand.

MS. STUDLEY: I want to respond to Barmak.

MS. JEFFRIES: Okay, sure. Yeah.

MS. STUDLEY: All I want to do for folks is separate that there are two different stages here. You're right that we're in agreement on the challenge that we face. This section is about the accredditor's expansion of scope to even look at a
particular type of program, either a degree level or a field. Then the accreditor has the responsibility to make those critical judgments about any institution offering programs or, expanding into those areas of within the new scope. There are two stages, and both need to be rigorous. One is a set of decisions where the Department would decide on the agency's scope. The authority of Laura said, we see a new area where we believe our expertise could apply. We would like to add that to our scope. The Department makes the complex judgment whether she has the knowledge capacity through her commission, and then the agency would decide about whether any institution could measure up to the standards for that. Just—because we talk about scope and we talk about approvals, and it took me a long time to learn that there are these multiple layers.

MS. JEFFRIES: Thanks, Jamie and Barmak, for that great exchange and clarification for each other. Alright. So, Herman, let's move on to 602.33, I believe is next.

MR. BOUNDS: Yes. This is the section that I was referring to. I think the question that Barmak had about our ability to review accrediting agencies at any time during the recognition period. So again, we've proposed some changes here. And I'll open it up again for
comment.

MS. JEFFRIES: Thanks. Comments, questions, concerns on 602.33? Jamie.

MS. STUDLEY: Very tiny one. One of my colleagues picked out the words, if practicable, the Department would provide the agency with public information that it had received, to allow it to provide a written response. We wondered when, or how it might not be practicable to share that with the institution, with the agency? I'm not looking for an answer right now, but it was hard to imagine when something that the Department received and was relying on couldn't be made available in some fashion to the agency at issue.

MS. JEFFRIES: Okay, thank you. Is that something you want to put in the chat, Jamie? I know you're not looking for a response right now, but okay. Seeing no further hands on 602.33. Let's move to 602.34.

MR. BOUNDS: Okay. Again, just a few changes here. This is under Advisory Committee Meetings, I don't know if we've talked about these before, but they're not, too extensive at all. So, the minor changes here, if anyone has any comments. Just let us know. Tell us more about, the types of recommendations the committee can make and, committee processes.

MS. JEFFRIES: [Inaudible] a few
minutes to peruse that text if you want before we move on. Not seeing any hands on 602.34. So, let's move to 602.35.

MR. BOUNDS: Same here. Minor changes here. So, again any discussion?

MS. JEFFRIES: We're on Substantive Changes here? Is that what you're saying, Herman?

MR. BOUNDS: Right. No, nothing substantive under 35. I think we just have the one in (a), I believe. Yeah. Everything else is current regulatory text.

MS. JEFFRIES: Okay. So, we will move to 602.36.

MR. BOUNDS: Okay. I don't think there's anything there significant. Nope.

MS. JEFFRIES: So, unless someone sees anything substantive that is missing, we'll move on to 602.37.

MR. BOUNDS: Yeah, I honestly think we're probably good all the way down to the 604. I don't see anything significant in any of those sections unless I missed something.

MS. JEFFRIES: Okay. So, let's move to 604.

MR. BOUNDS: Okay. Let me get down to
that. I'll give a brief overview of 604. And I don't know how many folks are familiar with our review of state boards of nursing. They are currently reviewed using a 1969 Federal Register Notice, which has not been updated since 1969. We have another type of agency that we also review. It's not covered here. But just to put things in context, we also review state agencies that approve vocational education in their states. They're recognized under 34 CFR 603. I just want to give people an understanding we're not making a special carve-out. There's it's already been established that these are different organizations, and they have different review criteria. Just general information. There are currently five state boards of nursing that we recognize, four state vocational agencies that we recognize. Our attempt here was merely to move the nurse criteria into regulation and codify the criteria that currently exists that was in that 1969 Federal Register Notice that I think you guys may have that, and then try to update it with things that we think the nurse criteria may have been a little short on. I know this is a lot to look through, but that's our sole purpose here. They're recognized instead of five years they recognize every four years. Again, I understand this is a lot, but I would open it up for questions at this time.
MS. JEFFRIES: Okay. Before we do that, I want to make note that Amy Ackerson is coming to the table in place of Laura Rasar King for the entirety of the 604 discussions. Amy, your hand is up.

MS. ACKERSON: Thank you. I just want it to be known. I've waited all week for section 604.

MS. JEFFRIES: It's your stage now, Amy.

MS. ACKERSON: Just to reiterate, there are currently only five nursing regulatory boards that are recognized by the Department. In hearing from colleagues at other nursing regulatory boards, there is a likely scenario that number of nursing regulatory boards approved will drop from 5 to 3. Over the years, agencies have self-selected to not maintain their department recognition due to the scrutiny of the review, the four-year review process, and the lack of concordance with state rule, and statute that the nursing regulatory boards function under. Lastly, there's a very limited benefit to the Nursing Regulatory Board, and the programs they approve. The 1969 Federal Register Notice not only cites outdated statute, but it also cites outdated practices as it pertains to nursing education program regulation. The Department seeks to update the recognition procedures to more closely align with those
applied to other agencies, and I assume that other agencies refer to accreditation agencies. Nursing program approvals are not programmatic accreditors. Nursing Regulatory Board approval standards are regulated by state law, and rule that the nursing program accreditors have modeled their standards after, not the other way around. Model rules that are evidence-based and based on best practice are developed by the National Council for State Boards of Nursing, and are the guiding rules that the nursing regulatory boards use in nursing program approval. If it is the intention of the Department to continue to recognize the approval agencies of nursing education programs, then I would ask that this negotiation cycle also be used to bring the rules into the current era of nursing program regulation. The Department rules should allow for state rules to be considered and recognized for the high quality and integrity they are modeled after. I think some minor changes to the reg text can accomplish both the goals of the Department, and be better suited for the nursing regulatory boards at this time. I think it's important to reiterate that nursing regulatory boards are not accreditation agencies. We do not have staffs of people. We are Departments within state agencies that are often one and two people deep. The burden of regulatory
burden, along with the re-review process of the Department is cumbersome at best. So that's what I would like to say. I did submit some minor changes to the rules. One of my main concerns is with the annual reporting as guidelines as they stand now. And then as I stated, the review process being four years, whereas accrediting agencies are five. Thank you.

MR. BOUNDS: Amy, I would just like to comment. Yeah, our goal was to not only try to update the best we could but try to align with some of the things that are also in 603, which are the agencies that we recognize for vocational education. We also realized that it would be very difficult for state vocational or state boards of nursing to meet the requirements of 602. Number one, there's a provision there that would require that the state agency be recognized, I think it is before 1st October 1991. So many of them would not even be able to make that requirement. But, your input is helpful. That's why we're glad you're here. You're the experts with the state Board of nursing. We know some of them, like this process, some of them, have some suggestions. We welcome any edits, and updates that you think might help us through this. So, we appreciate you being here.

MS. ACKERSON: Thank you.
MS. JEFFRIES: Thank you, Amy. I would like to point out that D'Angelo Sands, the alternate for historically Black colleges and universities, tribal colleges and universities, and minority serving institutions, is stepping to the table for this in place of DC Prince. Thank you. Further discussion on 604? Not seeing any. Okay. I believe, Herman, that's concluded the regulatory text and leaves the discussion topics as the next agenda item. Correct?

MR. BOUNDS: I believe so.

MS. JEFFRIES: Okay. It is 1:43. How about we take a ten-minute break, come back about 5 to 2, and then we'll spend the rest of the time until public comment on those questions for discussion and the relevant sections of the document associated with those. I do want to take a moment just to remind the public commenters who have been given time slots to please remember to sign in about 15 minutes before your time slot so that we can move through, and get as many people in on public comment as we can. With that, we'll see you back, at about 5 to 2. Okay. Welcome back. I hope you were able to at least get your legs stretched a little bit. We are now going to move, and look at the issue paper under the discussion topics. Herman, do you want to start with the discussion under 602.16, I believe
it is, the first one, is that correct?

MR. BOUNDS: Yes, I think that is.

MS. JEFFRIES: Okay.


MS. JEFFRIES: That's alright, my headset went dead.

MR. BOUNDS: Okay. You all can read the issue that we have here, and we're looking for some discussion under 602.16. Just quick above that, we just made a mention about putting in a crosswalk under number one, to better, relate the regulations in 602 to some of the eligibility regulations. I'm sorry if I'm jumping around. It's still on page four, I just wanted to mention that. If you can scroll up, a little bit more right there. I didn't want to skip that if somebody had questions. I've already talked about the nurse criteria. Now we're at the 602, 602.16 spot. Basically here we're asking for some help with some questions in this area. As you know, accrediting agencies are supposed to have standards that they have to have policy for. We have standards that the agencies must have standards for under 602.16 and that's really 602.16 (a) one through ten. Of those, of course, are student achievement. Some of the others are fiscal and administrative
capacity. Again, route recruiting, and admission practices, student support services. Of those we have to determine whether an agency standards are what we say as sufficiently rigorous, both in, regulation and in statute. So, what we are asking you here, if you go down to the questions, and there's the first one, I guess we can go ahead and take that one. It's, how can the Department ensure that standards are sufficiently rigorous, and should the expectation of rigor vary by category? I'll leave it at that. Sorry for the tongue twisting earlier. I had two different screens open, and got lost there for a second, so I apologize.

MS. JEFFRIES: Barmak.

MR. NASSIRIAN: Yeah. It's a problem because obviously we want them to be rigorous, whatever that means. Many standards, of various accreditors do refer to rigor and outcomes, etc. The only problem is they are not clear and distinct, and they do not articulate verifiable thresholds below which performance can be designated as unacceptable. I think it would help, to the extent that it is possible for the Department to at least require accreditors to use to articulate specific bright lines where possible, below which they would view an institution as not having met their standards. The one that comes to mind immediately
is the graduation rate. The Department can't impose a graduation rate on anybody, but an agency should be able to tell you that there is a graduation rate below which the institution should be very carefully looked at and maybe even a graduation rate below which the institution should not be eligible.

MS. JEFFRIES: Thanks, Barmak. Diana.

MS. HOOLEY: I would just echo what Barmak just noted as well. I think that's an eminently reasonable suggestion. I would also suggest that, whatever these benchmarks are, that they be made available very conspicuously to prospective students as well as currently enrolled students who will have, in longer term programs, have to decide whether, to continue to enroll. I think that information just has to be made conspicuously available to consumers.

MS. JEFFRIES: Thank you, Diana.

Jamie.

MS. STUDLEY: Starting with a little bit of classification. Standards are the broad criteria and expectations that we establish that all schools must follow. For example, and I can send this around, my organization has standards. That's what we call these that say the institution demonstrates that graduates consistently achieve stated learning outcomes and
standards of performance. The institutions demonstrate that students make reasonable progress toward and complete their degrees in a timely manner. The institution monitors and analyzes the outcomes of its students’ following graduation and uses the results for improvement. Those are in the new 2023 standards that WASC has adopted and will go into effect this coming year. Those are standards. Then we have metrics by which we, and the institution can understand, and students, and anyone else who wants to look, can understand how the institution is doing regarding those standards, using a variety of metrics. I've sent around—it wasn't showing as a link, I don't know what my problem was; I have the connection attached there, that provide student outcomes at the institution, disaggregated by population with trends over time, comparison to medians 25 and 75% levels. Not every accreditor does it this way. I'm using the one I know best as an example, but you will see on lots of other institutional accreditors and Laura can speak for specialized about how we share that information, and we use it with the institution in the team review and in our decision making. We use it to understand how the institution is performing, but it all needs to be situational. What's the program? What's the population? What is the effectiveness of programs in this
field? What's the trend? Are you moving upward and getting better? And those all fit into the judgment that the accrediting organization is asked to make. It is complex work. And we are aiming to promote student success on all these measures. We, in our organization, are looking at, newly under 2.11 [30 seconds] new questions about return on investment. I'm speaking now mostly on student performance. I'll come back to other topics and what we do, but you need to understand that the standard is the big picture. The metrics are the performance levels, and that we do use those in judging whether an institution is satisfactory or falling below what should be expected. But it is a very individualized judgment matter to which we are trying to add predictability, the ability to tell a public story. We are working with the Department on improving the education, - the information the Department can give us in data terms so that we can do those complex analyses.

