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U.S. Department of Education  
Office of Postsecondary Education

NATIONAL ADVISORY COMMITTEE ON  
INSTITUTIONAL QUALITY AND INTEGRITY

(NACIQI)

**June 22, 2016**

8:30 a.m. - 5:30 p.m.

Double Tree by Hilton Hotel  
Washington Ballroom  
Washington, DC - Crystal City  
300 Army Navy Drive  
Arlington, VA 22202

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## 1 PROCEEDINGS

2 (8:30 a.m.)

3 MS. PHILLIPS: Good morning I would like to ask you to take your seats.  
4 Committee Members I believe you are almost all here. It is 8:30 and we are going to start  
5 on time. It is my pleasure to welcome you to the June, 2016 meeting of the National  
6 Advisory Committee on Institutional Quality and Integrity.

7 I'm Susan Phillips, Chair of the Committee and it is my pleasure first off  
8 this morning to introduce Ted Mitchell, Under Secretary of Education. Mr. Mitchell as  
9 you know has been instrumental in advancing many initiatives around institutional  
10 accreditation quality during this term. I understand his time is very tight to day so we  
11 very much appreciate him coming. He won't be able to stay for long but we welcome his  
12 comments to launch our meeting, so Ted with that.

13 MR. MITCHELL: Thank you Susan and I am happy to be here, happy to  
14 see my friends on NACIQI and I will be brief because you have a long agenda this  
15 morning and for the rest of the week. Pardon me -- I don't have to tell any of the  
16 members around the table about the importance of accreditation. Students and families  
17 rely on accreditors' stamp of approval to make informed decisions about their education  
18 and the federal government depends on accreditors in deciding who can be trusted with  
19 access to billions of dollars in taxpayer funded student aid.

20 For the most part that trust is based on demonstrated commitment and  
21 ability. The majority of agencies with whom we work, work hard every day to evaluate  
22 the quality of their institutions and they deserve our thanks. But the truth is that some

1 agencies need to up their game and occasionally agencies demonstrate such wide and  
2 deep failure that they simply cannot be trusted with making the determinations we you  
3 and the public count on.

4           The good news is this -- together NACIQI and the Department and to  
5 insure that once again accreditation is a mark of quality without fail and without  
6 exception across our nation. Before I continue I want to say a word about the  
7 recommendations before you on today's docket. I know that you will be faced with some  
8 tough decisions and I know that you will approach these decisions with your usual care.

9           I won't speak to any of the Department's specific recommendations this  
10 morning because I want to let the staff recommendations speak for themselves. I do want  
11 to say with gratitude that the staff has worked incredibly hard over the past several  
12 months to do a thorough review of all of the agencies on the docket.

13           I want to thank Herman Bounds and the accreditation group along with  
14 Sally Morgan, Jen Hong and all the others who have been involved in this important  
15 work. I want to say forthrightly that I fully support their analyses and the  
16 recommendations they have provided to you.

17           I trust that you will give their work full and thoughtful consideration.  
18 Ultimately we need to continue to shift the focus of all of our work to outcomes if we are  
19 going to insure students receive the quality education that they expect and deserve. High  
20 quality post-secondary education programs should not exist as small ions of excellence.  
21 In every state students should find a wealth of options to well prepare them for their

1 future careers and they should feel confident that accreditation is one of the many tools  
2 that they can use to evaluate their options.

3           The only way to insure that the system works, to truly give us assurance  
4 that institutions are serving students well is to have an accreditation process that allows  
5 the flexibility for innovation and the rigor to hold institutions accountable. And the only  
6 way to do that is to focus on outcomes.

7           NACIQI and the Department share these goals. As evidenced by your  
8 2012 and 2015 proposals that have informed our work over the last several years along  
9 with a few ideas of our own we have put many of these ideas into our legislative proposal  
10 and unfortunately in the fact of Congressional inaction we have put many of them in  
11 place through Executive action.

12           Over the last year we clarified that accreditors have the flexibility to focus  
13 their highest level of scrutiny on institutions that they determine present high levels of  
14 risk to students. Our guidance encouraged them to use that flexibility to focus their  
15 resources on higher risk or more problematic institutions.

16           We ourselves are employing a more risk-based process for the  
17 Department's ongoing review of accreditors. Pardon me -- we've pulled in new data and  
18 materials from across the Department to inform the review and the recommendations.  
19 We have asked that accreditors reframe the information they submit to us in a format that  
20 is simpler and more uniform to help us and the public understand what is going on with  
21 the institutions in an accreditor's portfolio.

1           And we have called for greater transparency from accreditors. We are  
2 adding to that transparency ourselves by posting accreditor's standards related to student  
3 outcomes along with the performance of the institutions they accredit. NACIQI has also  
4 requested greater information on accreditors' outcomes for its pilot and yesterday as you  
5 know we publicly released the next generation of this information. The Department has  
6 created dashboards of key institutional outcomes for each accreditor's portfolio in an easy  
7 to digest format.

8           The Department and NACIQI have been traveling this road together.  
9 Your pilot effort on outcomes data is a major step forward for the field. It takes a little  
10 work to understand what the data mean, how best to utilize them in the context of these  
11 discussions and in the criteria for agency recognition but at the end of the day what's  
12 more important than how well student's succeed in accessing and completing their  
13 education with the positive long-term outcomes that accrue.

14           It's clear to me how seriously you have taken this charge and we are very,  
15 very grateful for the partnership that we have. We also recognize that there is a need to  
16 improve coordination and information sharing across the triad since protecting students is  
17 a shared responsibility. To meet this need we stepped up our communications with  
18 accreditors to make agencies more familiar with the resources available to help inform  
19 their own reviews and we are actively working with CHEA to explore how to increase  
20 and improve information sharing with state agencies in a similar way.

21           When we last gathered I noted that accreditation was much on the nation's  
22 mind and the work of the accreditation community has never been more important which

1 means that the work of NACIQI has never been more important. This was true then it  
2 holds true now and will continue to be the case for the foreseeable future. The growing  
3 demand for higher education across the marketplace and the proliferation of providers of  
4 education challenge all of us, accreditors, NACIQI and the Department to do everything  
5 in our power to strength accreditation and to make it excellent without fail.

6           Never before has a post-secondary degree meant so much and never  
7 before has there been such a need for prospective students to be informed investors in  
8 their own futures empowered with accurate and timely information about institutions.  
9 The landscape demands rigorous and focused attention to student outcomes and our  
10 approach to accreditation and our broad attention across the Department to transparency.

11           To be clear the push for accountability isn't just for accreditors it is for all  
12 of us including the Department, NACIQI, states and Congress. Just as we hold  
13 institutions accountable we have to hold ourselves accountable. That's why we continue  
14 to sharpen our efforts to create information through tools like the college score card, why  
15 we build rules like gainful employment to protect students from programs that do not  
16 provide true access to middle class jobs and that is why we have created our new student  
17 aid enforcement unit to complement the work done by our program compliance teams in  
18 routing out bad actors.

19           We need your partnership in restoring trust to the accreditation process as  
20 a true and consistent indicator of quality. When we see schools provide extremely poor  
21 outcomes for students or even commit fraud while maintaining their accreditation it is a  
22 black mark on the entire field.

1           The unfortunate reality is that not all institutions have students' best  
2 interests at heart nor are they investing their resources in a way that maximizes student's  
3 success. Accreditors need to be the fail-safe in these instances but too often they have  
4 been asleep at the switch. To be clear I am not painting all the accreditors with the same  
5 brush. The majority of agencies are working hard to evaluate the quality of the  
6 institutions in their portfolio to celebrate successful schools, to help struggling  
7 institutions improve and where necessary to remove accreditation from institutions that  
8 systematically fail their students.

9           However we know that some are not and the presence of poor players  
10 taints the reputation of all accreditors and raises questions about the value of  
11 accreditation as a whole. That should be as troubling to the entire accreditation  
12 community as it is to us at the Department and it is why we have a responsibility to act.

13           We must continue to do all we can to ensure that accreditors are focused  
14 on the right things and effectively hold institutions accountable. If they are not we have  
15 to make the hard decisions and take tough actions. We have to think carefully through all  
16 the consequences for institutions and students and at the end of the day we must insure  
17 that any accreditor receiving federal recognition is doing its job to protect students.

18           To do anything less is to sanction poor oversight and put even more  
19 students at risk. Our students are counting on us. This work isn't easy this work is a  
20 partnership between all of us. I am extremely grateful for that partnership and extremely  
21 gratified at the commitment of NACIQI as collective and as individual members to work



1 on behalf of the accreditation system and importantly work on behalf of the students  
2 across America who depend on us, thank you Susan.

3 MS. PHILLIPS: Thank you very much Ted we appreciate your time and  
4 understand that you are not able to take questions at this point. We will start with our --  
5 we will shuffle a bit our locations and start with our regulator meeting agenda in just  
6 about two minutes.

7 (Pause in meeting)

8 MS. PHILLIPS: Apologies for having some technical difficulties up here  
9 we will get them worked out. In the meantime we will go ahead and get started. Again  
10 it's always very inspiring to hear Under Secretary Mitchell speak. We are very fortunate  
11 to have had some of his time this morning.

12 As we start our meeting today as always I wanted to start with  
13 introductions of the Committee Members. Let's see I think I will start with Jill and we  
14 will go around and your name and institution affiliation.

15 MS. DERBY: Jill Derby, Senior Consultant with the Association of  
16 Governing Boards of Colleges and Universities.

17 MS. DERLIN: Bobbie Derlin, Associate Provost Emeritus, New Mexico  
18 State University.

19 MR. ZAROGOZA: Federico Zargoza, Vice-Chancellor of Economic and  
20 Workforce Development for the Alamo Colleges.

21 MR. BROWN: Hank Brown.

22 MR. WOLFF: Ralph Wolff, no institutional affiliation.

1                   MR. STAPLES: Cam Staples, President of New England Association of  
2 Schools and Colleges.

3                   MS. MANGOLD: Donna Mangold, Department of Education, Office of  
4 General Counsel.

5                   MS. MORGAN: Sally Morgan, Department of Education, Office of  
6 General Counsel.

7                   MR. ROTHKOPF: Arthur Rothkopf, President Emeritus, Lafayette  
8 College.

9                   MR. KEISER: Arthur Keiser, Chancellor, Keiser University.

10                  MS. HONG: Good morning, Jennifer Hong, Executive Director and  
11 Designated Federal Official.

12                  MR. BOUNDS: Herman Bounds, Department of Education, Director of  
13 the Accreditation Group.

14                  MR. BOEHME: Simon Boehme.

15                  MR. O'DONNELL: Rick O'Donnell, Skills Funds.

16                  MS. NEAL: Anne Neal, American Council of Trustees and Alumni.

17                  MR. LEBLANC: Paul LeBlanc, President of Southern New Hampshire  
18 University.

19                  MS. SULLIVAN ALIOTO: Kathleen Sullivan Alioto.

20                  MS. PHILLIPS: Thank you all. Many thanks also to the Department staff  
21 which I know put in enormous hours prior to this meeting and will be an enormous  
22 resource as we go through this time. And we have at this meeting three different parts of

1 our agency review agenda. First is the usual consent agenda, second is the part of the  
2 agenda that includes agencies that are seeking renewal of recognition and last -- the part  
3 that includes agencies that have submitted compliance reports that were not included in  
4 the consent agenda. Because each of these have different procedures I will be revealing  
5 each set of procedures before we start each one.

6 So with that in mind we are going to begin with the Consent Agenda and  
7 procedures for this. The procedure is to call for any third-party comments, call for  
8 removal of any items from the agenda, to move and second the consent agenda, to vote  
9 and to move on to the next item.

10 **PUERTO RICO STATE AGENCY FOR PUBLIC POSTSECONDARY**

11 **VOCATION**

12 So at this time we have only one item on our consent agenda, a  
13 compliance report state approval Agency for Public Postsecondary Vocation, do we have  
14 any third party commenters? None -- any requests from Committee members to remove  
15 this item from the consent agenda? Seeing none I would look for a Motion to Accept.

16 MR. BOEHME: Motion.

17 MS. PHILLIPS: Motion by Simon Boehme and second by Jill Derby  
18 calling for a vote to approve the consent agenda for the Puerto Rico State Agency, those  
19 in favor say Aye? (Group Aye's)

20 Opposed? Abstain?

21 **NACIQI RECOMMENDATION:**

22 Thank you that Motion passes.

1           We will move now to the second portion of our agenda that concerns the  
2 agencies that have applied for renewal of their recognition. As you know over the past  
3 several years NACIQI has noted the need for further consideration about the process by  
4 which accrediting agencies are recognized by the Secretary from the practice of this body  
5 since the regulations revisions of 2009 for the policy deliberations leading to our  
6 recommendations of 2012 and '15 and from the recent charge of the Under Secretary it  
7 has been clear that this has been an important opportunity for more formalized  
8 consideration in this review process.

9           In looking to provide more information about student achievement in the  
10 agency's accredited programs and institutions as well as other policy significant student  
11 program and institutional outcomes and performance metrics. With this opportunity in  
12 focus the NACIQI announced its plans to pilot a more systematic approach to considering  
13 student achievement and other outcome and performance metrics in the hearings for  
14 agencies that come before it for consideration of their Petition for Continued  
15 Recognition.

16           We anticipate that the information and perspectives gained in the course of  
17 this pilot will shape and refine further conversations about the recognition process  
18 thereafter. The approach that we pilot at this meeting seeks to bring information about  
19 agency standards and practices about student achievement into great focus in our  
20 discussions about agency recognition and into our policy development discussions.

21           It also draws on the newly made available information in the score card  
22 and underscores the important role that recognized agencies play in ensuring

1 improvement among institutions they accredit that are at risk of falling out of compliance  
2 with agency standards.

3           There are four focuses of this pilot. First, general performance and  
4 outcomes of the institution the agency accredits. Second, decision activities of and data  
5 gathered by the agency. Third, standards and practices with regard to student  
6 achievement and fourth agency activities in improving program and institutional quality.

7           Questions about the first three of these areas will be included in the review  
8 process prior to formal action and vote and the last will be included after the formal  
9 action is complete. So with that in mind I want to review the procedures for the renewal  
10 applications that include consideration of this pilot project.

11           We start each review with primary readers introducing the agency  
12 application. The Department staff will provide a briefing, the readers and the rest of the  
13 Committee may have questions of the staff, and the Agency has an opportunity to make  
14 remarks. At that point the primary readers for the Agency will pose whatever questions  
15 they may have as well as these three pilot questions about general performance and  
16 outcomes of the institution the agency accredits, decision activities of and data gathered  
17 by the Agency and standards and practices with regard to student achievement.

18           Following this Committee members -- NACIQI Committee members may  
19 have follow-up response question and comment and the Agency may respond. At that  
20 point we will take up any third party comments followed by Agency response to third  
21 party comments, Department staff final comment, discussion and vote and after the final

1 discussion and vote we will take up the final set of pilot project questions concerning  
2 Agency activities in improving program and institutional quality.

3                   It is a bit of a different procedure for us so I will be trying to gauge time a  
4 little differently this time and it will help if the Committee members work with me on  
5 that.

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1 **AMERICAN PSYCHOLOGICAL ASSOCIATION (APA), COMMISSION ON**  
2 **ACCREDITATION**

3 So with that in mind our first Agency for renewal of recognition is The American  
4 Psychological Association, APA Commission on Accreditation.

5 I understand Chuck Mula is the Department staff. The primary readers are  
6 Jill Derby and Anne Neal and I will leave whichever of you is going to do the  
7 introduction of the Agency -- Anne.

8 MS. NEAL: The American Psychological Association Commission on  
9 Accreditation is a programmatic accreditor. It currently accredits over 900 professional  
10 education and training programs on the doctor and post-doctoral level in psychology.  
11 The Agency has identified multiple federal programs that require the Secretary's  
12 recognition of its accredited programs as a pre-requisite to participate in non-Title 4  
13 federal programs and/or federal employment.

14 In addition the Department of Veteran's Affairs and the Federal Prison  
15 System cite the APACOA-accreditation as the standard both for admission to its  
16 internship training programs in professional psychology and for employment as a  
17 psychologist at all VA Medical Centers.

18 The Commission received initial recognition by the Secretary in 1970, has  
19 received continued recognition and seeks continued recognition at this time.

20 MS. PHILLIPS: Thank you Anne. Department staff Chuck Mula.

21 MR. MULA: Good morning Madame Chair, Members of the Committee.  
22 For the record my name is Chuck Mula and I am providing a summary of the review of

1 the Petition for Continued Recognition submitted by the American Psychological  
2 Association and hereinafter referred to as APA or the Agency.

3           The staff's recommendations are the senior Department official for this  
4 Agency is to continue the Agency's current recognition and require a compliance report  
5 in 12 months on the issues identified in the staff report and submit that compliance report  
6 within 30 days thereafter that demonstrate the Agency's compliance with the issues  
7 identified in the Department's staff analysis.

8           This recommendation is based on our review of the Agency's Petition, the  
9 supporting documentation as well as an observation of an on-site evaluation in January,  
10 2016. A review of the Agency's Petition found that the Agency is substantially in  
11 compliance with the criteria for recognition. There are a couple of outstanding issues that  
12 the Agency needs to address in a recognition area and in their application of those  
13 standards.

14           And brief the issues concerning the Agency's monitoring policies and  
15 implementation and enforcement timelines and actions and this is basically the staff's  
16 attempt to find out from the Agency and identifying and tracking the documentation that  
17 demonstrates the policies and procedures used to keep the monitoring and the timelines in  
18 place.

19           We believe that the Agency can resolve the concerns that we have  
20 identified and demonstrate its compliance in a written report in a year's time. Since the  
21 Agency's last review in 2015 the Department has received no reviews, complaints or



1 comments. This concludes my presentation and a representation of the Agency present  
2 today will be happy to answer any questions the Committee might have.

3 MS. PHILLIPS: Thank you Chuck, primary reader questions of staff?

4 MS. DERBY: Let me begin -- it seemed to me that there were a number  
5 of areas in which the compliance here has been very lax in the past concerning 602.19  
6 Monitoring and Re-evaluation of Accredited Institutions and Programs. Let me point to a  
7 few things and then explain to me your recommendation be given.

8 It's noted that the Agency reviews attrition rates and sets a benchmark of a  
9 7% for attrition rate, 50% for internship acceptance rate -- and requires each doctoral  
10 program to report its licensure rate but it doesn't set a minimum standard regarding  
11 licensure rate and at least in one instance an institution fell quite short of the benchmarks  
12 for attrition but there was really no follow-up that demonstrated enforcement can you  
13 speak to that?

14 MR. MULA: I'm going to try to do that. Actually the Agency has -- the  
15 last cycle the Department has been really concerned with being able to identify  
16 documentation that demonstrates that the Agencies are in compliance with the monitoring  
17 requirement of 602.19A. This Agency historically has always satisfied this requirement  
18 but in a Department's attempt to get more information that we could actually point to that  
19 demonstrates a complete from point A to point B of each action in making sure that the  
20 Agency is doing this within the timelines required by the criteria we are going back and  
21 asking them to provide additional documentation so that we can identify that.

1           We were not sure at the time of doing the review that everything was  
2 available so we are kind of basically asking them to please provide more information and  
3 documentation so that we can verify their compliance. This is something that we are  
4 doing with everybody and it is to get everybody into the same place so that the  
5 consistency can be used in identifying the absolute compliance with the 601.19A.

6           MS. DERBY: And 602.20 as well in terms of enforcement timelines.  
7 There were examples of programs being incompliant for 5 years and not meeting the 2  
8 year timeline enforcement requirement. That seems egregious to me.

9           MR. MULA: Well it does but sometimes in -- especially in a  
10 programmatic accreditor's position each program or different programs within an  
11 institution that's accredited by an institutional accreditor or a regional accreditor that  
12 would be this case -- the programs are not all at the same time and not in compliance.

13           So what we would like to make sure is that these timelines were kept so  
14 we would like probably the agency -- we would hope the agency would be able to give us  
15 documentation that demonstrates the exact timelines. What we have seen in the Petition  
16 and the documentation presented in the Petition was substantial enough for us to not --  
17 let's put it this way it was substantial for us but we wanted to make sure that we had the  
18 right kind of documentation and we are asking for clarification and documentation to  
19 support that.

20           MS. DERBY: Thank you and I know you didn't do the initial work on  
21 this Chuck so this may be tough but here's a statement from your review that says, "It's  
22 not clear within the agency's policies and procedures that the agency has the ability to

1 initiate an adverse action when the agency's review of a program under any standard  
2 indicates that the program is not in compliance with that standard, or within the time  
3 period expected." Can you speak to that?

4 MR. MULA: I basically remember that although in practice the agency  
5 does do what is required. We were not able to identify the policy or the procedure  
6 specifically that show that path or describe their path so we are looking for clarification  
7 of that.

8 MS. PHILLIPS: Herman Bounds, clarification?

9 MR. BOUNDS: No I just wanted to make a point that we were finding  
10 that with a lot of agencies where they are having some problems with these enforcement  
11 timelines so you know this agency is just one of those and we just want to make sure that  
12 they are actually following the right regulation but I just wanted to bring up that these are  
13 not the only folks that we have looked real closely at the timelines for.

14 MS. DERBY: Thank you.

15 MS. NEAL: I just want to pursue this a tiny bit. As I am reading this  
16 Chuck and I have read a lot of these over the years. Although the review was thorough it  
17 cannot be assumed to be all inclusive. The absence of the statements in the report  
18 concerning specific practices et cetera must not be construed as exceptions, approval or  
19 endorsement of those practices.

20 Furthermore it does not relieve the agency of its obligation to comply with  
21 all the statutory and regulatory provisions. This analysis does not address any changes in  
22 policies and procedures of standards that have not been disclosed. This report reflects

1 initial findings. These findings are not final. It is unlike any description frankly that I  
2 have read before and I am just curious it is sort of just speaking in code I'm just trying to  
3 understand why this is a little different from the kinds of staff analyses that we have seen  
4 before?

5 MR. MULA: I can -- we are approaching -- I'm going to let Herman jump  
6 in on this a little bit because he's managing this operation but we are approaching the  
7 analysis a little bit different than we have in the past. We have had a really different  
8 cycle of a review this time around. We are looking for more information and more  
9 explanation about processes and policies, Herman do you want to help here?

10 MR. BOUNDS: No I think -- yeah I think Chuck kind of hit it best and  
11 the analyst that did the initial report of course is not here and I think some of that  
12 language is her referencing the folks review criteria trying to let folks know that we  
13 didn't look at everything we just looked at specific areas of the report.

14 So I think that's what some of that is for and then some of it is just to kind  
15 of let the Agency know this is not over until we get the compliance report because we  
16 thought those issues were pretty serious, the enforcement of timeline issues, we wanted to  
17 just make sure that they address those so I think that's what that language was in there  
18 for.

19 We kind of looked at that before the report went out and were going to  
20 kind of edit some of that out but we did leave that in but I think that was the basis for the  
21 comments -- it's just to let the Agency know the seriousness of the issues.

1 MS. PHILLIPS: Further reader comments? Committee questions of the  
2 staff?

3 MR. KEISER: Chuck and again it's more of a reference from what Jill's  
4 question was -- have we come to a recommendation or requirement that the Agency has  
5 bright lines in terms of specific achievement standards? I mean is a bright line now a  
6 requirement?

7 MR. MULA: Dr. Keiser I will try to answer that but Sally might want to  
8 jump in on this too to make a clarification. We are not allowed to ask the Agencies to  
9 develop bright lines. The institutions are giving the standard and the institutions are  
10 therefore to come up with a way to produce this information and documentation that they  
11 agencies are looking for and I don't think there's any kind of attempt by the Department  
12 to force the establishment of bright lines.

13 MS. PHILLIPS: I have Sally and Herman?

14 MS. MORGAN: I guess I would add that if the agency has bright lines we  
15 would expect them to enforce them and also we expect agencies to have standards that  
16 comparable agencies would have.

17 MS. KEISER: The enforcement issue -- I can understand that an agency  
18 would have a rubric in terms of determining when an institution is out of compliance and  
19 it would seem appropriate but I get concerned when I hear that well if they didn't have  
20 the 78% pass rate on the site test, whatever it is -- then that institution should be removed.  
21 And because that was what I thought I heard and I just wasn't sure that we were moving  
22 in a different direction than we have in the past.

1           MR. MULA: The information that I looked at did not in any way give me  
2 that kind of impression that they would do that. The Agency has historically worked with  
3 the institutions that don't reach their requirements to try to get them back into compliance  
4 and that's historical -- we can find that out just be reviewing the documentation but I just  
5 think that we are just trying to make it get clearer and more precise processes and they do  
6 have a rubrics that they use but sometimes that information is not even included in the  
7 process. We would like to have that information to include in the process.

8           MS. PHILLIPS: Ralph?

9           MR. WOLFF: I just would like to hear from the Agency representatives  
10 on this issue but it is a larger question than just the APA but the issue is if they are going  
11 to lead toward an adverse action or removal of accreditation the maximum period of two  
12 years in a five year program it is very hard to turn around. You have already admitted the  
13 students that are going to come up in the two year period so it is a real -- I think this  
14 warrants larger discussion but I would like to hear how the Agency is addressing and  
15 whether they are agreeing with the staff recommendation and how they would see  
16 themselves coming into compliance with too rigidly applying a standard -- a bright line  
17 numerical standard.

18           MS. PHILLIPS: Thanks Ralph, Jill?

19           MS. DERBY: I just had a question for clarification. What's the  
20 difference between a rubric and a standard in this setting?

1                   MR. MULA: What we're noticing is that a lot of agencies do this, a rubric  
2 is basically a process they follow when they are doing an evaluation or they are  
3 reviewing an issue.

4                   But in the process that rubric is not there but the process is basically more  
5 a broader statement of why they do this but they don't include that specific information  
6 and we would like to have that specific information included in the process.

7                   MS. PHILLIPS: Herman?

8                   MR. BOUNDS: I would just like to add that I think you know in  
9 reviewing some of the work here I think the issue here is when the Agency determined  
10 that the programs were out of compliance and that is what we are looking at. It's their  
11 determination whether they have an established benchmark or not we kind of look back  
12 in the documentation to see okay on this day we say to this program about a compliance  
13 and when you look at the specific information or documentation here it just appeared that  
14 those enforcement timelines just weren't being followed, not from our interpretation but  
15 from when the agency originally sited that institutional program for being out of  
16 compliance.

17                   MS. PHILLIPS: Any further committee questions of staff? We have a  
18 chance at the other end of this to speak to him again, wonderful thank you  
19 Chuck. Let me invite the representatives of the Agency to come forward.

20                   Welcome I think you know the protocol but I will remind you anyway you  
21 press to talk, the little red light goes on and if you could begin by introducing yourselves  
22 and any remarks that you care to make.

1                   MS. REMONDET WALL: Good morning and thank you I will start with  
2 introductions, I'm Jaqueline Remondet Wall. I am the Director of Program Consultation  
3 and Accreditation at the American Psychological Association. Our office supports the  
4 work of the APA Commission on Accreditation.

5                   I am here today with Dr. Kathleen -- Kathy Bieschke the Chair of the  
6 Commission. Dr. Bieschke has served on the Commission for the last 5 ½ years. She's a  
7 full professor and is the Dean of the Shire Honors College at the Pennsylvania State  
8 University. It's a pleasure for us to be here before you to discuss the APA Commission's  
9 Petition for Renewal of our Recognition.

10                  I would first like to express appreciation to Miss Jennifer Hong and Dr.  
11 Herman Bounds, excuse me and the accreditation group. I would also like to especially  
12 thank Miss Elizabeth Daggett and Mr. Chuck Mula, the staff who provided guidance and  
13 reviewed our Petition.

14                  Of note is that Miss Daggett accompanied a team that conducted a site  
15 visit to a doctoral program undergoing accreditation review last January. We appreciate  
16 the efforts of both of these staff members for their review and their responsiveness so  
17 thank you to the Accreditation Group.

18                  The APA Commission on Accreditation accredits programs and helps  
19 service psychology. At present across the three levels of training there are 1,044  
20 accredited programs -- 385 at the doctoral level of training, 539 internship programs and  
21 120 post-doctoral residencies. The 32 member Commission consists of representatives  
22 from the field of psychology and the public.



1           The Commissioners are volunteers who review these programs for  
2 adherence to quality education that is in accord with our guidelines and principles. The  
3 Commission works under the principles of autonomy and decision-making, transparency  
4 and the development of policy, confidentiality and the management of program review  
5 and adherence to the Commission's internal policy and requirements of the bodies that  
6 recognize the Commission, the United States Department of Education and the Council  
7 for Higher Education Accreditation.

8           We are here today to answer any questions that NACIQI may have in  
9 regards to our Petition for Renewal. First I would like to address the two issues identified  
10 in the staff report regarding 602.19B Monitoring and 602.20A Enforcement of Standards.  
11 Department staff have requested that the APA Commission demonstrate that it has and  
12 affectively applies a set of monitoring and evaluation approaches that enables the Agency  
13 to identify problems with the programs' continued compliance with Agency standards,  
14 specifically with regard to student achievement thresholds.

15           It is also requested that we demonstrate that the Commission either  
16 initiates immediate adverse action or allows a program a time period not to exceed two  
17 years to come into compliance with the standards and requirements when the review of a  
18 program under a standard indicates that the program is not in compliance with that  
19 standard.

20           Based on our review of the staff report these two questions were raised as  
21 the result of one specific accreditation activity -- the monitoring of thresholds for student  
22 achievement outcomes in doctoral programs which is what we refer to as D47 thresholds.

1 The annual monitoring of student achievement thresholds is not a formal accreditation  
2 standard that a program must meet.

3 In order for a program to become and remain accredited they must meet  
4 the accreditation standards outlined in the guidelines and principles of accreditation. The  
5 student achievement thresholds are outlined in our implementing regulations specifically  
6 D47B. These thresholds serve as triggers during the monitoring process. Therefore these  
7 triggers may assist the Commission in identifying programs who may be out of  
8 compliance with accreditation standards.

9 A program who does not meet a given student achievement threshold is  
10 not deemed to be out of compliance with the accreditation standards rather it is an  
11 indication to the Commission that further investigation is needed. Consistent with the  
12 implementing regulation the Commission may ask for a narrative response, a focus site  
13 visit or an earlier periodic review and these therefore would demonstrate compliance with  
14 their accreditation standards.

15 In the staff report concern was expressed regarding the fact that a program  
16 may not meet a threshold five years in a row and still remain accredited. It's true that this  
17 has taken place. In 2015 the Commission experienced the first group of programs that  
18 had not met a given threshold five years in a row. This obviously raised concern among  
19 the Commission that the additional inquiries that they had implemented were perhaps not  
20 as effective as they should be.

21 As a result the Commission is employing its decision options of requesting  
22 a special focused site visit or an earlier periodic review to more fully investigate these

1 programs. This will be implemented in the fall of 2016 when the next annual reporting  
2 review period occurs.

3 I would like to note that student achievement thresholds are just one  
4 monitoring tool that is employed to insure compliance to the accreditation standards in  
5 between periodic reviews of programs. The Commission also uses information  
6 exchanged through the annual report online, substandard change request complaints and  
7 reporting requirements that are narratives to monitor programs on a more frequent basis.  
8 If a concern is raised through any of these monitoring tools the Commission does not  
9 hesitate to take action into further inquiry.

10 Multiple examples of this are provided in our Petition. I would like to  
11 however highlight one -- the Commission receives a complaint against an accredited  
12 program -- based on a review of the complaint the Commission voted to request as focus  
13 site visit to address the issues. Consequent to the special site visit and after reviewing the  
14 material of it the program was demonstrated to show cause for non-compliance with the  
15 Commission's accreditation standards.

16 As I said earlier this is an example of how the Commission follows one of  
17 many monitoring processes to investigate if a program is truly out of compliance.  
18 Therefore as all monitoring tools service as triggers to alert the Commission that a  
19 program may potentially be out of compliance with accreditation standards, they are not  
20 really held to Regulation 602.20A.

21 At a stage where program triggers concern for one of the monitoring tools  
22 that is still deemed to be in compliance with standards however as I mentioned, further

1 investigation is needed to demonstrate that a program is or is not in compliance. If a  
2 program is deemed not to be in compliance with accreditation standards consistent with  
3 our accreditation operating procedures the program must bring itself into compliance  
4 within two years.