MS. JEFFRIES: Okay. Can you hear me? Okay, great. I got this headphone working. Wonderful. Jamie, did I hear a data request in that?

MS. STUDLEY: No, I was providing data, a link to the data that we provide, and I was referring to conversations that we are having with people at the Department, guided by Antoinette Flores, Jordan
Matsudaira and others to improve the data that we have available so that we can meet our desire to be rigorous and that of the other negotiators.

MS. JEFFRIES: Okay. Thanks for that clarification. Before I go to Barmak, I want to announce that the alternate Scott Dolan has stepped in in place of Erika Linden for private, nonprofit institutions. So, with that, Barmak.

MR. NASSIRIAN: If we get into the fundamental dilemma here of accreditors playing the fundamental duality in the nature of what accreditation has become, on the one hand, it's a quality assurance mechanism that's supposed to do gatekeeping. On the other hand, it's a quality improvement mechanism which is supposed to be a voluntary collaboration among peer institutions. I think what I'm trying to articulate here, Jamie, I understand what you're saying and what you say makes a lot of sense. But to put it in like collegiate terms, to give us nightmares about our undergraduate years, it's sort of like, in the quality improvement modality. Obviously, the accreditors are judging the application of these metrics to its standards based on a self-set institutional mission. W In many ways what you're doing is you have an almost infinite number of grades that are given to people. You have an
infinite number of grading systems, based on what the institution says its mission and goals are. But from a Federal and from a student perspective, it would be handy to know that there is also a fixed rubric based on which an institution makes its own judgments about institutions. Now, the Feds can't tell you what that is, but it would be nice. Such a rubric, if articulated by the accreditor, would be enormously helpful. It may be perfectly fine that an institution has a 5% graduation rate. There may be all kinds of reasonable explanations as to why that is the case, but it would be nice to be able, for the accreditor, to be able to say, these are the thresholds by which we categorize different members or different entities we accredit. Below a certain threshold, we have looked at them and, it's fine. We validate the fact that they have a 5% graduation rate, should not be grounds for concern, because we have attended to it, and we know it's okay. I think that's what I'm trying to get at. We're not trying to impose a Federal standard on anybody. We're simply saying articulate something that the public can understand.

MS. JEFFRIES: Thank you, Barmak.

Jamie.

MS. STUDLEY: Two observations. One,
the accountability and quality assurance purpose. I don't know if the phrase is, comes first, but it's not a choice. We are not confused about whether we are improving or gatekeeping. If an institution does not meet standards, it is the responsibility of the accrediting agency to so identify and to place them on warning, probation, show cause or to withdraw accreditation, period, end of sentence. So, it is a dual role, but there are lots of ways in which people have dual roles. Teachers do it all the time, but if somebody fails the test, we identify them as having failed the test and work through the consequences. Sometimes that does allow an institution to improve. They're placed on warning, they get better. All good, ut that does not stop us from pursuing the natural compliance story. On the other, I think we're closer together than some people might think. A fixed rubric, however, I avoid the phrase bright line because we can't set bright lines. Had it been possible to set bright lines, the College Scorecard might have done so. We do not have either the information or the understanding to have high stakes consequences follow from the numbers. But I know my agency and I believe many others are looking at thresholds for follow-up and as the information that we have gets better and more reliable and coherent, we are thinking about how we can
say, if this, then we will look at you this way or this is going to be subject to an additional conversation. We already do that in lots of instances. We call out poor performance in our commission action letters, which are public. You can look at them. There are lots of ways in which we flag for the institution, and we are asking whether those flags can be more visible so that people know when we will flag, whether that's numerical or in some other way. But we can't do it out ahead of data that would be inaccurate for schools and not tell a fair story about their students' performance. So, we're with you in wanting to be more predictable, wanting to be clearer about how we follow up, because we do want people to understand what we're doing. But we can't do it in ways that are so blunt that we would have consequences for institutions that should be permitted to continue or are improving at a pace that would satisfy a reasonable accrediting judgment about standards.

MS. JEFFRIES: Thank you, Jamie. Jo?

MS. BLONDIN: Yes, thank you. Not to reiterate what Jamie said, but I know that the Higher Learning Commission is working on what is relevant also to the sectors and to student intent. I know as a president of a community college that many students come to me. In fact, 90% of the 6,000 students at Clark State
are part-time. They're not going to graduate within a two-year window. They also may not be seeking to graduate from our college at all. They transfer to Wright State or Ohio State. I want to make that clear that is something I know that we're paying particular attention to is trying to capture student intent across our institutions. But also, we want these metrics. We want to be as relevant and transparent as possible. But I agree about bright lines because, as Jamie mentioned, I mean, the scorecard is not always representing what we're doing within the two-year sector. Thank you.

MS. JEFFRIES: Thank you, Jo. Barmak?

MR. NASSIRIAN: I'm going to pose a question to the group. Do we believe, as has proven to have been the case historically, that there are fully accredited institutions operating today, that a future, lenient benevolent administration may decide to offer mass loan discharge to their students because it turns out they were subpar operations? Do we think every—do we believe that every accredited institution today is a safe, high-quality venue for students to pursue education? Because if that is not so, and it was not so, we know that. We know that Corinthian, not to speak ill of the dead, but you know, we can never speak about those who are continuing today since they may get, offended.
But we can certainly talk about the past. Corinthian was accredited. ITT was accredited. I realize the answer is typically that was then, this is now. I posit to you that not enough has changed to ensure that WASC may do a lot of things right voluntarily. I am grateful for that, and others may do the same. That's great. The question we need to ask is, are the demands of the Federal government sufficient to make sure that everyone must do, at the minimum, the required due diligence to ensure that every institution currently operating with a full accreditation status is actually a good actor. I think the answer to that, I really challenge anybody to give me that assurance that there are no bad actors enjoying full accreditation today, in which case there's a real problem and I think there is a real problem. Thank you.

MS. JEFFRIES: Thank you, Barmak.

Carolyn?

MS. FAST: Just to put some numbers into what Barmak is talking about. Department has estimated that 700,000 students are getting Federal Aid and are enrolled in career training programs that leave them with debt that they cannot pay back because of their meager earnings, or that earn less than a high school graduate in the same state. This is, I think, pretty clear indication that something is not entirely right in
how quality is, and this is just looking at career training programs, not looking at the programs in general. I'm just putting that out there as additional evidence that the problem has not gone away. These are, current numbers and suggest that there is a problem here that the Department is trying to address.

MS. JEFFRIES: Thank you, Carolyn.

John?

MR. WARE: Yeah. Thanks. And I agree with Carolyn's comment, and I think that the issue about cost, is in my mind, different from quality. But, that's a different discussion, but also to respond to Barmak comments, all these institutions that we're talking about, that were accredited that went out of business were also state authorized as well, so it's important to remember that. Some of this, in specific reference to ITT, because we had multiple ITT institutions in Ohio, some of this information that's coming out now that ITT closed and just because it was fraudulent, I don't think that's accurate. We can get into a debate with that, but it was primarily closed due to financial issues and the fact that the US Department requested that they post a $250 million letter of credit. So that was kind of what pushed them over the edge for the closure. But, getting back to the standards, I
think we really need to consider comparing similar institutions to similar institutions. And we have standards and benchmarks in our regulations that relate to job placement and graduation rates. When we get—people falling below the rates, we really, take the time to look at what's going on. Who are the students they're serving? You know, there's a lot of factors in there. And I think this goes back to the community college issue, too, that if you look at IPEDS data, community college graduation rates are really, low. But there's a reason for that. You know, the students they're serving, they tend to come in and out of school. And if you're going to start to use benchmarks, I think there's a lot of institutions who kind of have a different mission that are going to get into trouble with those type of benchmarks. Thanks.


MR. DOLAN: I know I put it in the in the chat box, but I think we're all in agreement that we should move forward with standards that we can use to evaluate institutions. I think it's how accreditors use that information to determine the quality of institutions. I think the challenge is how we go about doing that. And how do we create consistent bright lines
that enable us to make fair comparisons, good comparisons around, what makes this institution of quality and leads students to success? You know, within our constituency there's a wide variety of institutions and different types of students that they serve. I think, out of recognition of that, it's just about being thoughtful. In addition, I guess the question I have is, the Department's looking for some guidance around how they ensure sufficient rigor moving forward. It might be helpful to hear a bit more or to see a bit more exactly the process and procedure that is being used right now to determine those assessments of sufficient rigor, as they apply to, accreditors. What have been the challenges there when evaluating accreditors? What data would they like to have? What data don't they have? What information is not as easily accessible? I think we could start from a kind of here's where we are versus here's where we might want to be and how do we solve for that?

MR. BOUNDS: Yeah, I can jump in really quick. I just do want to remind everybody that we have two more questions in this category. We're still on the first question. To answer your question real briefly, what we currently do is when we get a petition for recognition and we're evaluating the agency student achievement standards, whether they set their own or
evaluate the institutions, we're looking at a reasonable explanation of how the standard was developed, how the requirements were developed. If it's a benchmark, how did you determine that 70% was okay? What sort of studies or reviews have you done? Then we wait and see what the agency comes back with. I won't get into it, but I'll just remind everybody, there are some strict limits on the Department's authority when it comes to trying to set a student achievement standard out. I won't read it to you, but it's in the HEA. I'm sure all of you all are aware of that. I kind of hope that answers your question. It's really a qualitative review of, you know what the agency provides for us in our review of the agency.

MS. JEFFRIES: Okay. Thanks, Herman. And you are exactly right. We were taking comments on question one. Let's look at question two. What factors should the Department consider in evaluating the rigor of an agency's standards generally? Any thoughts on that? Jamie. You're on mute, Jamie.

MS. STUDLEY: Different place on the screen. Accreditors want to be as helpful as we can on this issue, and having gotten these, last week, we will be talking some more about providing answers that can be helpful on this whole set of issues. But some of them
involve using the best available data, consistently training, and preparing their teams to ask the questions about these particular matters. Accreditation process and inquiry have evolved a lot over the 10, 20, I think it's almost 30 years that I've been watching accreditation. It's much more specific. It's much more linked to data and performance outcomes. Carolyn talked about several outcomes related to postgraduate success, employment, return on investment, debt, and so forth. As information about those has become available, they've been incorporated into the thinking. So, what is rigorous depends on what's available. It has moved. We advanced the needle on doing those kinds of things. One of my colleagues said rigor under the standards will be in terms of disaggregated data, informed approaches to measuring student achievement and closing equity gaps. The Department can ask us about how each agency, and does, ask how each agency has applied that and done it in a consistent way, and how it has supported it with substantive information. We'll probably have more to say. But this is very much in line with the thinking of accrediting agencies trying to say, what can we use to make those judgments and what are the new issues that should be included? And how can we do it in a way that's fair and reasonably consistent? Because they're not the
same, but they need to be fair and appropriately consistent across institutions.

MS. JEFFRIES: Thank you, Jamie. Jesse?

MS. MORALES: Just wanting to also echo what Jamie has just mentioned. But in terms of the importance of the requiring of the disaggregated data, wanting to lift that back up again. While obviously some accreditors may do so, having that language within this process that we're working on is very important.

MS. JEFFRIES: Thank you. DC?

DR. PRINCE: Can you hear me?

MS. JEFFRIES: Yes.

DR. PRINCE: Alright. In relation to this question, I do like to bring up two points on what factors the Department consider in evaluating the rigor of an agency standards generally. I think the first one is on transparency, and I think the Department needs to determine what is an agency's role in being transparent not only to the public, but to its members. What level of that should be done as an adequate level of transparency? I think the issues, that we are running into is a lot of these discussions that we're having, isn't necessarily heavily known in the industry as it should be, but also the roles of these agencies, and how
they handle certain situations, certain topics, their financial sustainability, and stability. I would say these levels of transparency need to be determined by the Department. I think secondly, the other issue is governance. I know that I brought it up yesterday and think that we need guidelines around what is good practices in governance. What should governance look like? As I had also suggested yesterday, what is the overhaul of rethinking an agency's role as far as when it comes to not management, CEO and VP's, but governance in the sense of the role of the members, the role of their board, their commissions, whatever they might call it that are that the CEO reports to? And looking at those two areas of an agency standards, how transparent are they? At what level of transparency are they providing based on the standards, based on public engagement and then governance? At what role and level do we think what agencies are doing is there governance policies, procedures? Are there people that they name? Because I know we've talked about public members, but really, we need to think about all the members who are part of the commission, whether we consider them to be higher education experts or not, what is the right position and call and how do they navigate such a terrain in building an appropriate and effective form of governance at their
and their respective agencies? I think those two points need to be taken into consideration as far as evaluating rigor.

MS. JEFFRIES: Thank you, DC. Seeing no other hands-on question two, let's move to the final question. What factors should the Department consider in evaluating the rigor of an agency's standards specifically on success with respect to student achievement, fiscal and administrative capacity, student support services, and recruiting and admission practices? Jamie?

MS. STUDLEY: Thank you. Let me just pick up on two of them, because this is the kind of question agencies ask themselves all the time. With fiscal—regarding fiscal and administrative capacity, in reaching out to other institutional accreditors, a number are doing very thorough analytic work on these kinds of things as many of the commenters have mentioned, John Ware most recently. Some of the issues of great concern were financial issues with institutions. In some cases, institutions with adequate or effective education programs have financial issues. In other cases, it is a signal to motivate a stronger look into the program. The New England Commission does a financial analysis that is extremely detailed about its
institutions. I know, my and the Middle States Agency do annual reviews. Others may also do that, in which we evaluate financial requirements and status for different institutions. We use the best available metrics that we can to try to be forward-looking because, increasingly, one change that accreditation deals with is that financial realities are more dynamic than they used to be. Things happen faster and that can make or break, despite the best efforts to review, you know, audits our history, we try and look at enrollment trends because they are somewhat more predictive if they are rigorously applied. So, there are lots of different ways in which we are using the best available tools on the finance side. Student Support Services is quite different because it's very integrated. You want to know what students think about the availability of the services they need to succeed. You also can look at the student performance. And if it's not as the institution hoped or as the accredditor hoped to fit squarely in a solid performance level, then you can look backward to say, what's not working? Are you accepting people who can't benefit from this program, or are you not providing a quality education? Or you are providing a quality education, but they can't get housing or food or transportation or counseling services to be able to continue in your high-
quality program too often? We do that by educating institutions to go through that entire analysis of what are the outcomes, what are the performances. Then if we are not happy with them [30 seconds] where might the shortcomings be and what does it take to improve those?

MS. JEFFRIES: Okay. Thank you, Jamie. Barmak?

MR. NASSIRIAN: This is an obviously, as with everything else, a particularly vexing and complicated topic. With regard to the first one, success with respect to student achievement, one of the consistent patterns we see is that bad actors can outsmart the regulators when it comes to navigating whatever reasonable standards and metrics they come up with. This committee heard from a student that was describing an experience that illustrates the point. It is a perfectly rational and appropriate thing to index some kind of judgment about an institution's educational quality to the success of its graduates in passing state administered licensure exams. That's reasonable. That is, in fact, arguably the best metric of judging the quality is how many of your graduates end up successfully navigating the licensure exam. But it apparently never occurs to people that it is very easy for institutions to cash the checks for the entirety of the program and at
the very end administer either the test, the high stakes test itself, or a proxy for it to prevent those of their students that they know cannot pass the test from graduating. I think it's important that as agencies develop metrics and standards and metrics for these criteria that they also pay some attention to the numerous ways in which some of them can be easily game. I think the manipulation of whatever good ideas we put out there is a perpetual problem. I think that certainly applies in a different way to the last one, recruiting and admissions practices to the extent- , we see an enormous amount of abuse there. You know, if anything, accreditors are supposed to be closer to the ground. They're supposed to hear this stuff with the same frequency we hear this stuff and it's all out there quite in the open, and nobody seems to be acting. So that's another one. We see mis-categorization of expenses as a huge problem. We see some institutions categorizing recruitment as a student support service to decrease the number for the recruitment figure and increase the warm and fuzzy feeling you get from support services. So, I think this notion of making sure that they anticipate ways in which whatever standards they come up with may be easily manipulated, and some process for validating this stuff, the fiscal and administrative issue is
particularly vexing because the Department itself is not particularly good at anticipating where institutions are, but the evidence of so many institutions that have failed [30 seconds] in the recent past. Obviously, nobody is very good at anticipating, for reasons I don't understand, how institutions are doing and who's likely to collapse those students. Thanks.

MS. JEFFRIES: Okay. Thank you. I have three hands up: Scott, Jamie, and Jo. We'll go ahead and take those three. Then I'd like to move the committee to the 602.24, as we have quite a bit yet to cover this afternoon before public comment, if that's okay. Scott?

MR. DOLAN: Yeah, thank you. You know, I think I would put an endorsement for, work-around increased oversight on the fiscal and administrative side. We've talked a lot over the last few days about bad actors and institutions that need more oversight. But in this particular instance, I think we really need this kind of oversight for institutions that are well-intended, but just happen to be maybe in the wrong region and have a demographics and being what they are making the reality of their institution difficult, and need guidance and the ability to work with the triad to figure out ways to better serve, students and to have the acumen. I appreciate all the work that, you know, Jamie
has noted that the accreditors are doing, but, there is a real need for increased fiscal and administrative oversight, given the dynamic sector that we're operating in. Speaking as someone located in New York, and this is an area where we could collaborate in the best interests of institutions and the legacies that they have in the region and in the students that they serve. To John's point, many of them have extremely high-quality educational programs. They're just faced with a reality of a particular modality. I won't go too far on this, but, some of the barriers of entry to distance education is putting some of these institutions in the private nonprofit sector, at a disadvantage because it's not just institutions looking to take advantage of students, its students choosing because of their lives. Their need for work-life balance, flexibility, Veterans and military students who are moving around frequently by virtue the worlds that they live in and the work that they do and the service that they have, they're choosing online institutions because it helps them meet their needs and their goals, both professionally and personally. I think we need to be thinking about ways, fiscally and administrative, to help institutions better prepare for some of these real challenges in the in the macro environment that they're operating on and how to make
decisions to change their model and serve students in
different ways to persist and continue to exist without
having to go through some of the challenges that we've
seen more recently of teach out  [30 seconds]

MS. JEFFRIES: Thank you, Scott. Jamie?

MS. STUDLEY: I simply want to read
the poster that sits behind me all the time on my phone
calls as we think about regulation. What it says is, too
loose and the wheels fall off, too tight and the wheels
won't roll. It's the dilemma that Barmak described. As
you do something that covers a wide range of
institutions, you don't want to stand in the way of the
effectiveness of, I would say most institutions, but you
need to be tight enough to protect the system and to
avoid the abuses that both exist and the workarounds,
once you create a rule. Regulators are always chasing the
behavior, just like police officers. We do the very best
we can to make rules that make sense in both directions,
and to anticipate to the best of our ability, those
abuses. I think we're doing a good job here of thinking
about what's the real problem now and what might be the
run-around that we need to protect against as well. But
you can't screw it down so tight that you close schools
that are providing real quality to students, even if they
are doing it without a great deal of money or even if they're doing it in a challenged field or a region that's economically stressed. So, I appreciate that everybody is trying to strike that appropriate balance.

MS. JEFFRIES: Okay, thank you, Jo?

MS. BLONDIN: Yes. Really quickly, I just want to say that I know since I've been on the board of HLC since 2018, we've had numerous presentations, workshops with both the liaisons who are the vice presidents for accreditation, as well as the board and the peer reviewers on finance and making sure that we're looking at those financial indicators from the institutional update that's done annually, if not more often, to the work that we're doing, particularly as mergers and other factors are affecting the landscape of higher education institutions, particularly with those demographic challenges that so many have spoken of. I also just want to emphasize, too, because I do feel as though I need to step up for the liaisons here who work in accreditation. They're extremely knowledgeable about all their institutions and what is going on at those institutions. I just feel the need to lift up their expertise as well in this conversation. Thank you.

MS. JEFFRIES: Thank you, Jo. Okay, so, Herman, did you get what you needed on those
questions?

MR. BOUNDS: Yeah, I think we did.

MS. JEFFRIES: Okay. So, can we move on to 602.24, Teach-out Plans and Agreements?

MR. BOUNDS: Yeah. We sure can. We-again, I won't go over the- issue, but we have two questions that we would ask the committee under, you know, teach out plans and agreements. We know how harmful, you know, school closures are for students. And under our existing regulations, we require teach out plans upon certain occurrences. They're not required, but we say teach out agreements where, you know, if applicable. So, our questions under here are, the first one is, you know, what factors should the Department consider in determining a relative risk of a recognized agency? I'll just read two and then what type of reviews or observations of the Departments- oh, excuse me, I'm in the wrong place. Let me go back up. Excuse me. Yeah. First one is, what can the Department do to further address the issue of orderly teach out and secure teach out agreements in the event of sudden closure? Again, I apologize. It's been a long day. We'll get there, though.

MS. JEFFRIES: We, will. So, comments and suggestions around that first question?
MR. WARE: Yeah, thanks. And at the state level we're involved in, unfortunately, a lot of closures. I would note that the process of teach outs and closures has gotten better in the last 5 to 10 years as a result of a lot of work by people at Department accreditors and states to do a better job of collaborating on these issues. I think that's really the key, to try to work together at all levels of the triad to assist students. You know, unfortunately, I don't think there's much that can be done it's going to be a bad situation, so we may have moved the needle from terrible to bad. But it's going to be a bad situation for students that I don't know as far as teach out agreements go. The only suggestion I had was there's a provision in the rule right now that talks about accrediting agencies notifying other accrediting agencies, if the school presumably is accredited by multiple accrediting agencies, If there's a teach out plan approved. I would suggest also notifying state regulatory agencies. I think that is happening for the most part now but putting it in rule. And going back to my other comments and complaints, where I suggested putting something in there about notifying state agencies, I don't want to imply that accreditors aren't doing that. I don't think it's
happening all the time, so it would be good to have that in there. Again, I don't have any- and since closures tend to be very fact-specific again, I've done a lot of them and they're all unique. It's hard to imagine, you know, what you could put in regulations that's really going to make it easier for students, unfortunately.

MS. JEFFRIES: Okay. Thank you.

Barmak, you're next.

MR. NASSIRIAN: I tend to think orderly teach outs are obviously much more manageable than sudden closures. The precipitous closure problem is a much different kind of a challenge. There is something problematic, both in theory and in practice, with having one institution closed under the watchful eyes of its accreditor and then expecting that accreditor, which, for better or worse, failed to anticipate, prepare for, plan on, or better yet, prevent that closure and, come up with a remedy because, as some of you may recall, a number of students who were left holding the bag when Corinthian collapsed, were handed over to ITT, so that they experienced two earthquakes in their lives, two kinds of failure in their lives. I think it would be important to ensure that when teach outs are offered, that they're of substantively better quality than the program that victimized them in the first place. So that
would be, I think, the main challenge. From my point of view, the accreditor kind of loses a little bit of credibility once they preside over one collapse. I almost feel like at that point, they're probably not the right party to organize and manage a teach out.