5           The time period is actually shorter for internship and post-doctoral  
6 residency programs. All decisions made under our current accreditation operating  
7 procedures which were implemented January 1, 2012 have complied with this time  
8 frame. Under the current procedures the Commission has showed cause 33 programs. Of  
9 these 33 programs 4 were placed on probation, 21 were subsequently accredited during  
10 their next review schedule and had a periodic review between 1 and 7 years and the  
11 remaining programs are currently awaiting final review from their next assessment.

12           Of the 4 programs placed on probation 1 was returned to accredited status,  
13 1 withdrew from accreditation and 2 are still on probation. Should a revocation occur for  
14 either of these two programs the Agency will forward relevant decisions and appropriate  
15 documentation to the Office of Post-Secondary Education.

16           Prior to closing my remarks you will notice based on the agenda that there  
17 are a number of individuals who have come forward today to provide oral third party  
18 comment. As with every endeavor we take, we appreciate input from our public and  
19 actively collect feedback through multiple forms including public comment and  
20 presentations.

21           The comments that you will hear today will be largely focused on aspects  
22 that are not associated with the Department's recognition process however we are happy

1 to answer any questions that may arise from these testimonies. We would also be happy  
2 to answer any questions, thank you again for this opportunity.

3 MS. PHILLIPS: Thank you, questions by the primary readers of the  
4 Agency?

5 MS. NEAL: Good morning I just wanted to pursue a bit these standards  
6 that we have referenced. I'm looking at your standards and it says the COA does not  
7 specify a threshold or minimum number when reviewing a program's licensure rate rather  
8 the COA uses its professional judgment to determine if the program's licensure rate in  
9 combination with other factors is problematic.

10 Looking at that standard I would like to know how you guard against  
11 inconsistent application of your standards when it is so much of a subjective professional  
12 attachment.

13 MS. WALL: Dr. Bieschke is going to answer that question.

14 MR. BIESCHKE: We try to look at licensure rates and contacts and some  
15 disciplines within psychology so one issue we have is we have school psychology  
16 programs and school psychology programs often struggle with this because they can  
17 become licensed -- so to speak, to work in school districts so they don't pursue  
18 professional licensure at the state level but do it within their school district so they can  
19 pursue licensure but they don't have to in order to practice as a school psychologist  
20 within a school district.

21 Another reason we look at this in context is programs have different  
22 approaches to training so we have one orientation called the clinical science model.

1 There is a big emphasis on research training. Many people and many students in those  
2 programs graduate and become faculty members where they don't need to be licensed  
3 and so to have one licensure rate sort of it implies that there is more uniformity in the  
4 field than there is, that there is some diversion and that makes sense given how these  
5 programs operate.

6 MS. NEAL: And I know we are going to here from various commenters  
7 and as I have looked at their comments there are repeated concerns about conflicts of  
8 interest and what one determined to be a restraint of trade, criticism that the APA will not  
9 approve non-APA accredited internship programs and that is not clear what APA  
10 equivalency is when it comes to other internship programs.

11 So my question is -- questions were raised about whether the APA applies  
12 standards again to insure consistent quality or if it is essentially privileging its own  
13 programs.

14 MS. BIESCHKE: So we don't require that all students complete an  
15 accredited internship but we do see accreditation as a mark of quality so we do -- we  
16 want to know when you are matching with -- when 50% of your students are going to an  
17 accredited internship that's a trigger and we want the programs to discuss that. But  
18 people can complete non-accredited internships and still graduate from an accredited  
19 program. We do put -- we ask those programs that do that, allow those students to  
20 complete those non-accredited internships to do a significant amount of vetting of those  
21 programs so that they can approach the quality that we know accredited internships have.

1                   So when a program is accredited we just don't -- we know it's accredited  
2 and it has met certain standards. When the internship is not accredited we have less  
3 information about the quality of training and we need far more information from the  
4 programs to oversee those internships sites.

5                   MS. PHILLIPS: Okay moving on, primary readers proposing the pilot  
6 questions to the agency?

7                   MS. DERBY: Yes, I think you are aware that we are initiating a series of  
8 pilot questions and this is the pilot of the pilot, the first time we have tried this and the  
9 pilot questions occur in four areas. The first area is general performance and outcomes of  
10 the institutions the agency accredits -- we are interested to know if you have information  
11 regarding the debt incurred by students graduating from the accredited programs and  
12 institutions, do you have that information?

13                  MS. WALL: We don't have direct information to share with you today.  
14 As a programmatic accreditor we don't have a vested interest in examining student/debt  
15 ratios.

16                  MS. DERBY: Okay thank you. Information regarding repayment and  
17 default rates of students graduating from accredited programs and institutions do you  
18 have that information?

19                  MS. WALL: Again as a programmatic accreditor all of our programs are  
20 in accredited institutions and those are the venue for which Title 4 funding is accepted.

21                  MS. DERBY: NACIQI is interested to know when the metrics for  
22 example for agencies that use quantitative measures -- we are interested to know when

1 the metrics were established, what process was used to determine the cut-off figures and  
2 if there is or has been any periodic analysis to determine the reliability and validity of the  
3 metrics used, can you speak to that?

4 MS. WALL: Certainly I can speak to the reliability and assessment of a  
5 threshold data and we will certainly be happy to do that. As I understand it the threshold  
6 data were established before I joined the APA. I would have to look at the specific date  
7 but I can say that their standards are examined through an empirical analysis two of  
8 which time to degree completion and student attrition are marked at the lowest or highest  
9 depending on how you look at it, 5% of the programs.

10 MS. DERBY: Pilot question area number 2 -- we are interested in the  
11 decision activities of any data gathered by the Agency and our inquiring about the range  
12 of accreditation activities of the Agency since its prior review for recognition including  
13 discussion about the various favorable monitoring and adverse actions taken.

14 MS. WALL: In looking at the time frame between 2011 and 2016 the  
15 Commission has reviewed 1,111 programs post-site visit. Of those over 1,000 programs  
16 84% received an accreditation decision at their time of review. This was a decision of  
17 accredit probation or revocation, okay. In addition of all of the programs who received a  
18 decision 82% received a favorable decision, okay.

19 Programs were reviewed that received a reporting requirement through  
20 their periodic review was 85% so recognizing that while most programs do receive a  
21 favorable decision there are issues that a program must attend to and report back to the  
22 Commission on within the next year.



1 MS. DERBY: Okay we are interested about the primary standards cited  
2 for monitoring and adverse actions that have been taken and will be sought.

3 MS. WALL: In the periodic review student achievement results are  
4 examined. This assessment explores the programs' results to determine if they are  
5 consistent with the program's stated measures of achievement. For example if an  
6 accredited program provided measures of student success but did not have data presented  
7 to support that they were achieved the Commission would determine this through their  
8 evaluation process of the actual programs report.

9 If something like this or another omission or inconsistency were noted, the  
10 Commission would request that additional information be shared by the program in a  
11 subsequent reporting requirement. If there was concern about that which was reported by  
12 the program they would likely be asked to respond again. I did mention of those  
13 programs with reporting requirements about 55% successfully meet them and about 45%  
14 are asked to return with additional explanation until it has been demonstrated that the  
15 concerns have been affectively addressed.

16 As mentioned programs are reviewed on an annual basis to identify if the  
17 program is meeting the thresholds established by the Commission and also for the review  
18 of narrative responses addressing the areas of concern identified that have been initiated  
19 through the periodic review.

20 I'm going to reiterate again in reviewing this threshold data those are seen  
21 as triggers which really prompt additional exploration and evaluation through continued  
22 compliance monitoring. So for example if a program recorded a mean to time of program

1 completion that was greater than 7 ½ years which is what is currently representative of  
2 the length of a program that tends to be about 5 years right.

3 Programs would need to then report why it was that their data was out of  
4 sequence. The Commission then would review the program's explanation, would make  
5 additional requests of the program, may ask for a special focus site visit or escalate the  
6 period of time before the next periodic review would occur so that the program could  
7 continue to demonstrate its compliance with the standards.

8 MS. DERBY: Thank you may have already answered this, that in order to  
9 be complete and others who will follow you I think it gives them an opportunity to know  
10 the information and the questions we will be asking. NACIQI will also inquire about  
11 what data the agency routinely gathers about the activities of the institutions it accredits  
12 and about how that data is used in their evaluative processes.

13 MS. BIESCHKE: We require all programs to complete an annual report  
14 online that has -- tracks the students, tracks information about the students, who has left,  
15 who is there, how long it has taken for them to graduate, changes in faculty and that  
16 information sort of serves as a dashboard for us that we use to calculate our thresholds  
17 which then trigger review of programs that seem to not be fitting with the thresholds we  
18 have identified.

19 MS. DERBY: Thank you this is very helpful. The pilot question area  
20 number 3 has to do with standards and practices with regard to student achievement and  
21 these are the questions that I will ask. How does your agency address success with  
22 respect to student achievement in the institutions it accredits?

1 MS. WALL: Student achievement is assessed through the programs  
2 reviewed by the Commission on an annual basis and during periodic review. During  
3 periodic review each program has an opportunity to illustrate achievement through its  
4 presentation of a clear and coherent curriculum that demonstrates the goals, objectives  
5 and competencies consistent with the pre-determined set of knowledge areas for the  
6 program.

7 The program must provide how students obtain knowledge and acquire  
8 competencies for successful completion of the program. One way that these sets of  
9 knowledge and skills are measures is in terms of competencies gained through the course  
10 of study. Programs are required to submit data on students' demonstration of these  
11 competencies that align with the program's goals and objectives.

12 In addition programs must provide information on its' graduates that  
13 demonstrate their employment, their licensure and their achievement of the programs'  
14 indicators of student achievement. Programs are also required to explain how they use  
15 the information that they collect to improve upon the quality education and training that  
16 they provide.

17 As has been mentioned in addition to periodic review programs are  
18 reviewed on an annual basis. The annual basis occurs both at the review of thresholds as  
19 well as other annual reporting requirements that were just mentioned. Again the specific  
20 thresholds that we use are years to program completion, student attrition, internship  
21 placement and changes in the student to faculty ratio.

1                   The Commission uses these triggers to identify whether or not additional  
2 monitoring and evaluation of student achievement is needed.

3                   MS. DERBY: Thank you and as a follow-up why was this strategy chosen  
4 and how is it appropriate in your context?

5                   MS. WALL: Certainly the 2 venues of measuring student achievement  
6 come from the identification of specific student achievement thresholds that could  
7 warrant additional problematic areas and secondly through allowing the program the  
8 opportunity to identify their end achievement standards.

9                   MS. DERBY: What are the student achievement challenges that would  
10 you say in the institutions accredited by your Agency?

11                  MS. BIESCHKE: One is the one I just mentioned in terms of having  
12 different approaches to training or different settings in which people practice so that is a  
13 challenge to use with licensure. Another might be changes in student -- faculty/student  
14 ratios in rural areas where there tend to be fewer students and a fewer number of faculty  
15 and wanted to make sure that there is sufficient faculty to student ratios in those areas.

16                  MS. DERBY: Thank you this is helpful. So what has changed or is likely  
17 to change in the standards about student achievement for the institutions accredited by  
18 your agency?

19                  MS. BIESCHKE: So consistent with our commitment to continuous  
20 quality improvement we began the process of evaluating our standards in 2012. The  
21 standards were drafted, the new standards were drafted we sent them out for public  
22 comment, we got the public comment, reviewed the public comment, revised the

1 standards, put them back out for public comment and through this iterative process we  
2 came up with the new set of standards.

3           They were approved in 2015 and will be implemented on January 1, 2017.  
4 These standards do include an increased amount of attention on student achievement so  
5 one example is in one of the standards, standard 2 requiring a certain amount of direct  
6 observation of students doing the competencies that we expect them to have so that's one  
7 change in student achievement.

8           And another pretty major change is that we have specified 9 profession-  
9 wide competencies that all programs must train expose their students to and train them to  
10 a certain level and so that's the standards and that's a big change for our field.

11           The other that it is important to mention going back to D4-7 is we do  
12 review those thresholds on a regular basis and our next time to review those and reset  
13 those will come in fall of this year.

14           MS. DERBY: Thank you and finally and I think you have really already  
15 addressed this as well but let me ask the question in what ways have student achievement  
16 results been used for monitoring or adverse actions?

17           MS.. BIESCHKE: We have several tools we use to monitor besides the  
18 triggers -- programs also come forward and tell us when they have made substantive  
19 changes. We have complaints and we have reporting requirements. When a program is  
20 out of compliance with a standard we send a really detailed letter explaining what our  
21 perception is of the lack of correspondence to the standard and then request that the

1 program come back with more information so that we can be sure that we understand --  
2 excuse me whether they are out of compliance or not.

3 We also do regular workshops to training councils and at the convention to  
4 make sure that all of our constituencies have access to understanding the standards, how  
5 to write a self-study.

6 MS. DERBY: Thank you I will have further questions but that is after the  
7 action is taken by the Committee.

8 MS. PHILLIPS: Thank you we are going to open the floor for Committee  
9 questions for the Agency at this point. If you could -- I have got Ralph, Arthur, Bobbie,  
10 others who see themselves as interested in making -- okay. Okay I'm just trying to gauge  
11 time here, alright thank you Ralph?

12 MR. WOLFF: Thank you, thank you for your comments. I have a couple  
13 observations and more importantly a very significant question. But one observation is  
14 show cause -- I would just make an observation there is a lot of confusion in the whole  
15 accrediting community to show cause of the substantive action or just notice you might  
16 get put on probation.

17 And in the regional community there is the same issue of what does show  
18 cause mean, is it public or is it only private to the program that is involved -- show cause?

19 MS. WALL: Show cause determinations are private. The program  
20 remains accredited until it is put on probation.

21 MR. WOLFF: I would just say that there is confusion what does show  
22 cause mean and probation et cetera. In some cases show cause is tantamount to loss of

1 accreditation. The second observation is around student loans. Your response to student  
2 loans was really embedded within the institution which programs are accredited but the  
3 average student loan for an undergraduate is completely and totally different from that of  
4 a doctoral student and I know many doctoral psychology students with \$150, 200,  
5 \$225,000.

6           You have considerable public information requirements that perspective  
7 students are told, does the average loan amount -- is that included? I think the programs  
8 are required to show what the licensure rate is but could you just describe what some of  
9 that public information is to prospective students and whether loan amounts are included?

10           MS. WALL: Certainly I will start off and I will ask Dr. Bieschke to fill in  
11 the holes of things I might now say. We do have an implementing regulation IRC 20 that  
12 describes the type of information that programs must provide to its public. This  
13 information must be provided on the program's website if they have a website and  
14 probably about 99.95% of all programs do and the information must be presented within  
15 one click from the program's home page so that it is available to students.

16           This information that is required consists of the time to degree completion,  
17 and that information is listed for the past 7 years. It includes information across years of  
18 attendance, a program has to report what the proportion of students were that completed  
19 the program in less than 5 years, 5 years, 6 years, 7 years and more than 7.

20           In addition to time to degree completion a program is required to list its  
21 student attrition ratios and that is done by year of attendance. In addition to that  
22 programs are required to list the cost of attendance for the first year of the program

1 including tuition, books, fees and whether or not there is an allocation for part-time  
2 attendance.

3 In addition to costs for the first year of attendance programs are required  
4 to list the percentages of their students that obtained internships again that is done every  
5 year and it is done by internships that are accredited or not full-time, part-time, funded or  
6 not and the program is also required to list the percentage of its alumni who have  
7 obtained a license to practice psychology within the last 2 to 10 years and the reason for  
8 the 2 year time frame is that in psychology to obtain a license the majority of the states  
9 require post-degree supervision.

10 MR. WOLFF: Thank you. I would just encourage you might consider  
11 putting the loan amounts in. Some students it is really quite a surprise when it  
12 accumulates but the more important question to me is really about the staff  
13 recommendation and your response.

14 I take your response to be you don't accept the staff conclusion and I  
15 would be concerned if the Committee were to adopt the staff recommendation that you  
16 would be in non-compliance so with the staff or what I understand the staff to be saying  
17 is that you do not comply with 619 and 20A et cetera because you have not set bright  
18 lines and that you are not putting them on a time table.