MS. JEFFRIES: Okay, thank you. Yes, Herman.

MR. BOUNDS: Since these questions are kind of intertwined with each other, can we—let people comment on all of them together?

MS. JEFFRIES: Absolutely.

MR. BOUNDS: Okay.

MS. JEFFRIES: Emmett?

MR. BLANEY: Hi. Thanks. I can certainly empathize with the fact that I'm sure that closures are all different. That was a comment made a couple minutes ago, I think. Just wanted to cite some SHEEO research. Shout out to Rob Anderson, and say that students who were in states that had kind of more robust plans and policies around school closure were somewhere between 53 and 94% more likely to re-enroll in higher education than students in states without those protections. So just emphasizing that it's not saying or, not proposing to try to have like a super detailed plan that applies to every overall situation. But having kind
of more robust policies around teach outs is shown in research to be incredibly beneficial for students.

MS. JEFFRIES: Okay. Thank you. I just want to take a moment here to announce that Magen is in for civil rights organizations and consumer advocates as the alternate. Jamie?

MS. STUDLEY: Good discussion. There are some smooth teach outs and accreditors are learning from each of them. Each agency I talked to had situations in which 100 or virtually 100% of the students were moved to another program. It's especially a challenge where there are clinical placements involved, especially in high-demand fields. But there's a lot of good practice that is helping make that work in more situations. The Department has done something in the last few years that is helpful, where institutional owners or leaders have other schools or want to return to the field of running institutions of higher education. The fact that the Department in a bad closure has preventive and restrictive conditions is positive. There's some good thinking. The problem is when the people, whether in good faith, are working to try and provide, use the remaining money and time that an institution has to support the long-term employees or, and think about student services one by one to be able to do a good job of it.
We and many other accreditors have worked on improving the manuals, how-to, what to do for good practice. We expect people to provide transcript protection services to minimize that's one of the most common problems. But once an institution is on a final slide, in many cases, the accreditor has no more leverage because the school is closing or we have withdrawn accreditation, and that is part of the closure. There's no reason to listen to us. I think, again, this is something that we might want collectively to work on offline. Should there be a centralized resource that steps in to assist in situations of precipitous or even planned closure that might know how to do it, that might have arrangements for transcript protection, whether that's funded by a tiny slice [30 seconds] or an insurance system. It is a recurring but unpredictable where it will occur problem. We may have other policy solutions, but in the meantime, we do our best to notify students early. We are not afraid of asking students to prepare teach outs when we see risk. I appreciate the Department's attention to this important matter.

MS. JEFFRIES: Okay, thank you, Jamie. Sophie?

MS. LAING: Thanks. Teach out agreements are necessary because they ensure that
students can finish the term at no charge and that their credits will transfer. In our experience, it can really be chaos when a school closes and students are inundated with a lot of inaccurate or misleading information about what options they now have. The closing school often refers students to schools offering so-called teach outs, but they're not really teach outs covered by an approved teach out agreement. Schools also flood students with or other schools flood students with so-called teach out offers to attract more business, when in fact they also are not offering to provide a teach out pursuant to a specific teach out agreement. This is all very confusing to students and can result in them enrolling at a school that they think is providing an approved teach out. But, the teach out is not, in fact, accreditor approved. And then the school goes on to charge them for the remainder of the term or refuses to accept credits. So specifically, I guess to the Department's second question, we were wondering if the Department could maybe provide some examples of what you're thinking about, what could be a middle ground between the plans and the agreements? How that can make sure that would protect students from the kind of practices I just mentioned.

MS. JEFFRIES: Herman- would you like that question put into the chat?
MR. BOUNDS: Yes.

MS. JEFFRIES: Okay. Thank you.

Alright. Magen?

MR. SANCHEZ: I wanted to both support, but also echo both what Sophia said and others on this regard. I mean, quite frankly, I feel this issue of abrupt school closures is a civil rights issue. I mean, when we're talking about the disproportionate impacts on students of color, I think when a closure is abrupt, the data I think that was shed earlier I was looking up in the last couple minutes. I saw in particular, a quarter of both Black and Brown students who go through a sudden closure end up not completing their degrees. That's relative to 41% of white students. I think it should be an expectation that we do provide for an orderly school closure process through teach out agreements or whatever way that we can support these students, because quite frankly, we shouldn't just hope that things go well. We should require that things go well.

MS. JEFFRIES: Okay. Thank you. I want to make note that the primary negotiator, Robyn Smith, has come back in for legal aid organizations. We're going to take Jillian and Robyn on these questions and then move to subpart C, the recognition process discussion.
that still needs to take place. So, Jillian.

MS. KLEIN: Thanks. I was first going to ask a similar question about this sort of interaction between teach out plans and teach out agreements. I remember in 2019, when many of us were here, we talked, I think, at length about options around teach out agreements and if they were feasible or hard or how they worked, how willing institutions were to talk sort of in general concept about a teach out agreement as opposed to at the point where teach out plan actually gets implemented. I was just sort of curious, and I'll wait to hear more from the Department about sort of what you're envisioning there. But obviously, if it's possible for that to happen more upstream, it's always in the best interest of students. I think there were just some questions. This was five years ago, right, but I think there were questions about sort of the feasibility of how that would work. My second comment is, and probably not super dissimilar from what John said, which is, there is at least, in the experience where we've taken students as part of a teach out, I think there's a critical role in many cases for the states to play. As you guys are thinking about sort of this from the lens of accreditation, I would just say, like, I think it's broader than that. Especially in the cases of when more
traditional institutions close that are maybe enrolling students within a more geographically central footprint. How can states help facilitate conversations about how students can get transcripts, what their options are, what sort of protections they have, and then how schools near them can help sort of pick up that loss and help students get to the finish line? Obviously, even though we're talking about this in the accreditation space, it's obvious that it's sort of a broader conversation in terms of how the whole triad works together. I would just encourage the Department and folks to sort of think more broadly than that. Then, to the comment, I think Jamie made, about if there's just a way that's more user-friendly for students or institutions that are seeking teach outs to work together. This, by the way, is not a regulatory thing. It's just a general comment for the ethos. But like if there's a more feasible way for schools to get information about other schools that may be looking for teach out so that we can be helpful in those cases, if somebody can like make an app or a technology tool or something, I have no idea. I think part of the problem sometimes is like there's just not a ton of visibility as things are scrambling and schools are shutting down into what that need is. And so always sort of open to conversations about how we can make that
more user-friendly for institutions to be able to help other institutions in the best interest of students. Thanks.

MS. JEFFRIES: Thanks, Jillian. Robyn?

MS. R. SMITH: Thanks. I just want to put a human face on this. I also want to respond a little bit to question number three based on the experience I have of doing school closure work for the last 30 years on behalf of low-income students. As you all know, sudden school closures are devastating for students. Really a horrendous and traumatic experience. It's while, closed- I'm sorry, teach out agreements are really the best option, and it's the option that students want. The problem is, is that I have rarely seen high-quality teach out programs offered to closed school students. Most often, what I have seen in my experience, again, with primarily for-profit school closures, sudden, not orderly closures is the revictimization of students who then enroll in a teach out that is of incredibly low quality but is still accreditor approved. I want to give one example of a client I currently have. He enrolled in a two-year TV film editing certificate program at a for-profit school in Los Angeles, who was accreditor-approved and had no- no problems from the accreditor standpoint or any actions had been taken by an accreditor against
this school. The program included training students so they could be certified on the Avid Media Composer Program, which at the time was required for most TV and film editing jobs. Unfortunately, the school closed before he was able to complete. Another for-profit college offered a teach out that was also accreditor approved, and this school is currently and was at the time approved by a separate accrediting agency. The teach out school assured students that they could be trained in and eligible for certification in the Avid Media Composer Program. The teach out school also told students in the two-year certification program that they were required to enroll in a four-year bachelor's degree granting program. After our client told the school he just wanted to complete his last quarter of the two-year program, the school told him that he would still have to sign the four-year agreement, but that they would let him get a certificate after he finished the last quarter at no cost to him. He signed the enrollment agreement because he didn't want his two years to go to waste. He didn't want to have to start over at another school from day one. When he went to his first meeting, it was at a location, a new location, this temporary location that lack the equipment necessary. The instructors were unqualified. The school was not licensed for the Avid
Media Composer Program. Even though they told him they would get that, they never did. Then the school told him he had to complete another quarter with additional courses that were never required by the other certificate program. He took out additional student loans, but then ended up dropping out because the school never got the AVID, the other program that was required for certification. As a result, he, although he can get a closed school discharge [inaudible]- sorry, I just want to say they were all accreditor-approved and no problems at any of these schools, but it was horrendous. Thanks.

MS. JEFFRIES: Thank you, Robyn, for sharing that. Herman, are you ready to move to subpart C, the recognition process? You're on mute.

MR. BOUNDS: Sure am, since there are no more questions in this area.

MS. JEFFRIES: Yeah, I don't see any more hands.

MR. BOUNDS: Alright. Just to summarize here, we've talked about this for, for several days about our risk-based review process and how we would like to initiate that. It's going to be applicable to, we talked about the 53 accrediting agencies recognized under 602, the four state agencies for vocational education recognized under 603, and then the five nurse
approval agencies currently, which are recognized under the 1969 Federal Register Notice. So, we'll be trying to work out this risk-based review process for all the entities that we recognize. As part of that process, we would like to prioritize regular monitoring and more frequent, in-depth reviews of those agencies or those conditions that have greatest risk, and then implement a more focused and narrow review of moderate-risk agencies. Then the third one here, I'm reading from the middle of that paragraph, subject the lowest risk agencies to less frequent and more highly focused reviews. We welcome your questions. I mean, your answers to our questions, about our risk-based review process. We have two questions there, and we can just combine all those together.

MS. JEFFRIES: Okay. The two questions, are in your issue paper. If we want to start taking comments on that and discussion. Barmak.

MR. NASSIRIAN: We have in the legislation a process of triggering risk-based reviews. The Department may want to look at those. Obviously, what you're looking for is indications of potential problems. Certain kinds of lawsuits, certain kinds of law enforcement action. A financial analysis sometimes indicates problems. A downgrading of institutional bonds
could be a metric. But most importantly, - again this is a matter of ethos and prevailing practice more than it is a matter of like articulating stuff in regs. You don't judge the safety of air travel based on the number of airplanes that took off successfully. You get very focused on the ones that crashed, the ones that had problems. I think that ought to be the primary mechanism. There are accreditors that have a disproportionate number of institutions with problems, and that, to me, indicates that the accreditor is probably not being as vigilant as they need to be. Candidly, there has to be a presumption, come NACIQI review and come Departmental review, that accreditors should be judged on the basis of the worst institutions they fully endorse, not on the basis of the best ones, because the best ones would probably be fine without accreditation on their own. It's the ones that represent the weakest link in the chain. That ought to be the metric of how well an accreditor is performing.

MS. JEFFRIES: Okay, thank you, Barmak. Jesse?

MS. MORALES: Alright, I'm off mute. Can you all hear me? Adding to Barmak and just kind of, also what was raised in, I believe, Monday in our first discussion, but talking about the risk-based reviews and
what we should be looking at in terms of when the accreditors are looking at institutions. We've submitted some language on that behalf. I don't want to read through all that because obviously we have time limits. But, I just want to point out that that's some of the language we put in. This language and these metrics are based on a project that we did with institutions seeking VA benefits and understanding that it truly focuses on what are those institutions at most risk. Then from there, looking at how long or flagging for accreditors to focus and then looking at moderately risky schools and so forth. It creates a streamlined, efficient process. I also want to say that it's particularly necessary in these cases that we or that accreditors are looking at institutions before they fail. Because once they have failed, students have really nowhere to go and that creates an even bigger process, so we really want to stop that before it happens. I will be putting in the chat kind of a summary of how that pilot went and the report just looking more closely at this. I highly recommend that folks look at it.

MS. JEFFRIES: Thanks, Jesse. Jillian.

MS. KLEIN: Yeah, thanks. So, I guess, I'm not sure if I have a question or a comment, I'm reading through this, I'm trying to think through, is the
issue related to Department bandwidth? Because I think if I'm understanding some of the red lines that we went through today, and some of the concerns raised by some of our accreditor friends at the table, I feel like you perhaps in your red lines are creating the conditions where there are going to be fewer accrediting agencies may be recognized by the Department. I don't have any data to support that. But if we're changing or removing, tightening this requirement around a Federal link to be recognized, and there's some timeline changes that are going away in terms of expectations the Department is committing to and their turn time and what accreditors have to commit to, all of that reads to me like there should be more bandwidth at the Department to do more robust reviews on agencies on a regular cadence, and especially if we're already talking about sort of a five-year timeline on recognition, I'm struggling with a scenario where folks would feel comfortable with any accrediting agency being reviewed less frequently than that, especially with the diversity that continues to evolve in higher education. I think we see that and, I'm obviously sympathetic to all the stories about school closures. They happen. We have seen an uptick of them happening in every sector, right? And we're seeing diversity in accrediting agencies accrediting different
types of institutions. Sort of all of those pieces combined, I guess, make me just nervous about any potential proposal that would deprioritize a review of all of our accrediting agencies on a very regular basis to make sure that all students are being served well. I hope that makes sense. Thanks.

MS. JEFFRIES: Thank you, Jillian.

Jamie?

MS. STUDLEY: I think Carolyn's first.

MS. JEFFRIES: Oh, I'm sorry, Carolyn.

I apologize.

MS. FAST: Oh, no problem at all. I just wanted to kind of piggyback a little bit on what on Robyn's really compelling story about, real-life situations that she sees. What struck me about what her story was that the consequences, the harm, the difficult situation fell on the students, and they paid the price for the misconduct of the schools. But I don't know that the accreditors faced any kind of consequence at all for their failures. This is an example of why more stringent review is important by the Department so that when there are these problems where schools are abusing students and students are harmed, the accreditors are also facing some kind of consequence for this, so that they don't just continue to be either rubber stamped or,
you know, not held accountable for these kinds of failures of oversight that are really harming students.

MS. JEFFRIES: Thanks, Carolyn. Now, Jamie, your turn.

MS. STUDLEY: I would say that our own processes are inherently risk-based, so we respect the notion and the question. For example, the frequency of monitoring in accreditation is very much driven by what we see and what the performance levels are. My own agency in looking at reaffirmations for institutions, provides for 6, 8 or 10-year reaffirmation cycles in addition to the annual review of outcomes, financial sustainability, complaints, litigation, and a variety of other factors that we look at every single year. But we make the big review process appropriate to our sense of the strength and sustainability and capacity of the institution. So that might be a model. That all said, each of the possible risk factors needs to be looked at carefully because of the reverse, tightening the bolts too tight. Sheer size does not necessarily mean danger. Several negative actions might mean rigorous or might mean that your institutions are weak. The number of complaints that come into an agency might tell you that the agency is very open to the learning that it can do through complaints and very clear about how people can file them.
I could say that there are more problems at their schools. Historic closures, right now what we're seeing is that there are geographic reasons that more institutions in some parts of the country are struggling, although I will say it is not as isolated as we might have thought. Good healthy closures, with planning, are hard to distinguish for this purpose from troubled or not well-managed ones. Maybe a place that we can look is at the accreditor dashboard, which, was initiated in 2015, I believe is when Michael Itzkowitz and I did the first one, looking at the relative outcomes for accrediting agencies and whether there is something that can be gleaned from that to speak to the question of exposure or effectiveness, but every one of them needs to be handled extremely carefully, even within a sensible, broad principle.

MS. JEFFRIES: Thank you, Jamie.

Robyn?

MS. R. SMITH: Sure. Thanks. I do think Jillian makes a good point that to the extent that there are risk-based factors identified by the Department, it would be useful to apply those to all institutions. I'm sorry, all accreditors. I also think that having worked for the government, I know, there's always a resource issue, and I think it would be very
useful for the Department to establish risk-based factors that pose red flags that an accreditor may not be doing the job it's supposed to be. One example is a sudden school closure, even one sudden school closure when an accrediting agency hasn't taken any action against that school. I think poses a red flag because, in my experience, those schools often close because of financial issues that have been going on for an extended period. Those kinds of financial issues also lead to a lowering of the quality of education. It's something an accreditor should be able to track and be aware of. And I think that if a school suddenly closes on an accreditor's watch, that's an example of a red flag that really should be looked at closely by the Department. I think we've put together a number of other potential risk-based factors that should be considered by the Department.

MS. JEFFRIES: Thank you, Robyn. JoEllen?

MS. PRICE: Alright. Thank you. Over the past few years, I have employees and currently have employees that have worked for some of these institutions that closed, some of them that closed very suddenly. And when they describe their experience working for the institution, and why they left the institution, it makes me extremely concerned about what students are
being put through at some of these institutions. These employees never reported their experience and working for these institutions. Should there be a method or a way in which employees that leave institutions that make them uncomfortable and or have been asked them to do things that make them very uncomfortable in terms of helping students and processing students through their processes—enrollment processes? Should there be a way for them to report that information comfortably, either to the accrediting agency or to the Department? Because I don't know of any way now in which they can report what their experience was working for some of these institutions.

MS. JEFFRIES: Thank you. Joellen. We have Erika up next. We are just about 15 minutes away from public comment. So, I'd like to encourage those who have registered spots for public comment to sign in at least 15 minutes prior to your slot. We'll take Erika, and then I think we should move on to the very last section of the issue paper for today, for the remaining 15 minutes. Erika?

MS. LINDEN: Thank you. And thank you for giving me a moment to speak. This conversation has been fascinating to me as a compliance officer in my real life. I don't often get into the weeds on many of the
issues that you're raising, and I recognize how critical they are. I recognize the horrifying impact on students that failures have on them. I'm going to ask the group to take a step back and just be thoughtful this is, again, a general comment, just reminding everyone that it's the students who ultimately pay for the increased costs that are related to achieving and maintaining accreditation or any other kind of authorization or any kind of regulatory compliance. we need to be careful what we ask for, I think, that we're not just creating additional costs to pass on to our students, which I think none of us want. I just ask, is there a way to consider what work is being done currently that maybe no longer needs to be done so that the resources needed, whether it's at the institution, at the agency, at the Department, at the states, can be shifted to focus on other issues that are now recognized as more relevant or critical. It always seems to be easier to add than to take some other things away that are no longer serving a relevant purpose. I say that as a compliance officer who really is committed to a belt and suspenders approach, but I have learned to hold that back a little bit within my organization because that's a very costly approach to take. So, I just ask people to be thoughtful about that. This is all tough stuff. If it was easy, we wouldn't be needing to have
these conversations. So, thank you.

MS. JEFFRIES: Thank you, Erika.

Alright. Herman, are you ready to move into the last two sections there under the category Other, which I believe had to do with change in accrediting agencies?

MR. BOUNDS: Yeah, I sure will. And I don’t think I need to go deep into this. Everybody can read the issue before us, but, it’s related to, removing the regional structure as far as the recognition process and then some of the changes made in current state law and the issue does mention the legislation passed in Florida. Our questions here are related to that issue. We can start with question one and go from there.


MR. NASSIRIAN: This goes under the category of be careful what you wish for, it may come true. The decision was made in the last rulemaking to obliterate the difference between regional and national institutional accreditors. Candidly, as I grapple with the consequences of it, I am not necessarily opposed to the notion that you shouldn’t be perpetually attached at the hip to one accreditor, that change may well be helpful just in the abstract, moving you from one
oversight agency to another. But what I am troubled with is that when the decision was made to nationalize regionals, no thought was given to the two likely consequences of creating that possibility. We're facing candidly both of them. One is political decisions that force institutions to go from one accreditor to another. That's the state law issue where, the state has every right and prerogative to manage the resources and the physical and administrative processes of the institution. But what they're not supposed to do is interfere with academic policy. That is the role of accreditation, is to oversee academic policy primarily, and the idea that politicians can force an institution to go from one accreditor to another based on political preferences should have been anticipated. Obviously, even without that, the second question we should all ask ourselves is what would be an institutional motivation to go from one accreditor to another? And the obvious one is that regulated entities shop for the most lenient regulator they can identify. If you give a regulated entity unfettered choice to go from one regulator to another, odds are that they will decide to do so based on what is most convenient to them. Doesn't mean they're bad actors, it's just that they do not want Attila the Hun regulating them, so they will identify the most lenient accreditor
and go to that one. Unless there is some sort of brand advantage to being regulated by somebody, which, frankly, I don't think that the legacy regionals have any brand identity before the public to make a difference. So, the thought I have here is to begin to rethink that choice in the first place. One is to go back to what we had before. The other would be to have the Department randomly assign accreditors if one of the former regionals is to be changed to randomly assign. Now that's where the definition of voluntary comes in. Voluntary has historically not meant to have an unfettered choice. It has historically meant you could do it or not do it. The state isn't forcing you to do it. Nobody's forced to participate in HEA programs in the first place. So even under the old regime you had to voluntarily join the regional accreditor in your region. I think those are some of the thoughts around the nature of voluntary.

MS. JEFFRIES: Okay. Any other thoughts on the notion of voluntary? Jamie?

MS. STUDLEY: These are complicated questions and do deserve a great deal of thought. There are two kinds of voluntary potentially at play here. One is the voluntary departure. Whether a departure is voluntary for a public institution may get into questions
that the Department has acknowledged of Federal state relations and the respective authorities of each. Then there's voluntary choice of accreditors. I will read something that somebody in our field suggested as a possible definition of voluntary. I am not proposing final or recommended action language, but just to help inform how this might be thought about. One suggestion was that it should be a yes/no determination and recognize this is not just a state issue. There are other ways in which institutions choices could be affected, that are worth thinking about, even though we have a particular frame right now, is any law, parent, organization, owner, sole member, state system, or other person or entity with legal authority over the institution requiring the change to a particular agency. That would be a way of articulating what was voluntary. I also wanted to just start early in this discussion, I want to say that accrediting agencies make decisions on these issues independently and do not consult with each other. We don't make those in a collective way. Each agency, with which I'm familiar, makes these decisions independently. That's a starting point on question one, Herman.

MR. BOUNDS: Thank you. You're going to put that in the chat, Jamie?
MS. STUDLEY: Yes, I will.

MR. BOUNDS: Okay. Thank you.

MS. JEFFRIES: Thank you, Jamie.

MS. STUDLEY: [Inaudible] the comment period because it's a lot to type.

MR. BOUNDS: I got you.

MR. NASSIRIAN: I have a question here for Jamie, may I?

MS. JEFFRIES: Sure.

MR. NASSIRIAN: Jamie, the definition you read was intended to define involuntary? In other words, were those categories of potential causes that would make it involuntary?

MS. STUDLEY: Yes.