19 And what I hear you saying is that the data benchmarks are not standards  
20 and therefore when I hear your response I hear that you are two ships passing in the night  
21 that the staff finding is different from your treatment of the benchmarks and so I am



1 wondering are you -- how do you see yourself coming into compliance with the  
2 Committee to adopt the staff recommendation?

3 MS. WALL: I'll make a comment and then we will defer to Dr. Bieschke  
4 to also do so. I apologize if my remarks made it appear that we were not seeing the  
5 recommendations as important and certainly we would do everything that we could to  
6 bring ourselves into compliance with the recommendations provided.

7 I think that our understanding of the report was that perhaps in the  
8 presentation of the material there might have been a misunderstanding in terms of the  
9 information that we were presenting. The issue of 2 years for action is something that is  
10 part of our requirements and I didn't mean to imply that it wasn't a time frame that we  
11 followed it is only with good cause that we would extent programs on probation.

12 In terms of student achievement well it is true that the thresholds are not a  
13 standard I think that we were trying to communicate was that we use this quantitative  
14 information to try to identify when a program is not in compliance with our overall  
15 accreditation standards.

16 In terms of a bright line I think that is something that I would want to  
17 differ to Dr. Bieschke to also add comments on.

18 MR. WOLFF: Well I'm just observing that maybe that I want to make  
19 sure the staff and you are hearing and saying the same thing. I read the staff report to say  
20 that there needs to be a bright line and that that's -- so I must confess that I see that your -  
21 - I understand what you say that the quantitative information in relation to the

1 benchmarks is part of a more holistic review of an institution but it is part of  
2 consideration to determine whether a standard is not met.

3 I read the staff report to say if an institution doesn't meet the benchmarks  
4 it constitutes non-compliance with the standard. You are not saying that but I read the  
5 staff report. I am just trying to get clarification so that we are clear.

6 MS. PHILLIPS: I have -- go ahead.

7 MR. BOUNDS: I think what the report is saying is that from the  
8 documentation that was submitted it appeared that once the agency found the institution  
9 out of compliance it appeared to us that the enforcement time lines weren't being met.  
10 It's not that we were trying to set their thresholds for them it just appeared from the  
11 letters and if you look at the dates on the letters it just appeared that they had went past  
12 what the requirements were for the longest length of the program being two years.

13 We weren't saying that it wasn't a threshold issue it was from their  
14 determination that the program was out of compliance and it didn't appear to us that the  
15 documentation demonstrated that they took that action. That was our take on it so that is  
16 what we were looking at.

17 MR. WOLFF: Maybe I will like to ask the staff about the specific  
18 statements in their work but I'm fine for now.

19 MR. BOUNDS: Okay, okay that's fine.

20 MS. PHILLIPS: Thank you. I have Arthur, Bobbie and Art.

21 MR. ROTHKOPF: Yes I have just a general question about the pilot  
22 questions which were asked and I am assuming that these questions were made available

1 not just to this agency but to all who were appearing that it is not a surprise that these  
2 questions are being asked is that correct?

3 Everyone has received them in advance is that right?

4 MS. PHILLIPS: Jen?

5 MS. HONG: Yes that it's available on the website it was announced in  
6 the Federal Register notice and to the public as well.

7 MS. PHILLIPS: Bobbie?

8 MS. DERLIN: Maybe this is a little different take on the issue that Ralph  
9 was raising and the issue the staff is raising in the report. It seems to me that this is really  
10 getting at a nugget of information that we have struggled with over time. Your thresholds  
11 and all the information that programs are reporting to on an annual basis through the  
12 annual report that you are reviewing isn't part of the standards.

13 But depending upon what those numbers look like it could lead to a course  
14 of accreditation action by your agency. So this I want to make sure I am understanding  
15 so do I have this right? Okay so I think the challenge and I suspect your agency isn't  
16 unique in this is that you do have some lines would be they bright or not, you might have  
17 multiple lines on a particular measure based on the type of program but you have got  
18 some lines that can lead to an accreditation action that may be transparent to all the  
19 people in the programs filling out the reports but they aren't necessarily transparent to  
20 anybody else.

21 And I think that's a challenge. It's kind of like a mini-me standard  
22 lurking in your annual reports and so do I understand this right? I mean I could end

1 up if I were a program sometimes I wish I were -- if I were a program and I'm turning in  
2 my annual reports I could wake up one morning to find myself in a world of hurt from  
3 my perspective. The APA is coming to have a focus visit because of some information I  
4 have given you.

5 MS. BIESCHKE: So I don't think it would happen that way because we  
6 do publish D-4.7 in our implementing regulations and we would -- there's a lot of  
7 diversity in our field, you know 1,000 accreditation decisions in 5 years. We see these as  
8 important metrics that often signal something is going on in the program.

9 Our first line is to write the program and say, "Help us understand this,  
10 and tell us how you are going to address this so that we better understanding what this  
11 falling out of line with time to completion. Why is it that you are above you are on that  
12 tail of the normal distribution where 5% are higher than the 7.5 mead."

13 So programs have an opportunity to write us and explain to us what they  
14 are doing. Give us an explanation. We give them some time because we can't move  
15 some numbers in a year you can't say it has to be this and you need to do it by next  
16 month.

17 And then if we do let them know in their letters that if they cannot  
18 satisfactorily address this, this could lead to other actions. So the world of hurt wouldn't  
19 occur until there was plenty of notice and I think these thresholds we pick numbers that  
20 often reveal other issues going on in the program.

21 When there is poor attrition it can mean so many things that are worth  
22 asking about.

1 MS. PHILLIPS: Bobbie a follow-up question?

2 MS. DERLIN: Thank you that's really helpful. I think that also it at least  
3 helps me understand how staff on the Department side can review this situation and be  
4 challenged to identify where it fits in terms of these timeline rules of 6.20.19 and 20-20  
5 or whatever it is so thank you very much.

6 MS. PHILLIPS: Art?

7 MR. KEISER: A couple of interesting questions Ralph brought up the  
8 issue of student debt as a programmatic accreditor you look at that as really being part of  
9 the institution -- the schools are part of in total as part of the debt rather than the graduate  
10 school or the specific program especially in a graduate school where students can achieve  
11 a lot of debt is that accurate?

12 MS. BIESCHKE: I think we have tried through 3.20 data to -- we do want  
13 our students to be informed about what the cost of programs are when they make the  
14 decision -- what the cost of a program is when they make the decision of whether to  
15 attend that program. We have not moved to student debt levels. It is also true that  
16 programs post their first year costs but we also require those programs to post what the  
17 financial rate is for that program as well.

18 So we are not reporting student debt but we are encouraging transparency  
19 about what it will cost someone to attend a particular program.

20 MR. KEISER: Part of the reason I asked that is just yesterday or the day  
21 before the Bar Association which also -- it has a little different in that it is both an  
22 institutional and programmatic accreditor although most of their programs are within the

1 institutions was lambasted for having very high student debt levels for students who  
2 graduate and can't find jobs.

3 Do you -- I didn't hear in your list of achievement standards placement.  
4 Are you requiring the institutions to report on placement?

5 MS. BIESCHKE: Programs have to present distal data collected after  
6 graduation and as part of that we have -- we collect data on job placements, both for  
7 internships and Doctorals so we have a good idea of what employment rates are post-  
8 graduation.

9 MR. KEISER: Meaning you have a good idea?

10 MS. BIESCHKE: We know what they are right.

11 MR. KEISER: So the institutions must report placement rates?

12 MS. BIESCHKE: Correct.

13 MR. KEISER: And how do you verify those placement rates?

14 MS. BIESCHKE: We don't.

15 MS. WALL: Unfortunately we don't do that.

16 MS. BIESCHKE: Self-report by the student and by the program.

17 MR. KEISER: And finally do you collect the data on salaries that the  
18 students receive on their first year out or three years out?

19 MS. WALL: That's not part of the requirements.

20 MS. PHILLIPS: Other questions of the Agency at this time? Okay we  
21 will ask you to step back we are going to move into our third party comment period. We  
22 will have an opportunity for Readers of the Committee to ask any questions they want to

1 ask of each of the third party commenters. I understand that we have 24 perhaps 25 third  
2 party commenters who have signed up to speak. For those of you who are in the  
3 audience let me give you a quick overview of the third party comment process.

4 Each speaker will be invited to the other end of the table here. They will  
5 have three minutes to speak. They will press to get the mic to talk. There will be a  
6 warning as we come to three minutes and a beep and with this many commenters I expect  
7 I will need to be quite rigorous about keeping us to three minutes but I will try not to be  
8 rude.

9 So I will let you know who is invited up and who is on deck next so that  
10 you can be prepared. We can reduce the amount of time in between people. Our first  
11 third party oral commenter is Rene Puliatti. I apologize in advance for names that may  
12 be challenging. Following this will be Pirouz Ganji. Welcome Rene there is a button on  
13 your mic, you will see a red mark -- a red light on your mic when it is on and you will  
14 have three minutes, welcome.

15 MR. PULIATTI: Good morning NACIQI members, good morning and  
16 thank you for this opportunity. My name is Rene Puliatti and I am the Executive Director  
17 of CPIC the California Psychology Internship Council. I need your help to ensure the  
18 diverse inclusive and high-quality psychology training remains available so that in turn  
19 they can provide these services to the public.

20 About CPIC -- CPIC is a membership organization of 37 academic and  
21 over 100 internship programs throughout California. Our programs are recognized by the

1 California Board of Psychology for licensure and we facilitate quality psychology  
2 training without the formal stamp of accreditation.

3 Over the past 25 years over 10,000 students have completed the CPIC  
4 internships mainly half-time internships and these interns have in turn provided six  
5 million dollars of public mental health services to over 75,000 diverse and underserved  
6 clients in California.

7 CPIC has routinely collaborated with APA and COA and half of our  
8 academic programs are APA accredited. However various recent APA/COA policies and  
9 their unintended consequences have led me and others to speak out today. I have seen  
10 profound changes in the profession and I have heard stories from students who have been  
11 devastated by the impact of some of these policies.

12 I have also heard from psychologists of “An impoverishment of the  
13 profession due to some of these policies.” You will hear some of their stories today.  
14 Once such policy is implanting regulation IRD 4.7B you have already heard about which  
15 uses thresholds or quotas to require academic programs to place 50% of their students at  
16 APA accredited internships. IRD 4.7B has a multitude of problems and negative impacts  
17 on students, particularly women and persons of color on schools, on internships and on  
18 the public, particularly the underserved communities and these are detailed more fully in  
19 my written comment.

20 IRD 4.7B is just one example. More importantly I feel it is a symptom of  
21 a larger problem which is the culture of interwoven relationships and conflicts of interest  
22 among APA/COA APIC and others. The push by APA for a Model Licensing Act at the



1 same time that COA is requiring 50% quotas is just one of the more glaring examples of  
2 this.

3           The APIC match rule number 2 is another. Am I conflating COA with  
4 APA? No. We do not speak of COA accredited schools or internships. Even here today  
5 we speak of APA accredited ones. Further the impact of COA or APIC policies serve the  
6 APA's professional organizational goals. The fact that they are implemented through  
7 COA administrative rules does not lessen that impact.

8           We need more diversity and inclusion in the training of psychologists and  
9 current APA/COA policies are creating less. We believe a fundamental cultural change  
10 is needed at COA. A good start is to review and repeal IRD 4.7B but the discussion  
11 should not stop there. Thank you for hearing my voice and the voice of my colleagues  
12 today.

13           MS. PHILLIPS: Thank you very much, questions for this speaker?  
14 Simon Boehme?

15           MR. BOEHME: Thank you for joining us. For clarity and for the  
16 Committee who exactly approves these internships?

17           MR. PULIATTI: What do you mean by improve -- approve?

18           MR. BOEHME: Who makes this an APA approved internship? Is the  
19 Commission on Accreditation is it the APA?

20           MR. PULIATTI: It is the COA.

21           MR. BOEHME: And how long is the process for the internships to get  
22 through this process, have some of your internships gone through this process?

1                   MR. PULIATTI: Many of our internships have gone through this process.  
2 I don't know the details of it that is actually a question for them, more for COA. My  
3 concern is that what we are doing here today and with accreditation affects the entire  
4 profession and when you look at the entire profession both the accredited ones and the  
5 non-accredited ones because the stamp of accreditation is so powerful.

6                   My concern is that lack of accreditation does not mean lack of quality or  
7 outcomes and we just want to be very careful of how we use accreditation.

8                   MR. BOEHME: I am -- I think Ralph and Art asked two very good  
9 questions about student debt and how the accreditation body is not tracking that yet.  
10 There seems to be such scrutiny over these internships and I think that warrants further  
11 examination so thank you for speaking on that and shedding a little bit more information.

12                  MS. PHILLIPS: Anne?

13                  MS. NEAL: Thank you for being here. Earlier the Agency suggested that  
14 there was really no problem when it came to non-accredited internship programs that  
15 these were all so acceptable. What you are suggesting is that in fact that is not really the  
16 case and that the 50% internship threshold is in effect keeping out others who have non-  
17 accredited internships often I assume that are much cheaper than the programs that are by  
18 accredited internships and that therefore this is a standard that should not continue to be  
19 applied and that it is undermining the profession. Is that correct?

20                  MR. PULIATTI: My experience -- excuse me sometimes this is sticking  
21 but anyway -- my experience is there are two points. Yes, not being accredited is much  
22 cheaper. Accreditation is a very expensive process initially and on-going for internships

1 and for schools. That's one of the reasons why we -- that's why we were created in 1991  
2 as an alternative to that because of the expense.

3           The other point in IRD 4.7B the quota -- we are hearing from students  
4 how they are getting so much pressure from their schools to go to an APA accredited  
5 internship they actually have to delay another year, pay fees for another year and then  
6 seek again to get an APA accredited internship.

7           And only after that to be allowed to have a non-accredited APA internship  
8 -- so the pressure the schools are putting on their students I think are putting the  
9 APA/COA requirements and needs above the student's needs quite frankly.

10           MS. NEAL: So are there instances where these non-accredited internships  
11 have just been rejected or is it more cultural expectations that are pushing out these  
12 options?

13           MR. PULIATTI: Over the past few years IRD 4.7B since it was put in  
14 place and being enforced more -- we are seeing a decrease in student participation in our  
15 match process and because the schools are funneling their students and only if they either  
16 don't get into APA or after they wait a year can they go into ours.

17           And the results we have internship programs that aren't matching the  
18 students and their closing and these are internship programs that serve the public, that can  
19 serve the public as well because they are not getting students because everything is being  
20 funneled through APA and we think unfairly.

21           MS. PHILLIPS: I have Art and Simon.

1                   MR. KEISER: I'm a little more confused now actually after that  
2 statement. We heard the Commission representatives say that non-accredited internship  
3 programs are recognized and it is part of the standard as long as the documentation  
4 demonstrates that there's quality or whatever that is required.

5                   Is it the Commission that is doing that or is it the individual institutions  
6 that want to control their students?

7                   MR. PULIATTI: I don't know for certain but my impression is that if the  
8 schools in trying to meet these COA's threshold or quotas are putting intense pressure on  
9 their students. Often times they require them all to go through the APA match process.

10                  MR. KEISER: But you heard the Commission representative say that  
11 non-accredited internship programs are okay as long as there's documentation. So is it a  
12 market issue or is it an accreditation issue?

13                  MR. PULIATTI: I think they are interconnected. I would also suggest  
14 that IRD 6.17.D which is on expected internship placements -- they look at and I  
15 understand part of the reason why they look at accredited internships and then like you  
16 mentioned they look at other ones that are not APA accredited. I think that they put a  
17 higher level of scrutiny on non-APA accredited internships and quite frankly I think they  
18 should look at them all equally to see if there really is a difference in terms of outcomes  
19 of quality between APA and non-APA accredited internships because this is the larger  
20 issue.

21                  Really are they that different? And if they aren't then that's a larger issues  
22 to talk about but if we don't look at them and compare them equally we will never know.

1 MS. PHILLIPS: Simon?

2 MR. BOEHME: I just had a follow-up on the APA website and this was  
3 created in 2010 but it seems like it is still an important issue the website says, “What  
4 would an un-accredited internship mean for your future? The dearth of accredited  
5 internships may be driving more students to take unaccredited slots, sometimes to the  
6 detriment of their future career flexibility.”