MR. NASSIRIAN: Well, then, I mean, you know, somebody must make the decision. Is everything I mean, institutions have corporate governance of some kind, some sort of governance mechanism. If you decide that every one of those governance mechanisms in deciding is coercing the institution, then I'm kind of pondering, well, who is the institution that can make a voluntary choice? If it's not the board, if it's not the state, then who is the institution, for purposes of defining voluntary?

MS. STUDLEY: We deal with those
questions. I would refer you to governance policies about who is the institution that is making the decisions and whom we are regulating, and what is the governance structure. I can't answer that on the fly, but it is a fair question about who is it that an accrediting agency actually looks at and who you deal with? So, as I said, this was a stab at that direction, and it may be flawed, but it was offered in the interest of trying to help us get to a sense of what is voluntary in a way that could be reasonably predictable for the Department's purposes. Fair question.

MR. NASSIRIAN: Follow up?

MS. JEFFRIES: Okay.

MR. NASSIRIAN: Is it your view as well that voluntary from the accreditor perspective means the right to reject the request?

MS. STUDLEY: That was the distinction I made between departure and choice. Accreditors, I mean, somebody can choose to pursue accreditation with an agency. But, it is always the agency's responsibility to determine whether or not to grant that accreditation based on satisfaction of standards and any other requirements that the agency has. That's why I'm suggesting that there are two different phases of voluntariness, because there may be different choice
or voluntariness factors in those two different phases. But, if what you're asking is, does the institution's choice to pursue accreditation mean acceptance? No. Not. In any of the circumstances the Department's referred to, the accrediting agency would have to go through its full, normal review, plus any other considerations that the Department required us to take into account in the event of a transition, as opposed to the review of a brand-new institution that was not moving accreditors but was arising for the first time.

MR. NASSIRIAN: I'm sorry. Can I follow up on that just [inaudible]?

MS. JEFFRIES: Yeah. Real quickly. DC?

DR. PRINCE: I was just going to ask Jamie, and the institutional creditors, If you define voluntarily as if the institution decides to do it, or if their state passes a law, just by the act of switching accrediting agencies, doesn't that lead to better competition of institutions making their own determinations of who can better support them and help them keep their accreditation and/or improve where necessary, rather than being stuck or in a sense pigeonholed to an accreditor based on a regional boundary that most institutions are in essence required to do?

MS. STUDLEY: Was that a question to
me, Cindy?

DR. PRINCE: Yeah, it was.

MS. STUDLEY: You know, I think that all of us could have a view on the question of what promotes competition and what promotes it in a healthy and positive way. WASC was the first accreditor to say that we would be open initially to institutions that had connections with institutions we already accredited, and then moved to make that broader. We did it in the sense that there might be institutions that would find the way that we practiced accreditation or evidence-based, equity-minded, high support by staff model, and would want to be part of our agency. We didn't advertise, we didn't market it. We were allowing institutions to see what their thinking might be. That is a possibility. We think that there are different styles and models, but ultimately, all of the recognized accreditors have to have rigorous standards that are approved by the Department. In many ways, while we may articulate them differently, we may practice differently, the ultimate standards about mission, quality, student outcomes, governance, financial sustainability, and so forth are very similar among the historically regional accreditors that are most at issue here. I know that we have other national counterparts that play a different role in the
national picture. So, DC, I would say maybe, but that's really for institutions to determine, and for the whole landscape to judge whether what mix of positive and negative effects there might be.

DR. PRINCE: I think on that note, I would just quickly say, and make sure I'm only 35 or 45 seconds is that I think it's too soon for the Department to start to regulate this particular process yet, because what the Department hasn't demonstrated is that by institutions changing accreditors, that we are seeing larger, egregious acts of institutions either not doing what they're supposed to be doing, more students being hurt or harmed, more teach outs on the rise. There isn't anything that's related to an actual data or any kind of trend to say, by having this action, more institutions are closing, competition is becoming stifle, innovation is not happening, we're seeing more fines or more complaints arise from this. Therefore, I think it's a bit too soon to say that, oh, we need to now because of all this activity, we need to now start to regulate when we haven't even seen the outcome of what this is going to have on institution moving forward. Thank you.

MS. JEFFRIES: Okay. We are one minute away from public comment. There are still two questions. I'm going to wrap this up. I'm going to ask
you to please consider those last two questions and provide the input that the Department needs to have so that they can move forward with or without drafting regulatory text. Without your input, it makes it even that much more difficult for them. The last thing I want to say before we go to public comment is that we are asking, because this is our last day of session this week. Tomorrow, the TRIO committee work begins. the Department has asked that you submit any proposals to them by close of business on Thursday the 18th, which is a week from today, so that they have ample time to appropriately review them and analyze them while they prepare the reg texts for the next go-around. Because, as you know, the protocols say the text needs to be out, they try to get it out seven days prior to the next session. Keep that in mind. Send all your correspondence to FMCS. Please include the entire FMCS team on your correspondence. And with that, I think we're going to go ahead and open public comment. Krystal, who do we have first?

MS. K. SMITH: So, our first speaker is Cynthia Lawrence, who is representing herself. She is in the room.

MS. JEFFRIES: Hey, Cynthia, can you hear me?
MS. K. SMITH: She's on mute.

MS. JEFFRIES: Cynthia. Yeah, you're on mute.


MS. JEFFRIES: Great. Okay, Cynthia, you will have three minutes to address the committee, and you will receive 30-second heads up just before your time is to expire. So, with that, you may go ahead and begin.

MS. LAWRENCE: Good afternoon. I would first like to say thank you for having me here to speak to you today on this matter of utmost importance. Hi everyone. I'm Doctor Cynthia Lawrence, and I'm a veteran spouse. My husband was in the United States Air Force from 1986 until 2011. In 2014, I decided to return to school to get my doctorate. I wanted to have more earn ability, and my husband and I worked it out that it would be worth using his GI Bill benefits if I could get my doctorate from Grand Canyon University in the expected time. I spent seven years at Grand Canyon University and never received my educational doctorate from that school. My time at Grand Canyon University was marked by what seemed to me like [inaudible] and bait and switch tactics. I'd expected to take 3 to 3 and a half years to get my doctorate, as that is what the school had
advertised. Instead, the school repeatedly changed my dissertation requirements by switching the dissertation templates, requiring additional classes that were not initially part of my program, and providing conflicting standards. Things would change depending on whether I spoke to my dissertation chair or to my assigned methodologist. This meant that if I wanted to get anything out of Grand Canyon, I would have to pay more money. Although, I finished the coursework in two years, I spent an additional five years just trying to get my dissertation finished. Not only did GCU use up all of my husband's remaining GI Bill benefits, but I also took out $36,000 in Federal loans and spent an additional $17,500 out of my pocket. That is just $53,500 for the dissertation alone. I ultimately spent seven years at GCU. Although many of my credits did not transfer elsewhere, I was able to complete a PhD at another school in a much shorter timeframe. I honestly wish I could say that Grand Canyon University had benefited me in, at least in some ways, but I honestly, I can't. Accreditors need to do a better job of making sure that the doctoral programs are meeting legitimate educational and professional developmental goals and are not being operated in ways that just run up students cost. I'd like to thank you for your time in hearing me today.
MS. JEFFRIES: Thank you, Cynthia. Krystal, Who's next?

MS. K. SMITH: Our next speaker is Kimberly Jones from the Council for Opportunity in Education. They are in the room, and there they are.

MS. JEFFRIES: Hi, Kimberly. Can you hear me?

MS. JONES: Yes.

MS. JEFFRIES: Okay. Wonderful. Thanks for joining us this afternoon. You will have three minutes to address the committee, and you will receive 30-second heads up just before your time is going to expire. Okay? So, with that, Kimberly, please feel free to start.

MS. JONES: Thank you to the members of the Negotiated Rulemaking Committee, thank you for this opportunity to comment. As the President of the Council for Opportunity in Education, I represent more than 880,000 participants in the Federal TRIO programs. As higher education has changed drastically over the 15 years since the last reauthorization of the Higher Education Act, I strongly urge the Department to use the full weight of its authority and focus its efforts on updating TRIO regulations to address the current challenges facing our programs and students. First, with
the introduction of the better FAFSA comes a new barrier to TRIO, namely, provisions within the tax code that prohibit TRIO programs from accessing students' Federal tax information. To address this, COE recommends that the Department expand the definition of low-income individuals to include Pell Grant recipients. This would provide great administrative relief to TRIO's undergraduate programs. The Department should also eliminate the use of standardized test scores and high school dropout data. In the wake of the global pandemic, many jurisdictions have done away with standardized testing. This inherently disadvantages pre-college programs in these jurisdictions, as they cannot provide such data to demonstrate the need for the project, nor can they use this as evidence of their program's effectiveness. The use of data surrounding high school dropout rates is also problematic. First, such data is often underreported, if available at all. More importantly, TRIO programs have the distinct quality of enhancing the overall academic culture of a high school. Thus, in a school that has had a TRIO program for many years, it is probable that this program has helped decrease the school's dropout rate to avoid penalizing projects for their locality and their success in ushering in positive change, the Department should remove
regulations requiring standardized test scores and high school dropout data. COE also recommends that the Department update student stipends, as those outlined in the 2008 reauthorization have not kept pace with student need. For example, a Veterans Upward Bound program can only provide $40 a month to a participant, which would be one of our former servicemen and women. To prevent students from choosing between academic enrichment or employment, COE urges the Department to look towards the bipartisan [30 seconds] Educational Opportunity and Success Act for guidance and adjusting stipends within TRIO. Finally, COE recommends that the Department address regulatory prohibitions that hinder professional and student development. This would include broadening allowable costs within all programs to support costs necessary for students to participate in events that have as their purpose the intellectual, cultural, and social development of participants. Currently, such language only resides within Upward Bound. Thank you for your consideration of these comments.

MS. JEFFRIES: Thank you very much. Before we introduce the next one, I just would like to make a comment for the public commenters that, please be cognizant of the fact that we have interpreters working behind the scenes trying to provide services for those
who need them in an accurate and timely manner. So, please be cognizant of the rate of your speech, and articulate things clearly for them. I know three minutes seems short, but they're trying to do their job behind the scenes too. So, who's next?

MS. K. SMITH: So, next we have Cheryl Dowd from the WICHE Cooperative for Educational Technologies (WCET), and Cheryl is in the room.

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

MS. DOWD: Yes. Thank you.

MS. JEFFRIES: Wonderful. You have three minutes to address the committee today, and you'll receive 30-second heads up just before your time is up. So, with that, you're free to begin.

MS. DOWD: Thank you to the Department for allowing me this time to address the committee. Hello, my name is Cheryl Dowd. I'm with WCET, the whiskey cooperative for educational technologies. I serve as the senior director for the State Authorization Network (SAN) and WCET Policy Innovations. SAN and WCET serve members that include institutions, state agencies, and organizations to develop best practices and manage policy and compliance for important student consumer protections, addressing digital technology and interstate
Distance education. So, regarding the issues of this rulemaking, I wish to share points on two of the issues today. First, I'm going to address regarding state authorization, and it'll be specific to the complaint language. We concur with the Department that it is prudent that a reciprocity agreement includes a process for communicating information regarding complaints subject to the agreement, and the reporting of number and type of complaints. We urge the Department and this committee to consider that a process for communicating information must extend beyond states where the student is located at the time of initial enrollment. The regulations cited in this proposal includes or language that an institution is responsible for determination of student location. Also, upon receipt of information that there's been a change to the student's location of state. The Department's reference earlier this week to a previous rulemaking about the use of language was in reference to program approval for Title IV, which is different than the situation that we have here, where we're wanting to ensure that the states with a nexus to the students are resolving the complaint. We urge the inclusion of the full language about change of location found in the citation, to be consistent with requirements for state authorization and providing notifications for
programs leading to a license or certification. Second, I'm going to address R2T4 attendance for distance education. We understand the goal is to identify the evidence for the last day of academically related activity in each course. The proposal rationale indicates to better identify withdrawal of a student for distance education defined under 600.2, that institutions take attendance and use the attendance data to determine a student's withdrawal date. We wanted to offer some practical application information upon surveying our members. We learned from our members that there needs to be a clarity in language of which courses are applicable and what would be acceptable for attendance. Additionally, we learned that in current practice once a student is identified as [30 seconds] then the research is conducted to find the evidence of the last academically related activity. The search is focused on that one student, so consequently the institution will need to take the attendance by collecting this information for every distance education student. A member queried, is the Department seeking institutions to convert all academic engagement on a student-by-student basis into a record of attendance for every distance education student? We wanted to share this with you after having communicated with our members. Thank you
very much for your time today.