7 Do you agree with that statement or do you believe it is misleading?

8 MR. PULIATTI: Is that a leading question? I do not agree with it. The  
9 fact is that we are recognized by licensure by the California Board we have almost all of  
10 our academic programs are in California. All of our internships are in California. These  
11 are for primarily students that want to serve in California often times they are non-  
12 traditional students that work part-time jobs, they are older students, they are students of  
13 color that half-time internships work better for them, certain modalities work for them  
14 and internships offer that to them.

15 The pressures that APA/COA is putting on the schools that is then put on  
16 the students is drying up the opportunities for our internships to have students and it is  
17 not meeting the student’s needs personally and it is not meeting the community’s needs  
18 either, so I disagree with that statement.

19 MS. ALIOTO: Do you have data on the student’s success rate and the  
20 loan default rate of your students?

21 MR. PULIATTI: We do not have data on either of those items. We are  
22 very small.

1 MS. ALIOTO: How many students do you actually deal with?

2 MR. PULIATTI: It varies from year to year in our match process -- about  
3 300 students go through our match process every year.

4 MS. ALIOTO: And this has been since 1991?

5 MR. PULIATTI: Since 1991, yeah.

6 MS. ALIOTO: About 300 students?

7 MR. PULIATTI: Oh no it has varied over the years. About five years ago  
8 it was about 600 students, it has dropped to about 300 this past year.

9 MS. ALIOTO: And what do you think is the reason for that?

10 MR. PULIATTI: There are a lot of factors I think a lot of it is the pressure  
11 from COA/APA on the schools to meet their 50% threshold is a large part of it. I think  
12 there are other things in the market in terms of decreased enrollment across the board.

13 MS. ALIOTO: Across the board?

14 MR. PULIATTI: Yes.

15 MS. ALIOTO: Thank you.

16 MR. PULIATTI: You're welcome.

17 MS. PHILLIPS: Thank you. Thank you for joining us. Our next speaker  
18 is Pirouz Ganji with Elena Gomez to follow.

19 MR. GANJI: Good morning.

20 MS. PHILLIPS: Welcome.

21 MR. GANJI: I would just like to say Elena Gomez is not with us today so  
22 she will not be in attendance. Good morning I'm Dr. Pirouz Ganji and I have just

1 completed my Doctorate Degree at the California Institute of Integral Studies. Thank you  
2 for granting me the opportunity to be a voice to what has been a long painful and  
3 damaging experience being subjected to the APA's incongruent and legally questionable  
4 accreditation process.

5           The full extent of the APA's mishandling of the graduate students from  
6 our program has been formally submitted by my colleagues Dr. Kelly Burns and Dr.  
7 Amanda Stewart who will give their testimony later this morning along with Dr.  
8 Suzanne Stambaugh and Scarlett Luger-Klein. Those of us in attendance here are  
9 representing approximately 200 other students and graduates from our program who have  
10 been adversely affected by the APA's mishandling of our school's accreditation.

11           I would like to address two areas of concern that reflect the inadequacy of  
12 the APA's ability to effectively function as the bearer of accreditation for doctoral  
13 psychology graduate programs. The first area is that of academic and intellectual  
14 freedom. Over the course of the last 15 years the APA has made a conscientious effort to  
15 push the field of clinical psychology in the direction of what it calls evidence based  
16 practice in psychology or EBPP in which interventions that are empirically supported  
17 become the gold standard of the field.

18           With regards to legislation and funding EBPP is an attractive ideal in its  
19 promised academy of clinical psychology a field that is notorious for being vague,  
20 esoteric and unscientific. EBPP supposedly achieves this aim by finding the best practice  
21 through empirical means and then the APA mandate schools teach those empirically  
22 supported treatments in order to maintain accreditation.

1                   The result has been an almost unanimous shift in the direction of graduate  
2 schools primarily teaching the cognitive behavioral therapy despite any long-term  
3 evidence upholding its clinical superiority. This platform is philosophically and  
4 clinically flawed and both students and consumers are paying the price.

5                   Empiricism is not the only means for scientific inquiry and the APA's  
6 over-reliance on it has turned clinical psychology into a culture of adherence, repetition  
7 and homogeneity while outsourcing discovery and creativity to our colleagues in the  
8 neurosciences.

9                   Despite this the APA has made it clear that programs not steeped in EBPP  
10 particularly CBT or one of its off-shoots will not have an easy time gaining or  
11 maintaining accreditation as evidenced by the lack of psychodynamic and existential  
12 humanistic programs still accredited by the APA at this time. This is a violation of  
13 Regulation 6.02.18 which in the case of the COA standards must respect the mission of  
14 the individual program.

15                   This is no longer feasible because the threat of revocation has forced  
16 clinical psychology programs to adapt the APA's very narrow and inaccurate  
17 interpretation of what it means for a program to be scientific, memory empirical.

18                   MS. PHILLIPS: Mr. Ganji thank you, questions for Mr. Ganji? Thank  
19 you for joining us. Our next speaker is Juliet Rohde-Brown with Bayla Travis following.  
20 Bayla is not here -- correction Amanda Stewart following. Thank you for joining us.

21                   MS. ROHDE-BROWN: You're welcome thank you for having me.  
22 Thank you for this opportunity to speak. On behalf of CPIC and doctoral psychology



1 students my name is Juliet Rohde-Brown I am a DCT in a doctoral program and a Board  
2 member of CPIC and I felt it important to come here today to advocate for CPIC  
3 internships as an extensive for doctoral students' choices in the directions they wish to  
4 focus their training and careers.

5           Many high-quality CPIC internship sites are now facing the situation  
6 where they need to close their doors and it's often the result of restrictions that schools  
7 are placing on students where the students are not permitted to apply at least on the first  
8 round to alternative internships that are not APA accredited.

9           And I believe this comes from a fear -- everyone is trying to do their best  
10 but it is a fear of being unable to either attain or retain APA accreditation unless they  
11 meet the COA requirement to have at least the 50% threshold so I think a lot of what they  
12 do is ask everyone to apply to APA accredited internships to try to make that quota.

13           So we are losing more and more CPIC internship sites every year. So  
14 however intended some of these ripple effects are they are there. Restrictions that are  
15 placed on students -- they also are affecting the health service that is available to  
16 communities.

17           For example a student who is among the first generation offspring of  
18 immigrants may need to stay in her or his local community and attain a half-time two  
19 year internship in order to care for elders who do not speak English for instance or to  
20 attend to other familiar or even financial considerations.

21           Further this individual may simply wish to build some professional  
22 recognition in a particular community. This individual may have a desire to contribute

1 something of value in an underserved geographical area or population. The student may  
2 be direly affected by having to move to another area in order to complete internship  
3 requirements simply because the site at which the student would have chosen to complete  
4 internship is CPIC and not APA accredited.

5           The student population is different in 2016 than it was even 20 years ago.  
6 It is quite diverse on many accounts so let us be mindful of contextual factors that may  
7 impact stress levels and to be sensitive to family and other systemic considerations. So  
8 with due respect we are all in this together, thank you for this opportunity I speak on  
9 behalf of the feminist approach to equal opportunity, thank you.

10           MS. PHILLIPS: Thank you any comments or questions from the  
11 Committee? Thank you for joining us. Our next speaker is Amanda Stewart with Jaclyn  
12 Deilgat to follow, welcome.

13           MS. STEWART: Thank you very much. Good morning I'm Dr. Amanda  
14 Stewart and I'm a licensed Clinical Psychologist specializing in pain management,  
15 trauma and veteran's health in California. I am here to talk to you about how the APA's  
16 corrupt accreditation practices have affected me.

17           In 2012 COA committed multiple due process and conflict of interest  
18 violations when it revoked CIIS's accreditation, that's California Institution of Integral  
19 Studies harming hundreds of students including myself. I duly followed COA's  
20 grievance submission process and wrote to them in 2012 and 2015. They showed no  
21 interest in helping me once they heard I had been harmed.

1                   Dr. Wall earlier told you that COA includes members of the public.  
2   However, a telling violation example is COA's choice of Dr. Michael Mezzi to be the  
3   public member of CIIS's final appeal panel. Dr. Mezzi had consulted with COA actually  
4   from 2003 through 2011 regarding establishment of national neuro-psychology training  
5   regulations. He also was part of an organization whose members are accredited by COA.  
6   He is not the public. His position on the COA appeal's panel therefore violated Section  
7   6.02.15A5 and did not meet CFR criteria, represented a conflict of interest and deprived  
8   CIIS students of their rights to due process.

9                   COA had already been cautioned about this issue in June 2011 when  
10   NACIQI found they had not sufficiently documented the vetting mechanisms for public  
11   members. NACIQI also noted that COA's public member definition did not conform to  
12   the Secretary's thus COA failed to come into compliance with the Department of Ed  
13   within 12 months in violation of Section 602.36E.

14                  On another matter there has been almost no discussion of what happens to  
15   the students when accreditation is revoked. In our review of 19 programmatic health  
16   professional accreditors' by-laws we found that the industry standard is to mandate teach-  
17   outs or other contingency plans.

18                  COA was the only accreditor in our review to specifically state that it  
19   doesn't have a responsibility to protect students. Indeed 61 CIIS students suddenly each  
20   lost thousands of dollars in Stafford's upon revocation which represents the annual  
21   increased loan that an APA accreditation bestows which has also not been discussed  
22   today.

1                   COA did not warn or financially protect these students. I graduated post-  
2 revocation in 2013 while most of my cohort graduated pre-revocation in early 2012. This  
3 technicality means that others from my cohort who I sat next to in classes for 9 semesters  
4 and trained alongside in clinics and hospitals for many years are now eligible to do many  
5 things I cannot.

6                   They can apply for a prestigious specialty boarding, be paneled with an  
7 insurer, work for employers who require an APA accredited degree and receive loan  
8 forgiveness I can't get. Ironically as a health psychologist who specializes in combat  
9 PTSD which is not as common as you might imagine, I cannot work for the DOD, the  
10 VA or join the National Register of Health Service Providers because of COA's corrupt  
11 practices.

12                   This is a loss to our country's wounded warriors and their families. I ask  
13 the Committee to please find the COA out of compliance and to require them to rectify  
14 these wrongs and come into compliance with federal law and please see our written 80  
15 page complaint from me and Dr. Kelly Burns that we submitted earlier this month for  
16 complete information, thank you so much.

17                   MS. PHILLIPS: Thank you. Questions for this speaker? Thank you for  
18 joining us our next speaker is Jaclyn Deilgat with Oksana Yakushko to follow.

19                   MS. DEILGAT: Thank you for allowing me the opportunity to present  
20 here today. My name is Jaclyn Deilgat I'm a licensed Clinical Psychologist in California.  
21 My investment lies in my concern regarding the APA's order upon the field of  
22 psychology.

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The APA has seemingly become a monopoly within the current accreditation paradigm which has a profoundly negative cascade effect upon public welfare, academia, training, students, interns and employment opportunities for licensed psychologists.

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I have witnessed this first-hand. I attended a school that was non APA accredited because it offered specialized training in psycho-dynamic modalities. The program was however accredited by WASC and also recognized by the California Board of Psychology as a program that met standards for licensure.

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Despite incredible training when it came to application for internship, students including myself were at a disadvantage because many APA internship sites only allow students from APA accredited schools to apply. This seems problematic particularly if schools are recognized by state boards and other accrediting agencies.

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Although I experienced barriers I secured an internship at a psychiatric hospital in San Diego where I received training in accordance with rigorous guidelines set forth by the California Board of Psychology and CAPIC although it was not APA accredited. During the internship I encountered several practicum students who received increased pressure from their schools to exclusively attend APA internships even though numerous non-APA sites provide unique training.

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Students are compelled to wait another year if not matched at APA and are then required to pay on-going tuition with substantial postponement of graduation in delays and eligibility for licensure posing financial burdens to students while also

1 impacting public welfare as there are less licensed Commissions to serve and training is  
2 becoming increasingly homogenous.

3 I became aware of problems even more so in my role as a QA delegate  
4 with CAPIC. I have met with several training directors who indicated their programs are  
5 experiencing substantial reductions in their ability to serve the community due to  
6 decreased applicants since the programs cannot afford application for APA accreditation  
7 and they rely heavily on interns for services.

8 Many of these programs are county funded serving populations otherwise  
9 unable to receive treatment. If this trend persists populations in the highest need of  
10 services may go untreated. Further compounding these issues are employment  
11 restrictions placed upon the licensed psychologist who did not attend APA schools or  
12 sites.

13 The unyielding power of the APA has created a multitude of consequences  
14 at the micro and macro level which in my opinion is in stark contrast to their mission to  
15 benefit society and improve people's lives. Accreditation processes are in need of  
16 remediation.

17 MS. PHILLIPS: Thank you. I have a question Art?

18 MR. KEISER: I have a quick question. Is this problem outside of  
19 California or is this just a California issue?

20 MS. DEILGAT: I wish I could speak on that I am not entirely sure of that.

21 MR. KEISER: Thank you.

1 MS. PHILLIPS: Other questions for this speaker? Thank you for joining  
2 us.

3 MS. DEILGAT: Thank you.

4 MS. PHILLIPS: Our next speaker is Oksana Yakushko with Andrea  
5 Kaplan to follow.

6 MS. YAKUSHKO: Hello everyone. I would like to highlight systematic  
7 and problematic processes described accreditation of doctoral institution training  
8 programs. I have first-hand experience because I was tenure track faculty at the long  
9 standing accredited institution at the Research One State University and then I chose to  
10 work at the private employee-owned and long-standing, a 40 year old institution with  
11 distinct psycho-dynamic, psycho-analytic approach but such sought accreditation was  
12 denied.

13 What I want to highlight is in that factual review in addition to critique of  
14 our perspective as not clinical psychology there were a lot of -- the comparison I could  
15 make between my prior institutions where same problems were viewed as minor blocks  
16 in the road reflective of overall struggle in education such as faculty ratios, teaching  
17 allocations, and the same challenges were insurmountable for my new institution.

18 Because of recent changes supported by APA regarding training  
19 opportunities, jobs, licensure based on APA accreditation status and APA further trade  
20 influence on state boards of psychology as well as the current environment of legal  
21 vulnerability for any institution that seeks to offer training these challenges restrict and  
22 compromise livelihood and the work of many individuals.

1                   They are unfair, are not grounded in any data and are detrimental to  
2 educational and professional development in the field. I am keenly aware that such  
3 challenges faced by many programs and institutions especially new institutions and  
4 especially those who are philosophically or theoretically different with very few  
5 exceptions on the east coast where they remain staunchly psycho-analytic in New York.

6                   So the shift in fact represents internally based struggle and trained  
7 interested than actual scholarship needs for diverse constituents in the national practices  
8 or any data. I'm very willing -- I have -- there's research and I would like to highlight the  
9 longitudinal data on programs accredited by American Psychological Association show  
10 that the doctoral training program are becoming less intellectually diverse and offer an  
11 ever "narrowing training" leading to mono-cultural approaches currently over-  
12 represented by the cognitive behavioral and behavioral methods.

13                   Review by Havington in '13 showed that accredited clinical psychology  
14 program comprehensive universities now include between 80 and 90% of their core  
15 faculty is exclusively CBT and behavioral, that's 90%.

16                   And so the data and in fact I have had many students from programs  
17 telling me that they are afraid to talk to their faculty about their non-CBT interests and I  
18 definitely encouraged to keep it quiet when they apply for internships and jobs. I think  
19 this narrowing could not have occurred if for not explicitly or implicitly among programs  
20 supported by guidelines and now standards of APA.



1 MS. PHILLIPS: Thank you questions for this speaker? Thank you for  
2 joining us. Our next speaker is Andrea Kaplan with Farzana Khan to follow. Before you  
3 speak I would like to acknowledge that Committee member Frank Wu has joined us.

4 MS. KAPLAN: Thank you. I am Andrea Morrison Kaplan. I have been a  
5 professor of psychology for more than 30 years. For much of that time I have been  
6 engaged in accreditation activities for both the Western Association of Schools and  
7 Colleges and for the American Psychological Association.

8 I was even a member of the APA's Committee on Accreditation from  
9 2003 to 2006. Consequently I thought a lot about the nature and function of accreditation  
10 standards and after much consideration I have serious concerns about the COA's use of  
11 numerical quotas as an accreditation standard.