MS. JEFFRIES: Thank you, Cheryl, we appreciate it. Krystal, who do we have next?

MS. K. SMITH: Next, we have Jessie Hernandez-Reyes from The Education Trust. And Jessie is in the room.

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

MS. HERNANDEZ-REYES: Yes. Can you hear me?

MS. JEFFRIES: Wonderful. Welcome. And thanks for taking time out of your day to address the committee. You will have three minutes to address them. You'll receive 30-second heads up just before your time is ready to expire. Okay? So, with that, you may begin.

MS. HERNANDEZ-REYES: Thank you. Good afternoon. My name is Jessie Hernandez-Reyes. I'm a senior policy analyst for higher education at The Education Trust. We work to dismantle racial and economic barriers in the US education system from preschool through college. I'm also a first-generation college graduate and proud Mexican American. I'm here to urge the Department to center the experiences and outcomes of students of color and students from low-income backgrounds throughout the rulemaking process. This week,
a diverse group of former students shared how accredited colleges scammed them into spending down their Federal Student Aid and GI Bill benefits while leaving them with no credential or a worthless one. The public deserves regulations that hold institutions and accreditors accountable and prevent them from harming students in the first place. In addition, while students of color are nearly half of all undergraduates, accredited colleges often have persistently low college completion rates for these students. At collegeresults.org, we use Federal data to shine a spotlight on these disparities, which are a sign of a broken system. This lack of institutional effectiveness and accountability is a huge problem for the US workforce. Fewer than one-third of Black adults and only one-fifth of Latino adults hold an associate degree or higher. Federally recognized accreditors and colleges are responsible for student achievement and support, and they're falling short. One reason is negative campus climate. I spent a year talking to students of color at colleges around the country. Students recounted hostile treatment by peers and college staff. They expressed uncertainty about where and how to report incidents of discrimination, and they shared feelings of isolation, stress, and exclusion due to these experiences. These stories come from research on the
importance of belonging for student success. The Department should require accreditors to consider for both institutional reviews against standards and ongoing risk assessment, retention and completion rates disaggregated by race, ethnicity, and Pell Grant status, debt and Repayment rates, processes, and outcomes of campus climate reviews and Office of Civil Rights Discrimination data. Accreditors should also review retention and completion rates for incarcerated students attending higher education in prison programs, and ensure incarcerated students are not duped into training for jobs they will not be eligible to take. Lastly, the Department should ensure student complaints to accreditation agencies are not refused for being incorrect.

MR. WEATHERS: 30 seconds remain.

MS. HERNANDEZ-REYES: Or anonymously filed. Accreditors should err on the side of hearing students' concerns and should adhere to swift timelines for addressing complaints. Thank you.

MS. JEFFRIES: Thank you. Krystal, who is next?

MS. K. SMITH: Next, we have Jewel Bourne from The Campaign for College Opportunity, and Jewel is in the room.
MS. BOURNE: Hey. Good afternoon.

MS. JEFFRIES: Good afternoon, Jewel, welcome. You will have 30- you wish, right? You will have three minutes to address the committee. You'll get 30-second heads up just before your three minutes is to expire. So, with that, please go ahead and begin.

MS. BOURNE: Thank you. Good afternoon, members of the committee, Jewel Bourne, on behalf of The Campaign for College Opportunity, a broad-based bipartisan coalition committed to ensuring that all students, regardless of their circumstances, have an opportunity to go to college and succeed. As the Department seeks to clarify the rigor of accreditation practices and provide accrediting agencies the authority to implement clear standards of quality related to student achievement, student services, and recruiting and admission practices, The campaign for College Opportunity sees an opportunity for the committee to reimagine policies and practices to support transfer reform. We also see this as an uncommon opportunity to address an issue many institutions have been grappling with since the Scotus decision this past summer, severely curtailing the use of race-conscious admissions practices-admissions in higher education. We can choose to see the ruling as an opportunity to reimagine policies and
practices that support campus diversity, equitable access, and completion at four-year institutions. Transfer reform is one of those policies. What we are proposing here today would provide institutions with a race neutral means to increasing diversity on college campuses. This is because transfer reform can help close equity gaps in bachelor's degree attainment by providing vital degree pathways for students from minoritized backgrounds, who disproportionately begin their educational pathways at community colleges. The presence of clear, streamlined transfer pathways and practices and investments that support transfer student success should be considered part of the criteria for assessing institutional quality. Yet the existing HEA language on accreditation and transfer is limited to transparency. Specifically, HEA only requires accreditors to confirm that institutions publicly disclose their transfer of credit policies, which institutions accomplish through posting articulation agreements. However, the public posting of articulation agreements is neither a helpful nor meaningful signal to transfer-bound students. They provide no insight to transfer-bound students on what to expect, how they can plan for, and what resources are available to them as they pursue transfer. In fact, 68% of articulation agreements are written above the reading
level of a college graduate. If articulation agreements are inaccessible and unreadable to their core audience students, the current requirements are merely a stand-in for meaningful transparency. The Campaign for College Opportunity asks the committee to consider expanding the scope of accreditors authorization beyond the current transfer transparency measures, by requiring that institutions prioritize the needs of students in determining the quality of the transfer information provided. This can include annual data related to the share of transfer students, the rate of acceptance for transfer applicants, the average time to degree for transfer students. This committee could go beyond transparency and authorize accreditors to evaluate the process by which institutions accept or prepare students to transfer and consider whether institutions utilize accepted best practices in transfer, including common course numbering. Thank you for your leadership and the opportunity to underscore the imperative of investing in transfer as an essential lever to affirm equity and achieve quality in higher education.

MS. JEFFRIES: Thank you, Jewel. Krystal, who is next?

MS. K. SMITH: Our next speaker is Gregg Greer, who is representing himself. Gregg is in the
room.

MS. JEFFRIES: Okay. Hi, Gregg. Can you hear me?


MR. GREER: Unmute.

MS. JEFFRIES: There you are. Okay. There you are. Great. Wonderful. Welcome, Gregg. And thanks for joining the committee this afternoon. You will have three minutes to address the committee with 30-second heads up just before you're 30- your three- I keep wanting to go to 30 minutes here- just before your three minutes are to expire. So, with that, please feel free to begin.

MR. GREER: Hello, my name is Gregg Greer, and I'm the executive director of institutional research and effectiveness here at Wayland Baptist University in Plainview, Texas. My comments are in reference to regulation 668.1642. an institution may include the cost of books and supplies as part of tuition. Equitable access programs have seen an increase in student success because they offer the students effortless, low-cost materials on day one of their courses. If the proposed language goes through, this will drive up the cost to students by an estimated 40% and
potentially delay delivery of materials to the students. This leads to more student debt and creates challenges for the student's success. I recommend that we keep the current regulations as they are. The intent of the proposal is to change the students opt to- from opting out if they don't want to participate, to opting in if they do want to participate. The changes to the regulation are not in the best interest of the students. The proposed change removes the requirement that the students be allowed to opt out in the case of health and safety or single source materials. This also removes the requirement that an effort be made to have the materials be provided at a lower cost and provided to the student in a timely manner. Requiring students to opt in will create expensive procedure changes for the following reasons. First, unless students are somehow required to opt in or opt out by their campus when they register for their classes, they are less likely to opt in even when it is in their best interest. Students who do not opt in may not get required materials necessary for success. Lower participation drives up costs for the students who do participate in the program. Secondly, on Monday, one commenter effectively described the difficulty of tracking and signing up a specific 90% of students who might opt in to such a program. It's much easier to just
pull in everybody. Multiply this change by the 1900 or so campuses that use a program like this. WVU is an institution with a relatively small student body, but our resources are also relatively small, and our online and external campus students are spread out across the country. [30 seconds] This creates an undue and unnecessary burden on schools and publishers. For these reasons, it's in the student's best interest to leave things as they are. Students who do not wish to participate in the current programs can opt out of them. Thank you for your time and for the ability to address you.

MS. JEFFRIES: Thank you, Gregg, for your comments. Krystal, who's next?

MS. K. SMITH: Our next speaker is Elizabeth Braatz, who is representing herself, and Elizabeth is in the room.

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

MS. BRAATZ: Yes, I can. Can you hear me?

MS. JEFFRIES: Absolutely. Nice to see you. You will have three minutes to address the committee with 30-second heads up just before your time is to expire. So, with that, please begin.
MS. BRAATZ: Hello and thank you for the opportunity to speak. My name is Elizabeth Braatz, and I will be commenting in support of the proposal to eliminate the cash management provision regarding books and supplies. I am a second-year graduate student at Portland State University, studying to receive my Master of Public Policy Degree with a specialization in Advocacy and Leadership. Prior to attending Portland State University, I received my Bachelor of Science in Criminal Justice at Western Oregon University, which is also where I began my journey in urban education. Education is invaluable to me. I have paid my way through my time in higher education through scholarships, my savings, and working a part-time job while going to school and a full-time job during the summer. My parents made enough money that I did not qualify for any financial aid, but it was still my responsibility to pay for my education. Each time I paid $10,000 or more in tuition fees and room and board, which do not include my textbooks and materials. I support the proposed change to cash management, because many institutions have taken advantage of this regulation to create automatic billing programs, sometimes called inclusive access, which inhibits students from having agency or knowledge that textbooks and/or materials may be able to be found at more affordable rates. I recall 3
to 4 times in my higher education academic career in which I had to purchase a $200 to $300 textbook to receive the required homework codes to complete assignments. I was in a place of privilege to be able to afford these textbooks, but other students who were not in a place of financial privilege had no option but to buy a brand-new textbook with the codes included in order to complete and pass the course. In this case, my institution ensured that they were the only option for students to access these materials due to contracting with outside companies and parties. When we talk about what inclusive access really means, I can confidently tell you it does not look like the stories I have told.

While I support the proposed change, I am also concerned that it does not go far enough. There are still exceptions that would allow automatic billing in cases where there is a compelling health or safety reason, or the institution's the only option to access materials. I believe that these exceptions could be very easily exploited, especially since textbook publishers already do this with access codes for assignments. To prevent potential abuse, I urge the Committee to eliminate 668.164(c)(2) in its entirety, so that students have the right to opt into all books and supply charges and all [30 seconds] I implore this committee to adapt its
proposal to the stories, experiences and the livelihoods that are tethered to the decisions and regulations you make in this process. Thank you for your time.

MS. JEFFRIES: Thank you, Elizabeth.

Okay. Krystal?

MS. K. SMITH: Yes. So, our next speaker is Riley Street, who is representing themselves. Riley is in the room.

MS. STREET: Hello, good afternoon.


MS. STREET: Yes, ma'am. Are you able to hear me alright?

MS. JEFFRIES: Yes, ma'am. you have three minutes to address the committee this afternoon, and we thank you for taking time to do that. You will receive 30-second heads up just before your time is to expire. So, with that, please begin.

MS. STREET: Okay. Thank you so much.

Good afternoon. My name is Riley Street. I am a veteran. I served in the Army from 2015 until January of 2020. After my time in the military, I decided to go to school to pursue art and design. I personally attended Living Arts College from March 2021 until its closure in December 2022. My time there was filled with a lot of
unmet promises. When I enrolled, I signed up for a degree in animation in 3D design. However, the course's catalog description of the program differed from the actual curriculum. Based on what I had read, I thought the program would begin with drawing and sketching before transitioning those skills to the computer for said actual 3D animation. Many of my artistically inclined classmates and I thought the program would lead to a variety of jobs that fit our interests. Instead, the program funneled all its students to more technical, animation-related jobs. Or, just really quick, side gigs. So, I switched into the interactive media and graphic design program. I felt that this program would better fit my needs, but this degree was also a road to nowhere. The curriculum and coursework were just recycled from class to class. Most of the opportunities this degree led to were quick one-off gigs, like I said, like designing logos for a new business. No one offered a steady paycheck and benefits for people with our degree. I began to hear rumors around the school that something was happening. In August 2022, the school told us that they were looking to get approved by a new accreditor, but that we would still be able to finish our degrees. Oh, forgive me, sorry.

MS. JEFFRIES: That's okay.
MS. STREET: They encouraged us to sign up for classes. Later, the school threw us for a loop. Students could continue to pay out-of-pocket with our VA benefits, but we could not pay any more with Federal Loans, aka FAFSA. Finally, in December, the school shut down completely. They started letting anyone into the dorms and began renting them out as apartments, leading to an unsafe atmosphere. Without asking, Living Arts College automatically enrolled students into another school, Full Sail University. But I did not want to go there because I had heard that Full Sail was not a good school. Instead, I had to go through a long process of requesting my transcripts, and I still do not know whether my credits will actually transfer to other schools. Schools should not be allowed to make these promises that they cannot keep. When we found Living Arts College, other veterans, and I [30 seconds] got our hopes up that we would find jobs aligning with our specific interests, but we were let down. On top of that, school should not be allowed to fall the way that Living Arts did, leaving many of us wondering what our next steps would be with very little warning. Please consider rules that would force accreditors to act before it's too late. Thank you for your time.

MS. JEFFRIES: Thank you, Riley. Okay,
that is the end of the public commenters that have logged in for their speaking slots. And it is 3:59. Just one quick reminder that when you submit your proposals to the Department, well, to FMCS to submit to the Department, that we ask that they are in Word format. Include your rationale for the proposals, and it is red line text. Okay? With that, Herman, Greg, any last words?

MR. MARTIN: I just want to thank everybody for their time and expertise this week. I thought the discussions were very good, very professional. The Department will take back what we've heard at this table, along with all the various recommendations and proposals people on the committee have made to us and, come back in February with some revised language and some more ideas. It's been a pleasure. I want to thank all the participants as well as FMCS and, especially, David Musser and Herman Bounds, who joined me in negotiating this week. And with that, I'll just say to everybody, have a fantastic remainder of January. I'll see you all next month. Thank you.

MS. JEFFRIES: Thank you.
From P, Diana Hooley, State Attorneys General to Everyone:

We are also supportive of the Department's efforts here to strengthen the complaint procedures and would agree that more can be done. Ensuring that accreditors work with states when states request information from accreditors is also critical.

From A, Magin Sanchez, Civil Rights/Consumer to Everyone:
+1 on Jessi and Ashlynne’s remarks from a civil rights perspective

From P, Jessi Morales, Students/Borrowers to Everyone:

Attached is the letter I mentioned from outside organizations, sent to the Department that echoes and expands on many of these concerns.

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

Strongly agree with points raised by Jessi and Ashlynne on need to address accrdditor failures to protect students

From A, Sophie Laing, Legal Aid to Everyone:

Replying to "Strongly agree with..."
Same here.

From A, Sophie Laing, Legal Aid to Everyone:

Replying to "Strongly agree with..." (for Legal Aid Orgs)

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

Replying to "Strongly agree with..."

We agree the risk to borrowers by accreditors' failures has to be of paramount concern.

From P Jamie Studley, Institutional Accreditors to Everyone:

The term "if practicable" in 602.33...(C) -- under what circumstances might in not be possible to share it with the agency?

From P Jamie Studley, Institutional Accreditors to Everyone:

And under 602.34 we may have some thoughts about what kind of information could or must be considered.

From P, Laura Rasar King, Specialized Accreditors to Everyone:

Amy Ackerson will come in for the entirety of 604 for specialized accreditors.

From P, DC, HBCUs, TCUs, MSIs to Everyone:

@A - D'Angelo Sands, HBCUs, TCUs, MSIs My alternate, will step in for me at this time.

From P Jamie Studley, Institutional Accreditors to Everyone:

This afternoon I will refer as an example to metrics relating to
student outcomes including disaggregated performance, trends and comparisons and peer benchmarking information on my agency's Key Indicators Dashboard (KID) to be found at www.wscuc.org/resources/evidence-and-data/ or directly at wscuc.org/resources/KID. Many other agencies also post data about student outcomes on their sites.

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

Alternate Scott Dolan will step in for Private Nonprofits.

From P, Jessi Morales, Students/Borrowers to Everyone:
Where it makes sense I would like us to potentially open a discussion on Risk-based reviews here, as there was not a clear place to bring it up earlier.

From P, Jillian Klein, Proprietary Instit to Everyone:
+1 Jo's comments in general, especially with respect to non-traditional student behavior (adults!), and the need to account for that in policy broadly.

From A, Sophie Laing, Legal Aid to Everyone:
Agree with Barmak's comments and the major issues he raised.

From P, Laura Rasar King, Specialized Accreditors to Everyone:
Let's also keep in mind that 20 USC 1099b(o) states that "Notwithstanding any other provision of the law, the Secretary shall not promulgate any regulation with respect to the standards of an accreditation agency or association described in subsection (a)(5).

From A, Scott Dolan, Private/Nonprofit IHEs to Everyone:
+1 to Jo and John from us in private nonprofit. The diversity of institutions within our constituency and the students we serve require us to be very thoughtful about how we create metrics/bright lines that can enable fair evaluations of success and outcomes.

From P, Jessi Morales, Students/Borrowers to Everyone:
Accrediting agencies have the ability to manage benchmarks according to the institutions they serve that includes the mission of the school. It is important that the benchmarks are adequate though and that they are being met.

From A, Scott Dolan, Private/Nonprofit IHEs to Everyone:
thank you!

From P Jamie Studley, Institutional Accreditors to Everyone:
One effort to allow review and comparison of agencies is in the Accreditation Dashboards under NACIQI on the ED website.

From A, Magin Sanchez, Civil Rights/Consumer to Everyone:
+1 to Jessi's comments regarding the importance of disaggregating data, which is crucial uncovering students who face the worst outcomes, and prompting action to address such outcomes.

From P, Jessi Morales, Students/Borrowers to Everyone:
To be clear students of color and students from low-income backgrounds are not more difficult to serve.
From A, Scott Dolan, Private/Nonprofit IHEs to Everyone:
totally agree with Jamie here.

From A, Magin Sanchez, Civil Rights/Consumer to Everyone:
Reacted to "To be clear students..." with ❤️

From A. Ashlynne Haycock-Lohmann (vets) to Everyone:
Reacted to "To be clear students..." with ❤️

From Carolyn Fast to Everyone:
My alternate Magin is coming to the table with a comment.

From P Jamie Studley, Institutional Accreditors to Everyone:
This may track Sophie's commet: I have heard a suggestion that
"transfer agreements" may be a better vehicle for arranging viable
pathways than teach out agreements. Others may know more about the
details of that than I do.

From P-Robyn Smith-Legal Aid Orgs. to Everyone:
I am coming back in for legal aid orgs.

From A, Sophie Laing, Legal Aid to Everyone:
Primary Robyn Smith will now step in.

From A, Emmett Blaney, Student Borrower to Everyone:
Here is a link to the data I mentioned:
https://sheeo.org/project/college-closures/

From A, Scott Dolan, Private/Nonprofit IHEs to Everyone:
And Erika will come back in for me for private, nonprofits

From A, Sophie Laing, Legal Aid to Everyone:
What is the Department thinking about as a "middle ground"
between teach out plans and teach out agreements? How would that
middle ground adequately protect students, especially given the
confusing landscape that already exists with teach out agreements when
schools close?

From A, Sophie Laing, Legal Aid to Everyone:
Reacted to "To be clear students..." with 👍

From A, Rob Anderson, State Officials to Everyone:
A quick shout-out to Massachusetts who has begun developing a
holistic state plan after Mt. Ida's precipitous closure. It hasn't
been easy, but there's a lot more transparency and better early
warning triggers.

From (A) Zack Goodwin (he/him), Financial Aid Administrators to
Everyone:
Reacted to "A quick shout-out to..." with ❤️

From P, Jessi Morales, Students/Borrowers to Everyone:
Attached here is a report that summarizes the pilot program I
helped design and lead focusing on risked-based reviews.: 

From P, Jillian Klein, Proprietary Instit to Everyone:
Replying to "A quick shout-out to..."
Thanks for this, Rob - this was the exact example I was thinking of.
From A. Ashlynn Haycock-Lohmann (vets) to Everyone:
If the Department of Veterans Affairs has the bandwidth to do Risk Based Reviews, there should be no doubt that the Department of Education does too.
From P, Jessi Morales, Students/Borrowers to Everyone:
Agree with Ashlynne. For the risk-based review process we piloted both institutions and state agencies appreciated the process and that it focused more on relevant issues.
From P, Diana Hooley, State Attorneys General to Everyone:
We agree with the concerns raised by Carolyn and Robyn that it is the students who bear the risk and ultimately suffer serious harm, particularly with respect to abrupt closures.
From P - Carolyn Fast, Consumer/Civil Rights to Everyone:
Agree with JoEllen that there should be an easy confidential way for former employees to report concerns about institutional practices to accreditor and/or the Department
From A, Emmett Blaney, Student Borrower to Everyone:
I know we’ve moved on, but wanted to post a comment in the chat for posterity. RE: the cost being passed on to students. As a student with a large amount of student loan debt, I’d far prefer my money be going toward accrediting schools so that I can end up with a degree, rather than paying for schooling that is sub-standard, leaving me with (more) debt as a result of lower wages and limited career options.
From P-Robyn Smith-Legal Aid Orgs. to Everyone:
This study may be helpful to negotiators:
From A, Ashlynn Haycock-Lohmann (vets) to Everyone:
Reacted to "I know we’ve moved o..." with 👍
From P, Jessi Morales, Students/Borrowers to Everyone:
Reacted to "I know we’ve moved o..." with 👍
From (P) Barmak Nassirian -- Vets to Everyone:
Re "voluntary" definition: voluntary has historically not meant having multiple choices; it has only meant that the institutions did not have to be accredited if they didn't seek the benefits of being accredited
From A, Magin Sanchez, Civil Rights/Consumer to Everyone:
Reacted to "I know we’ve moved o..." with 👍
From (P) Barmak Nassirian -- Vets to Everyone:
Also, the question about "voluntary" from the accreditor perspective has to do with whether the accreditor has the right to simply reject an institution's request, even if the institution satisfies its standards
From P. Jo Blondin, Community Colleges to Everyone:
Accreditation is voluntary and choice is choice.
From P, DC, HBCUs, TCUs, MSIs to Everyone:

@P Barmak Nassirian -- Vets I think we can expand "voluntarily" in ways that we have not considered before and should give institutions choice to volunteer to participate as a member with whichever accreditation agency of their choice.

From A, Rob Anderson, State Officials to Everyone:
When will transcripts be made available for the public?

From A, Scott Dolan, Private/Nonprofit IHEs to Everyone:
thank you!

From A, Michael Cioce, 2 Year Colleges to Everyone:
See you next month!