12 Specifically COA states that APA accredited doctoral programs must  
13 place 50% of their graduate students in separately APA accredited internship training  
14 programs. The major concern I have is that numerical quotas do not direct the doctoral  
15 programs to review and analyze each internship position to determine whether the  
16 student's internship accomplishes the training goals appropriate for each individual.

17 It is my understanding that accreditation standards are in place to ensure  
18 that doctoral programs and internship training programs focus on providing high-quality  
19 education and training that will allow students to achieve their professional goals.  
20 Currently COA requires doctoral programs to review each non-APA accredited internship  
21 to ensure that it meets the learning needs of the applicant student, but no such  
22 requirement exists for APA accredited internships.

1                   This problem is complicated by the fact that a numerical quota forces the  
2    doctoral program to overshoot the quota or risk falling below the 50% level. Thus in  
3    order for a doctoral program to meet APA's recommended level of student internship  
4    placement the program may in fact be forced to give less attention to the student's  
5    learning needs and more attention to the program's need to hit that 50% level.

6                   In the worst case scenario the doctoral program may end up in an  
7    adversarial position with students that are relatively powerless in defending the  
8    importance of their own professional learning goals. And in my understanding that's  
9    really not how accreditation processes should work.

10                  A numerical quota may be defensible if there is clear evidence that APA  
11    accredited internships are virtually every way superior to CAPIC member internships.  
12    The fact is that there's very little evidence if any to support this contention. I know it has  
13    been sort of kicked around like it is obvious that APA accredited internships are superior  
14    but there's very little evidence and really virtually no evidence to support that.

15                  CAPIC internships contribute to making psychology very important by  
16    improving the lives of many of the people who live in our communities who are  
17    desperately in need of psychological services and CAPIC internships provide an  
18    invaluable function in allowing students who are committed to treating these underserved  
19    populations a pathway to achieve their professional goals.

20                  MS. PHILLIPS: Thank you, Simon?

21                  MR. BOEHME: So I think you provide some clarify to what was a  
22    question on this Committee that there is a bright line drawn by the Commission that

1 states 50% of an accredited school by the Commission on Accreditation has to have a  
2 certain number of students that go through an APA accredited internship, is that correct?

3 MS. KAPLAN: Okay I believe that it doesn't function exactly as a bright  
4 line because I believe as Dr. Wall said it triggers an investigation because it is an  
5 implementive regulation not a standard. However the situation in practice is more  
6 complicated than that because the programs actually believe and it is sort of the chatter  
7 around accreditation that 100% is the level that COA really wants and anything less than  
8 that is something that has to be explained.

9 And so the programs in my understanding of the situation from my point  
10 of view it is COA that is putting an inordinate amount of pressure on the doctoral  
11 programs who are desperately concerned that they will lose their accredited status if they  
12 don't make their students apply to APA accredited internships and achieve a high level of  
13 success.

14 MR. BOEHME: Out of pure curiosity if it wasn't for their internship rules  
15 how would you say the Commission is doing on accreditation?

16 MS. KAPLAN: I don't have some of these other concerns I'm mostly  
17 concerned about this internship issue because I think it places an undue burden on the  
18 students.

19 MS. PHILLIPS: I have Ralph?

20 MR. WOLFF: Hi Andrea I would like to ask Art's question he just left. Is  
21 this a California issue or is this a national issue?

1 MS. KAPLAN: Well I think it is highlighted in California Ralph because  
2 we actually -- and other states they don't have organizations like CAPIC. But CAPIC has  
3 reacted very responsibly to the -- you know this started with Proposition 13 when  
4 community mental health agencies lost funds to pay interns and so CAPIC actually  
5 moved and so many agencies left their APA accreditation and CAPIC moved in to fill the  
6 void in order to maintain quality.

7 And in fact what's happening is that the California Department of Mental  
8 Health continues to lose resources to provide services to the needy communities in  
9 California to the degree that California has actually started giving -- awarding funds to  
10 organizations like CAPIC you know primarily to CAPIC, we have received 6 million  
11 dollars over the last 5 or 6 years from the state of California in order to encourage our  
12 students to go on to the California Department of Mental Health Agencies.

13 But this money because of the way it is given is still not acceptable to  
14 COA and these agencies are still unable to get accredited.

15 MS. PHILLIPS: A quick question Andrea if I may -- you may not know  
16 this but what percent of CAPIC internships are paid?

17 MS. KAPLAN: I would say that about 50% of the CAPIC agencies are  
18 paid however the stipends are often lost. However money is a complicated issue.  
19 Students don't have to move across the country, students can work part-time -- I had one  
20 student who had to leave a 4 year old child and you know pay for child care expenses  
21 while she went across the state to get an APA accredited internship.

1                   So you know a mere stipend doesn't explain all of the costs you know, all  
2 of the finances involved in actually completing an APA accredited internship.

3                   MS. PHILLIPS: Thank you, Kathleen did you have a question? Okay,  
4 other questions for this speaker, Ralph?

5                   MR. WOLFF: Just quickly there are a lot of other speakers so am I  
6 correct in understanding that CAPIC is not just an archival organization as saying here  
7 are their sites but it actually reviews the clinical sites?

8                   MS. KAPLAN: Yes we do. We actually have quite a robust quality  
9 approval process and in fact because of the APA requirements CAPIC internships are  
10 visited every year by each doctoral program and this is a site visit, every year, by each  
11 doctoral program who places a student in that CAPIC internship.

12                   So some agencies are actually visited 3 and 4 times a year. The last site  
13 visit I did they said, "Oh hi the lady from the Wright Institute was here yesterday." And  
14 so and then furthermore CAPIC itself visits on a rotating basis every 5 years visits  
15 agencies to make sure that they are in compliance with CAPIC's standards which actually  
16 if you look at them are virtually identical to APA and APIC's standards only we don't  
17 require as high a stipend.

18                   MS. PHILLIPS: Any other questions for this speaker? Thank you for  
19 joining us.

20                   MS. KAPLAN: Thank you.

1 MS. PHILLIPS: Our next speaker is Farzana Khan if I could ask the  
2 audience to restrain the applause. Farzana Khan with Suzanne Stambaugh to follow,  
3 welcome.

4 MS. KHAN: Hello everyone. I would like to share with you the benefits I  
5 as a student experienced by being allowed to attend a CAPIC internship and how many  
6 other students like me would achieve their career goals if allowed to attend a CAPIC  
7 internship rather than being forced to attend an APA or APIC internship. To start I am  
8 completing a CAPIC internship at Highland Hospital in Oakland, California.

9 My career goals are to work with the underserved populations in San  
10 Francisco or Oakland, California. I have received a rich educational experience by  
11 working with the severely persistently mentally populations with chronic medical  
12 illnesses from low SES and minority backgrounds.

13 So for this reason and many more I believe that the use of quotas, the 50%  
14 accredited internship placement as required by the IRD 4.7B is a poor move to address  
15 individual student goals and needs. For starters, CAPIC matches many students' goals of  
16 wanting to stay local.

17 Many students may not want to leave their home in the state of California  
18 because their career goals and personal goals are there. Reasons for not wanting to  
19 relocate for internship include family -- for example some students are responsible for  
20 helping to take care of their elderly parents.

21 Due to my cultural background I for one am responsible for helping my  
22 parents with their daily activities. My parents do not speak fluent English and often need

1 assistance navigating the medical system due to their medial illness and language  
2 barriers. If I was forced to move out of the state then my parent's well-being would  
3 suffer greatly.

4           Students should not have to choose between family responsibility and  
5 career aspirations. Many students who know they want to stay local may also have  
6 financial restraints. It seems highly unfair to ask students to relocate for their internship  
7 and add on more expenses on top of the high price of pursuing higher education.

8           In addition as a CAPIC intern I had the luxury of being close to my social  
9 supports when undergoing stress of graduate life. I have also been lucky to have made  
10 great connections with my peers from other local psychology programs and with other  
11 local providers in the community that I have had to serve -- knowledge and connections  
12 that will certainly aid my patients and clients in the future.

13           For the students who want to stay local or choose the CAPIC route  
14 because they plan to work in California they are able to build strong relationships with  
15 localized facilities that they will be working with in the future. They are able to serve the  
16 underprivileged community, mental health programs that are often over-flooded with  
17 people in need of care and not knowing enough clinicians and most simply students who  
18 want to stay local and are allowed to choose the CAPIC internship route, expense  
19 reduced anxiety meaning increased quality of life, thank you.

20           MS. PHILLIPS: Thank you, Simon question?

21           MR. BOEHME: Well first of all thank you for coming but I don't know if  
22 it is the irony of this but we -- with the current accreditation system set up as it is we

1 allow universities and schools to really do what they want but there are very few federal  
2 regulations and what we are hearing today it seems as an accreditor potentially bullying  
3 students to take on certain internships and limit career opportunities at least what I have  
4 been hearing from the comments.

5 But my question to you is would you categorize non-APA accredited  
6 internships as more public service oriented compared to the APA accredited internships  
7 or how would you categorize the non-APA or are they just so diverse that there is no way  
8 of categorizing them?

9 MS. KHAN: I can't speak for all students but what I looked at for what I  
10 was interested in the places that I want to work in seem to fit better with the CAPIC  
11 internships because they are more -- I was able to find the community-based outpatient  
12 clinics in my area. Again I can't speak for all students because I simply looked at my  
13 interests and my career goals.

14 MR. BOEHME: Thank you.

15 MS. PHILLIPS: Other questions for this speaker? Thank you for joining  
16 us. Our next speaker is Suzanne Stambaugh followed by Kelly Burns. Welcome, thank  
17 you for joining us.

18 MS. STAMBAUGH: Thank you for having me. My name is Suzanne  
19 Stambaugh and I am a clinical psychologist licensed in the state of Texas. I currently  
20 have a private practice in assessment testing in psychotherapy and I am a professor of  
21 psychology at Austin Community College in Austin, Texas.



1                   I graduated from the doctoral psychology program at the California  
2 Institute of Integral Studies in the spring of 2012 and I graduated from an APA accredited  
3 program. My colleagues who are here today who graduated after the spring of 2012  
4 shared classrooms and consultation groups with me and their degrees should grant the  
5 same access to career opportunities as mine.

6                   For context I also attended a CAPIC internship. Today I would like to  
7 draw attention to several instances which clear conflicts of interest occurred during the  
8 review and revocation of CIIS's program accreditation by the APA. First of all the  
9 review of the program occurred in the context of the Commission being itself reviewed  
10 by NACIQI.

11                  The requirement that the Commission more clearly define their own  
12 standards was in clear conflict with their investigation into the curriculum of the program  
13 in so far as the Commission was reviewing CIIS's probationary status while  
14 simultaneously under pressure to show that it would complete an adverse action against a  
15 program in order to keep its own recognition in good standing.

16                  Another instance was the participation of an Agency representative at the  
17 appeal hearing who had clear conflicts of interest with faculty at the program under  
18 review. Natalie Gilfoil had been publicly criticized by Dr. Bryant Welsh then Director of  
19 the CI-D Program for her affiliations with the APA's involvement with torture and  
20 interrogation.

1 Ms. Gilfoil's participation at the appeal hearing despite the presence and  
2 appearance of a conflict of interest with Dr. Welsh was a violation of Regulation  
3 602.1586 of the guidelines and principles for accreditation.

4 Lastly I would like to point out that in the field of professional psychology  
5 the accrediting agency resides within a larger trade organization, the American  
6 Psychological Association. This in itself has the potential to compromise the  
7 Commission's ability to effectively serve the interests of students and the public to the  
8 extent that those interests conflict with the APA's understanding of the market interests  
9 of the profession of psychology.

10 In August 2011 the Commission reported that it evaluated training  
11 programs in part by whether or not students obtained APA approved internships. This ID  
12 program primarily places students in internships that approved by APIC and CAPIC the  
13 standards used by APA, APIC and CAPIC to ensure training quality are substantially  
14 equivalent and many APA accredited programs use CAPIC internships.

15 Nonetheless the Commission has enacted a decision which de-legitimizes  
16 internships competing with its own internships representing a clear conflict of interests.  
17 All of these conflicts of interest are unacceptable.

18 MS. PHILLIPS: Thank you, questions for this speaker? Thank you for  
19 joining us.

20 MS. STAMBAUGH: Thank you.

21 MS. PHILLIPS: Our next speaker is Kelly Burns followed by Bryant  
22 Welch. Thank you for joining us.

1 MS. BURNS: Thank you. I'm Dr. Kelly Burns, I'm a licensed  
2 psychologist in New York and California, I am also part of the group that is here from  
3 CIIS. I want to quickly list for the record some of the due process violations that COA  
4 committed during the course of CIIS's accreditation review.

5 First every single standard on which COA basis revocation of our  
6 programs accreditation was one for which public comments were still open during the  
7 course of the review and the standard was not finalized or published until during or in  
8 some cases after the review and modification.

9 Our program was not found out of compliance on even one stable  
10 standard. Also during the review COA had published public acknowledgement that  
11 many of the schools were having the same problems understanding the same regulations  
12 on which our program was find non-complaint which was exactly why the standards were  
13 being revised.

14 However none of these other schools had its accreditation revoked  
15 violating COA's obligation to treat programs consistently. There are published  
16 statements of widespread misunderstanding that also amount to a concession that the  
17 standards on which revocation was based were not clear or adequate.

18 COA's GMP states that revocation will not be based solely on highly  
19 restrictive lists of specific criteria or quantitative factors but COE revoked our program's  
20 accreditation based solely on outcome data and specific requests relating to two syllabi  
21 on the outcome data it was actually well within the range of other programs that did not  
22 get revoked as my colleague will discuss later in this meeting.

1           And I wrote about all of these in much greater detail in the complaint that  
2 I submitted along with Dr. Stewart who spoke earlier, it's a very long complaint it goes  
3 into this and other violations in great detail. But I came here in person because I am so  
4 angry. I did what I was supposed to do. I chose to attend a program that was accredited  
5 and that was not on probation.

6           Since my program was put on probation I have been reaching out for help  
7 in every way that I can think of for years and no one especially COA who I also  
8 contacted personally has ever cared about my well-being. Now six figures of educational  
9 debt and years of my life -- later I have a degree that bars me from most jobs and that's  
10 despite the fact that on the national licensing exam I scored about the 90<sup>th</sup> percentile.

11           Not to mention that even if all of this were fixed tomorrow the fact that  
12 my entire graduate school experience took place in an atmosphere of terror and anxiety of  
13 this capricious organization that was completely indifferent to my welfare is not  
14 something that I can ever get back.

15           This really has soured my entry into this profession so deeply that I don't  
16 actually know if it is possible to recover. And so you know a lot of people who have  
17 been talking have mentioned the word afraid and that's really the reason that a lot of us  
18 are here -- that a lot of psychologists are just afraid of this organization that really does  
19 not support academic freedom.

20           If you think outside of the box at all and the box is really small you are  
21 always at risk of losing your program's accreditation or not being able to work and  
22 people have talked about the internship being a risk. That was one of the major reasons

1 actually that CIIS lost accreditation. They kept saying that we didn't do quality  
2 internships but they would only count our APA internships they wouldn't count our  
3 CAPIC internships which most of our students do. So that was an actual loss it is not  
4 hypothetical.

5 MS. PHILLIPS: Thank you. I have Simon a question?

6 MR. BOEHME: Well thank you for coming and expressing your  
7 frustration. Part of our role here at NACIQI is to hear these third party comments and  
8 you know students, trustees, faculty members, you know all sort of people come before  
9 us and know that while you may not feel like you are being heard, you are at least being  
10 heard here and so we appreciate you coming.

11 And although we deal with and we have very strict regulations you bring  
12 up one issue in particular that does fall within our parameters which is a grievance  
13 procedure that is the accreditation agency is supposed to have a complaint procedure. So  
14 when you reached out to this organization personally as you said could you just walk us  
15 through your interaction with them, did you feel as though there were steps or you were  
16 ushered into some sort of process where you could feel like your voice was heard to some  
17 extent?

18 MS. BURNS: No it actually happened and this happened to Dr. Stewart  
19 as well. We wrote to the Commission and they basically just wrote that it wasn't their  
20 job to deal with the fact that we had been harmed or this was just not -- they had  
21 reviewed the program they thought that the program review they did was fine and they  
22 didn't offer any help.

1 MR. BOEHME: Thank you.

2 MS. PHILLIPS: Art?

3 MR. KEISER: Miss Burns right?

4 MS. BURNS: Yes, Dr. Burns.

5 MR. KEISER: Dr. Burns I'm sorry. I know it's difficult. Were you a  
6 student at the institution that lost its accreditation?

7 MS. BURNS: I was.

8 MR. KEISER: Were you directly involved in the accreditation process?

9 MS. BURNS: How do you mean directly?

10 MR. KEISER: Were you part of the self-study preparation -- were you  
11 there for the creation of the documents that are reviewed by the Dean?

12 MS. BURNS: I was not. The school did offer some -- it was open for  
13 students to participate but there were very specific times when we could go and do it and  
14 if you had an internship that required you to be there, but required you to be there on that  
15 date you weren't able to do it so that was the case for me.

16 MR. KEISER: So your specific concerns were more from post-  
17 accreditation review issues and discussion with others rather than the direct knowledge of  
18 what happened during the accrediting visit?

19 MS. BURNS: Well not exactly because what's happened is that I went to  
20 law school before coming to grad school for psychology and I have been trying to get  
21 help from the day that this probation happened and I have been completely unable to get  
22 help and so finally in the last year I just said okay well you know I have some skills to

1 help myself and so I put all of this effort and this is along with Dr. Stewart -- we put a lot  
2 of effort into figuring out the situation ourselves. We hunted down every document that  
3 we could find all of these due process violations that I am talking about, it is because I  
4 reviewed all of the regulations of APA. I reviewed all of the communication between the  
5 school and APA and I will note actually that I wasn't able to get at all of them -- that's  
6 something I would like you all to think about too.

7 Nobody is helping these students and we are not in a position to help  
8 ourselves. I wasn't able for example to get the transcript of the appeal hearing which  
9 they decided that I was not going to be able to work in my field because I wasn't one of  
10 the parties to the hearing. So I was severely handicapped throughout this but I did a lot  
11 of work and everything that I am saying is based on the documents.

12 MR. KEISER: You were not part of the deliberations you were not part of  
13 the leadership team that was involved in the response to the Accrediting Commission or  
14 through their due process that the institution went through?

15 MS. BURNS: Yeah right I wasn't able. I did reach out to be part of it but  
16 I wasn't invited to be part of it.

17 MR. KEISER: Thank you.

18 MS. PHILLIPS: Further questions for this speaker? Thank you for  
19 joining us. Our next speaker is Bryant Welch with Henriette van Eck to follow. Our next  
20 speaker is Henriette van Eck with Megan O'Banion to follow. Welcome, thank you for  
21 joining us.

1 MS. ECK: Thank you Madame Chair, distinguished members of this  
2 Committee it is a pleasure to be here. My name is Henriette van Eck and I graduated  
3 with a PhD in clinical psychology from a non-APA accredited school Pacifica Graduate  
4 Institute in 2015.

5 I'm here today to tell you my personal crossroads as a result of having --  
6 being a graduate of a very rigorous program but not having the APA accreditation. I live  
7 in Maryland. I have been accepted as a pre-licensure position in Maryland they call it a  
8 psyche associate so I have been accepted at a very well-established firm that employs 30  
9 therapists with a variety of degrees, PhD's being on the narrow end, a lot of Master  
10 Degrees and they treat citizens of three different offices.

11 I can accept this offer but I can't get licensed in Maryland because I am  
12 not with an APA school. So I am allowed to qualify to work, I have tons of training. I  
13 have gone well above and beyond all requirements personally and professionally and yet  
14 I can't get licensed and I am limited so my wings are cut.

15 I have asked for some help in that area. I am also here today to talk about  
16 the accreditation procedure that violates COA's 602.18 which require consistent and fair  
17 treatment of programs. Two aspects I would like to address. The first is Pacifica's on-  
18 campus executive style learning program which is designed much like executive MBA  
19 programs tailored for working professionals.

20 While attending Pacifica's APA performed a site visit. I spoke with the  
21 APA representative who expressed concern to me personally over Pacifica's "Distance  
22 learning format". I inquired what that meant and I was told that Pacifica lacked the



1 required face-to-face classroom time. Yet in selecting Pacifica I specifically researched  
2 this and found we had the same classroom in person hours as other larger universities,  
3 clinical psychology PhD programs but in a format designed to include the more diverse  
4 student body, especially those like myself that had to manage family and professional  
5 responsibilities.

6           The only distance part was the location of students. I had a classmate  
7 from Hawaii, Maine, Florida, et cetera. The second violation was over their evaluation of  
8 cognitive behavioral training and devaluation of Pacifica's inclusion of what I call debt  
9 psychological psycho-dynamic psycho-analytic perspective. I refer you back to Dr.  
10 Ganji and Dr. Yakushko's testimony. For further details on that I concur with everything  
11 they have said.

12           COA's standards require the respect of individual programs and depth  
13 psychology is an evidence-based practice. I would ask you to step back -- oh shoot I  
14 can't talk to you about violence in the world health organization how we really are all  
15 here to help reduce violence ultimately for citizens of this country and this globe, thank  
16 you.

17           MS. PHILLIPS: Thank you are there questions for this speaker? Frank?

18           MR. WU: Hi I'm coming to this late and I am very sorry that I missed the  
19 first part. I just want to make sure that I understood something. You attended a program  
20 that was accredited by another accrediting authority, not the APA?

21           MS. ECK: That is correct.

1                   MR. WU: Okay and just I am clear on this some states in their licensing  
2 requirements don't recognize the degree that you obtained though it was from an  
3 accredited institution. Some states only recognize APA accredited programs?

4                   MS. ECK: That is correct.

5                   MR. WU: Got it okay. So I want to grasp this.

6                   MS. ECK: There are several states like that.

7                   MR. WU: Okay so the licensing issue you faced though just so I am clear  
8 is due to the state of Maryland piggy-backing on the APA. It's not that the --

9                   MS. ECK: Precisely, thank you.

10                  MR. WU: Thank you.

11                  MS. PHILLIPS: Thank you for joining us. Our next speaker is Megan  
12 O'Banion with Allan Scholom to follow. Welcome, thank you for joining us.

13                  MS. O'BANION: Thank you. First I want to start off by just introducing  
14 myself. My name is Dr. Megan O'Banion. I am a Director of Clinical Training, a Chair  
15 of returning council, a faculty member, a member of the APA, a licensed psychologist,  
16 I'm a social justice advocate. I'm educated by, trained in and work for APA accredited  
17 programs.

18                  I am not speaking on behalf of my employer. My role here today is to  
19 evoke APA's meaning behind accreditation and call for the critical evaluation of the  
20 COA's effectiveness and their social, cultural, ethical, moral and political impacts on the  
21 academic and training programs, students, public and the profession of psychology as a  
22 whole.

1                   My primary concerns are as follows: Number 1 -- the COA does not  
2 demonstrate the fundamental practice of researching or providing empirical support for  
3 some of its most decision accreditation outcome requirements. For example IRD 4.7B  
4 the 50% threshold for APA accredited internship matches.

5                   2 -- By creating high-stakes standards that focus on numerical and narrow  
6 objectives. Academic programs focus on meeting the standards to maintain their own  
7 accreditation over prioritizing the student's individual, personal and learning professional  
8 needs.

9                   Institutionalizing a narrow view of education and training is harmful so  
10 this gets to my point number 3.

11                   Accreditation standards that promote application and training  
12 requirements that are most accessible to those in privileged and dominant groups threaten  
13 the health and diversity of our profession. When powerful institutions demonstrate a lack  
14 of evidence basis for practice, limited inclusivity and insufficient accountability -- it  
15 impacts the integrity of our profession.

16                   Furthermore the most harmful consequences fall on the most vulnerable,  
17 our students and our underserved communities. These are the true stakeholders that  
18 accreditation is designed to protect. This is a social justice issue. We have standardize  
19 the design and methodology of accreditation so how we do this has unintended  
20 consequences of inequality, oppression, discrimination within our programs and in the  
21 profession.

1                   In the wake of the Hoffman Report I embrace the APA and COA's pledge  
2 for transparency, integrity and renewed self-study. I ask for COA to be held to the same  
3 level of accountability that all of its programs it accredits are held to by insuring that the  
4 accreditation standards themselves are consistent with the science and practice of  
5 psychology by ensuring a transparent and rigorous ongoing review and improvement of  
6 the accreditation processes in governments and lastly by ensuring quality education and  
7 training that truly does meet the needs of our student body, the public and our profession  
8 as a whole, thank you so much for your time.

9                   MS. PHILLIPS: Thank you, questions for this speaker? Thank you again  
10 for joining us, our next speaker is Allan Scholom with Jennifer Frazier to follow,  
11 welcome.

12                  MR. SCHOLOM: Thank you. I have to talk fast because I want to get  
13 everything I want to say in and three minutes is going to be a challenge. Anyway I speak  
14 to you today as a practitioner of psychotherapy for over 40 years -- as a teacher and  
15 consultant throughout that time, as President of the section of psycho-analysts of Division  
16 39 of psycho-analysis of the American Psychological Association as a former Vice-  
17 President of the Chicago Community Mental Health Board and a former mental health  
18 policy advisor to U.S. Senator Adlai Stevenson.

19                  During this time I have witnessed the tragic and destructive evisceration of  
20 mental health services in the United States. In fact during the period from 1986 to 2009  
21 mental health expenditures in the United States have remained flat while total healthcare  
22 costs increased from 10% of GDP to 17%.

1           The costs to our society of not treating mental health problems which are  
2 increasing nationally have been widely documented and are also rising. And of course  
3 we have not treated mental health problems contributing to the mass murders in recent  
4 years.

5           While a significant part of the problem has been the lack of available  
6 services in general the range and types of services available for the public is also of great  
7 importance. It is here where you have the opportunity today to correct the damaging  
8 injustice to the American people namely -- that effective services have not been  
9 sufficiently available to the public.

10           Practitioners of these treatment approaches and students interested in  
11 learning them have been systematically eliminating from educational opportunities and  
12 jobs from the American Psychological Association. Today APA functions as a monopoly  
13 on behalf of one type of service -- cognitive behavioral therapy.

14           To the exclusion of psychodynamic humanistic and family systems  
15 approaches -- essentially APA acts as if CBT is the only evidence-based treatment while  
16 ignoring the evidence for these other approaches. The result is that APA approval of  
17 doctoral programs and pre and post-doctoral internships have caused the virtual  
18 extinction of programs that offer anything other than an exclusively CBT orientation.

19           This is in clear violation of DOE Guidelines 602.16F2 which allows  
20 institutions to develop their own standards for success. Furthermore APA is in violation  
21 of its own committee relation guidelines which call for "Broad and general preparation  
22 for a practice at the entry level."

1           You may ask why has this taken place over the last 30 years. Part of the  
2 answer lies in the virtual Civil War between scientists and practitioners and when I say  
3 scientists I'm using it to refer to a group not to the particulars of science -- that began in  
4 the late 1980's as APA became more heavily influenced by clinicians who made up an  
5 increasing share of its membership.

6           The situation became so contentious that a separate organization was  
7 formed back called the Association for Psychological Science within APA a way of  
8 gaining influence by a scientific community was to assert that treatment must be  
9 grounded -- oh boy in evidence-based approaches et cetera et cetera okay let me jump  
10 through -- it was fundamentally -- well basically a re-writing of history that the general  
11 effect of this is psychotherapy was already well established and one of the most research  
12 supported treatments in the entire healthcare world.

13           One last paragraph or sentence -- I cite these examples although there are  
14 many, many more.

15           MS. PHILLIPS: One last sentence please.

16           MR. SCHOLOM: Okay in simplest terms how can therapists go in the  
17 trenches providing services to the American public do so as effectively as possible  
18 without being trained to be able to utilize the full range of treatment approaches  
19 available. Basically it says to the American people --

20           MS. PHILLIPS: Thank you very much and I apologize for being rude. I  
21 do have a question for you. Frank Wu?

1                   MR. WU: So this could you turn your mic off until I finish and then turn  
2 it back on, great. This might help you out and I am actually going to ask you three  
3 questions. The first question is just so I understand, you're explaining that there is one  
4 school of thought that the APA promotes and then several other schools of thought and  
5 the other schools of thought are also evidence-based is that correct? Okay great.

6                   MR. SCHOLOM: Yes indeed but these are very complex questions as to  
7 what constitutes evidence but indeed interviews empiricism as a definition of evidence  
8 there is ample evidence from that perspective that these other approaches are workable,  
9 valid and long-standing and have been long-standing even before the whole evidence-  
10 based movement started to take place. I mean that was a function of a power struggle  
11 within APA basically.

12                  MR. WU: Great so the second question is, since you have this vast  
13 experience -- just roughly what's the proportion that we are talking about? Are 50% of  
14 the practitioners in the school of thought that the APA represents, or 90% I mean just  
15 roughly 50-50, 80-20, 10-90?

16                  MR. SCHOLOM: Well this is a very good question. The number -- I  
17 mean there's been a systematic move to force everyone into a certain kind of mold. The  
18 people in the field who actually do the work I think are not in the large sense CBT  
19 orientational -- though they may have some training in that but in traditional terms you  
20 might call it more integrative or at least inclusive of other approaches, most people in the  
21 trenches don't rely on one approach you rely on yourself as the instrument of  
22 psychotherapy the relationship itself and you use what you use to make it work.

1                   But you don't practice a specific kind of thing to the exclusion of others.  
2   But what's happening politically and I can cite an example of this -- in New York which  
3   might have been considered a more psychoanalytic bastion but no longer. There was one  
4   of the agencies there has a contract and these are the child welfare agencies that if you are  
5   diagnosed with an emotional problem you have to be seen by someone who is trained in  
6   CBT otherwise they will take away your cases.

7                   Now this is an extraordinary egregious destructive influence in the mental  
8   health world today to say that you have to do this is the only way it can be done. This is  
9   against everything we know about how treatment works it's an intimidation and a  
10   complete injustice.

11                  MR. WU: Great I actually have two more questions. So my third  
12   question is and I forget what Department of Education regulation references this but I am  
13   glad that you tied your comments into an actual reg because at the end of the day what  
14   this panel is embodied to do is look at the statute and the regs. We are not just a wide-  
15   ranging authority to pass judgment on psychology or what not.

16                  I hear you saying the following, I hear you saying that within the  
17   community of practitioners who provide psychological services there is significant  
18   disagreement and the APA does not necessarily represent the standards of consensus of  
19   practitioners, would that be accurate?

20                  MR. SCHOLOM: Yes I would say that APA does not represent them they  
21   have an axe to grind is also what I am saying, it's not simply that they don't represent,  
22   they have a particular interest which has political and economic foundation for it.



1           MR. WU: Right so here's my last question. I assume that you and others  
2 with this concern that you have raised whether it is about getting licensed in Maryland,  
3 getting a contract in New York or so on that you are also fighting this fight in front of  
4 other regulatory authorities. So for example I assume something about NACIQI. I  
5 assume that we have no authority over how contracts for psychological services are  
6 awarded or what restrictions are made on them in the state of New York.

7           I think that's just beyond our purview. But you have a concern that some  
8 will be excluded who are qualified and should be able to receive remuneration for  
9 providing those services so my question is -- is this part of a bigger fight that is going on  
10 about licensing and contracts that you are fighting in other forums?

11           MR. SCHOLOM: Thank you for the question now I really get to make a  
12 speech. A brief one -- right the bigger part of the fight of course has to do with mental  
13 health funding and the ways in which and the whole funding picture in the United States  
14 and that has been eviscerated.

15           So when you have a smaller piece of the pie people fight more vigorously  
16 over the smaller piece which I think has contributed to what APA has done -- we want  
17 our piece.

18           MR. WU: So it's gone down but you are saying in addition more  
19 jurisdiction is an added restraint?

20           MR. SCHOLOM: Absolutely.

21           MR. WU: That specifically that benefit the APA and APA accredited  
22 programs?

1                   MR. SCHOLOM: Evidence based -- empirically validated evidence based  
2 treatments get used as a club for short-term treatment. Everyone wants to save money,  
3 insurance companies want to save money, the government wants to save money so you  
4 take this evidence based thing or these empirically validated treatment which can only be  
5 done by and large in short-term kinds of situations and so forth and so on which don't  
6 hold up over the long run in terms of the actual evidence and you use that as a club to  
7 keep people from getting the services that they need and justify using a "scientific  
8 rationale" for denying services.

9                   And this is the cool thing and this is the big battle really that has to be  
10 fought and I am hoping you people will help in fighting that battle.

11                  MS. PHILLIPS: Other questions for this speaker? Thank you very much  
12 for joining us.

13                  MR. SCHOLOM: Thank you.

14                  MS. PHILLIPS: Our next speaker is Jennifer Frazier with Sheena Demery  
15 to follow. Welcome, thank you for joining us.

16                  MS. FRAZIER: Thank you for the opportunity to speak to you today  
17 about an issue that has deeply impacted my life. My name is Jennifer Frazier and I am a  
18 PhD candidate in an APA accredited graduate school. I speak for myself not for my  
19 school.

20                  I am here to tell you that I feel the APA/COA has put undue pressure on  
21 their schools that is then passed on to the students. The first year that I applied to  
22 internship I was informed that I was to apply only to APA accredited internships the

1 population for which I have served and wish to serve in the future was not adequately  
2 represented in California at APA accredited internship sites. Therefore I had to look  
3 outside of the state. At the time I was married, had two adult step children living at home  
4 with mental illness. My own daughter was getting ready to graduate from high school.

5           It was a difficult decision for my family to make but we all agreed that I  
6 had to take the opportunity that these internships which were sanctioned by the  
7 APA/COA could afford me. I was not placed for many reasons. First the population that  
8 I wished to serve the Autism Spectrum population is an underserved population within  
9 the APA accredited internships.

10           Second there were far more students that applied for internships than there  
11 were APA internships available. Roughly a year later I approached my school to try to  
12 persuade them into allowing me to apply to a specific CAPIC internship that served the  
13 autism population in a multitude of ways.

14           While my school does have a strict internship policy they do allow  
15 students in extenuating circumstances to apply to non-APA accredited internship sites.  
16 My extenuating circumstances which were minimized by my school as psycho-social  
17 stressors were divorce, finding a new home for my daughter and I, sending my daughter  
18 off to college and breast cancer surgery.

19           The internship site that I wished to apply to was denied to me. I was  
20 emphatically informed that if I wished to continue with my pursuit of a PhD in clinical  
21 psychology at that school I had to abide by their strict internship policy. Furthermore I

1 was told that only internships that the school could defend to the APA/COA would be  
2 approved meaning only sites that could meet APA standards would be accepted.

3 In summary I have lost the opportunity to serve a population in my  
4 community as an intern that I wish to further serve upon licensure. This has also been a  
5 significant financial and emotional burden. I have lost time and would have been more  
6 than halfway through my internship program at this point had they accepted that CAPIC  
7 internship that I presented.

8 My hope is that immediate work can be done to better support alternative  
9 viable and applicable internship sites that are excellent opportunities. Thank you.

10 MS. PHILLIPS: Thank you questions for this speaker? Federico?

11 MR. ZARAGOZA: Yeah I am getting the sense from several of the  
12 speakers especially those that have the entrance of component that you don't feel like you  
13 have either a voice or engagement in the way that these programs are developed and  
14 these programs are evaluated yet the guidelines of principal put out by APA in fact  
15 Domain F very specifically to the involvement of interns on the self-assessment process  
16 and so my question is are interns using that process?

17 Are you aware of that process in your school? How is that working help  
18 me understand that please?

19 MS. FRAZIER: I want to make sure I understand the question. So the  
20 process to apply for internship and then to --

21 MR. ZARAGOZA: This is the process that the schools have to attempt to  
22 get input from the interns, interns to the self-assessment process so are there any

1 mechanisms in place where you can voice your concerns or provide planning within your  
2 school?

3 MS. FRAZIER: So in the application process I can speak to that. I can  
4 also speak to the -- I just started this week my internship so I can't tell you about the  
5 feedback thus far thank you. But if I wanted to apply to a non APA accredited internship  
6 site I had to produce a list of sites that I wished to apply to, why they would be suitable,  
7 what their supervision was like, basically how they match all of the APA internship  
8 standards. And then they could say yes or no.

9 MR. ZARAGOZA: Thank you.

10 MS. PHILLIPS: Any further questions for this speaker? Thank you very  
11 much for joining us. Our next speaker is Sheena Demery with Ginger Rennie to follow.  
12 Welcome.

13 MS. DEMERY: Good morning thank you for the opportunity to speak  
14 with you today. My name is Sheena Demery. I am a recent graduate of Pacifica  
15 Graduate Institute. I am here to talk about a few concerns that I have regarding the APA  
16 and the accreditation process.

17 One of the areas that I would like to speak to you is really with regard to  
18 602.15 the agency has clear and effective controls against conflict of interest and an  
19 additional piece that is detailed in the guidelines and principals for accreditation specific  
20 to the importance of cultural and individual differences in diversity.

21 My experiences with the APA and the accreditation process that my  
22 school has gone through have indicated that the APA does not live by the very standards

1 that they use to evaluate and accredit doctoral programs. Specifically despite my school  
2 being lost for accredited I am routinely subjected to discriminatory practices despite  
3 having the same skills, knowledge and ability even to obtain licensure in DC and in  
4 Virginia by being blocked from internships.

5 I even kept the letter that I got from the VA from Dr. Neil Bien indicating  
6 that I was an excellent candidate but I had tremendous experience but the APA will not  
7 let him hire anybody that is not from an APA accredited school and I kept his letter as  
8 well post-doc training being repeatedly subjected to the same commentary, extensive  
9 training -- I specialize in children and adolescence and not being able to get post-docs  
10 that have any involvement with the APA for the exact same reason.

11 For loan forgiveness programs -- not being able to participate in programs  
12 such as the National Health Services Corp. or Public Service Loan Repayment Program  
13 due to criteria around the APA and then employment opportunities -- so if I want to be  
14 employed by the government, if I would like to do something out of private practice the  
15 APA becomes a recurring issue.

16 When you think about student loans you think about debt. For me this  
17 feels discriminatory and it feels like an overreach of power, a gross overuse of power  
18 from the APA and how they are accrediting groups, whether it is internships, post-docs,  
19 whether we are talking about schools and really literally impacting the livelihood of the  
20 very people. I am a psychologist -- that they claim that they want to support and back,  
21 thank you.

1 MS. PHILLIPS: Thank you very much for speaking with us, questions for  
2 this individual? Thank you for speaking with us. Our next speaker is Ginger Rennie  
3 with Tara Pir to follow. If you could just pause Sheena we have one question for you,  
4 Art?

5 MR. KEISER: What school did you graduate from?

6 MS. DEMERY: Pacifica Graduate Institute.

7 MR. KEISER: And it's accredited by the WASC Association?

8 MS. DEMERY: It is.

9 MR. KEISER: And did they disclose to you the limitations on a  
10 California recognized psychology degree versus an APA recognized degree?

11 MS. DEMERY: Meaning Pacifica or WASC?

12 MR. KEISER: Pacifica.

13 MS. DEMERY: Yes we were in the process the entire time I was a  
14 student there of applying for APA accreditation so that was the discussion.

15 MR. KEISER: But it was disclosed formally and appropriately?

16 MS. DEMERY: It was I would say probably in my second year that it  
17 became clear.

18 MR. KEISER: When you enrolled they did not disclose that you would  
19 potentially be graduating from a non-accredited school?

20 MS. DEMERY: No, not in that very first year, it was really in the second  
21 year under a different leadership that that occurred.

22 MR. KEISER: Thank you.

1 MS. DEMERY: Thanks.

2 MS. PHILLIPS: Our next speaker is Tara Pir with Shawn Rubin to  
3 follow. I would guess you are not Tara Pir but you are going to speak?

4 MR. PULIATTI: I am not Tara Pir she just emailed me to say that she  
5 wasn't able to get here and asked if I could read a statement on her behalf.

6 MS. PHILLIPS: Okay.

7 MR. PULIATTI: Thank you hello again. My name is Dr. Tara Pir and I  
8 am the Founder and Director of IMCES the Institute for Multi-Cultural Counseling and  
9 Educational Services and leading community clinic in Los Angeles. It is an APA  
10 accredited internship and a CAPIC internship.

11 At IMCES I have trained countless emerging professionals in the field of  
12 psychology where they have secured high level positions in the profession. For this to  
13 continue however policy changes are needed -- diversity is the hallmark of my work  
14 indeed COA site visitors recently recognized IMCES for its systematic and long-term  
15 efforts to attract and retain people from diverse backgrounds and remarking that diversity  
16 is the very fabric of my organization.

17 My program has a very expansive scope and a comprehensive  
18 occupational clinical training model that serves the exceptionally diverse needs of the Los  
19 Angeles community and the future of our profession. My commitment to diversity is  
20 reflected in my program's recruitment practices.

21 While most of my program's interns come from the APA APIC match I  
22 also recruit through CAPIC to serve the most diverse community in Los Angeles. I have



1 found that local non-traditional CAPIC interns often demonstrate more accountability and  
2 a commitment to the community they come from and wish to serve and I have therefore  
3 designated a specific number of positions for APIC and APA and for CAPIC separately.

4           However, in the past several years I have been challenged by APA,  
5 APIC's exclusionary shrewd monopolistic approach and at meeting their quota as a  
6 business goal with the very aggressive indirect consequence of eliminating CAPIC.

7           APIC's match two policy states, "Internship programs must offer all of  
8 their internship positions" through the APA match process. Simply put programs such as  
9 IMCES are required by APIC to not utilize CAPIC's match or risk losing their APIC  
10 membership.

11           This policy and practice is objectionable for a number of reasons. One --  
12 it is discriminatory, restrictive and exclusionary. Two -- it disproportionately effects  
13 highly qualified under-represented groups and student who are less able to afford the  
14 expense of attending an APA accredited school or to undertake the travel to interview and  
15 relocate out of state for an APA accredited internship.

16           Three -- it restricts programs like IMCES from serving multi-cultural  
17 ethnically and linguistically diverse communities from recruiting some of the most  
18 committed and qualified candidates from CAPCI.

19           And four -- it is inconsistent with APA's and APIC's own stated diversity  
20 and inclusion policies. This particular APIC APA match policy also demonstrates how  
21 interwoven these agencies are and how the actual impact of such policies is detrimental to  
22 students, to agencies like IMCES, to the profession and to the public.

1 I ask the NACIQI members to understand these inter-relationships and I  
2 call for a change in this particular APA APIC match policy, thank you.

3 MS. PHILLIPS: Thank you very much, Anne Neal has a question.

4 MS. NEAL: Well thank you for your multiple identities and I am going to  
5 take advantage of that. I'm looking at the website for VA employment and it says that  
6 they won't employ psychologists that have completed an APA accredited internship in  
7 psychology.

8 So your various graduates, the interns from your program in your earlier  
9 identity in other words cannot receive employment with the VA is that correct?

10 MR. PULIATTI: That's my understanding. I want to be careful I'm  
11 speaking as Executive Director of CAPIC and not as Dr. Pir, okay. It's my understanding  
12 we want to work with the VA to look at what are the actual outcomes in quality that we  
13 offer and see if they will change the rules but that is a difficult task as well.

14 MS. PHILLIPS: I have Paul and then Art.

15 MR. LEBLANC: Could you while we have you again. I did a quick scan  
16 of standards APA vs. CAPIC standards on the internships and I can't see substantial  
17 differences. Can you tell me how they diverge?

18 MR. PULIATTI: Yes as Andrea Morrison Kaplan mentioned earlier the  
19 basic difference is that we encourage but we don't require interns to have stipends, that's  
20 the primary difference.

1                   And while they allow half-time also but we have a lot more half-time we  
2 actually designed and promulgated the half-time model that was adopted by APA and  
3 APIC several years ago.

4                   MS. PHILLIPS: Art?

5                   MR. KEISER: I'm reading the Pacifica Graduate Institutes website and I  
6 gather they are a CAPIC's institution are they upgraded under the CAPIC?

7                   MR. PULIATTI: They are one of our CAPIC program members, yes.

8                   MR. KEISER: And then it says Pacifica Graduate Institutes psyche and  
9 PhD programs are accredited by the Western Association of Schools and Colleges and  
10 the Department of Education to offer financial aid from the Department of Ed site --  
11 Pacifica's doctoral programs in clinical psychology are not accredited by the APA.

12                   There's no disclosures of any issues or potential problems so like the  
13 student before graduated from a program recognized by CAPIC could be misled it seems  
14 specifically by this disclosure by Pacifica which is a WASC institution.

15                   MS. PHILLIPS: Clarification about CAPIC approving institutions versus  
16 internships, you might want to clarify that.

17                   MR. PULIATTI: Okay I think I will try to answer both of those questions  
18 but I will do your question first Susan. We have a review process for academic programs  
19 before they become members they have to if they are APA accredited and they meet  
20 certain standards but if they are not APA accredited they have to meet other standards  
21 that have to be regionally accredited, they have to have certain academic training  
22 programs, and so I don't have it all in my head.

1                   And to answer your question --

2                   MR. KEISER: My question is more on disclosure and it seems to be you  
3 know if I was reading this as just a John Que public this school -- a student graduating  
4 from this program it doesn't matter if it is APA or not it doesn't say anything about the  
5 limitations in her potential opportunities or the fact that the VA does not recognize this --  
6 in fact it misrepresents WASC and the Department of Education.

7                   MR. PULIATTI: My response is I really can't respond to that institution  
8 itself. What I can respond to is what CAPIC does. CAPIC has it's on our website and on  
9 a couple of different places clear indications about the difference between APA and  
10 CAPIC. We recognize the fact that going to a CAPIC internship means that currently  
11 you can't be employed by the VA.

12                   We know that that affects employment outcomes. We specifically say that  
13 on our website. We have recently started to invite qualified programs, academic  
14 programs from out of state to participate in our match process to bring more students into  
15 our process and in doing so we have actually an attestation that boasts the DCT that the  
16 school signs and that the student signs it says CAPIC is not APA accredited, it is not an  
17 accrediting body, these are differences in how that may affect you.

18                   We do that I can't speak for the other institution itself that you are asking  
19 about.

20                   MR. KEISER: I understand that and I am not asking you to but could this  
21 be a root or part of the confusion that the institutions that are not recognized by APA are  
22 not fully disclosing the limitations based upon the recognition of using a California

1 recognized internship or a California recognized program versus the APA -- pretty much  
2 like a bar association issue -- the bar in Florida you have to pass an ABA program. In  
3 California I don't think you do but it creates real problems for students out of California  
4 but that's just the way the state of Florida is set up and it would at least I would assume  
5 there would some disclosure from your institutions or institutions that are part of your  
6 organization that students are aware of that.

7           Because that poor student before said she was not aware of this until her  
8 second year in the school that's concerning to me.

9           MR. PULIATTI: I agree there should be disclosure.

10           MS. PHILLIPS: Further questions for this speaker? Thank you again for  
11 your dual identities. Our next speaker is Shawn Rubin with Scarlett Luger-Klein to  
12 follow. Thank you for joining us.

13           MR. RUBIN: Thank you. I'm a licensed psychologist in both Michigan  
14 and Virginia and incoming Board President of APA's Division 32 the Society for  
15 Humanistic Psychology. And over the past two decades I was a graduate student  
16 professor and administrator at graduate schools that were rooted in humanistic existential  
17 psychology.

18           Throughout the duration of my training and career I and my students have  
19 been adversely impacted by the troubling discrimination perpetuated by APA/COA and  
20 such treatment contributed to my decision to ultimately leave academic psychology to  
21 focus on providing humanistic and psycho-analytic training and supervision in private  
22 practice.

1                   And I have grave concerns that most programs with diverse theoretical  
2 orientations that are also evidence based that they can survive in this climate. I  
3 encourage the Department of Education to review the history of the APA/COA and it's  
4 privileging of programs which exclusively specialize in behavioral approaches to training  
5 including cognitive behavioral therapy over other empirically supported approaches to  
6 treatment and training such as those involving the processes and techniques common to  
7 humanistic and psychoanalytic orientations.

8                   Historically those programs which provided a well-rounded scientific  
9 foundation and behavioral perspectives but also included a significant component of  
10 humanistic and psychoanalytic training have been excluded from accreditation solely on  
11 the basis of guild concerns regarding the scientist rather than scientific basis of training  
12 program criteria.

13                   Many programs, faculty, students, patients and indeed the entire field of  
14 behavioral health care has been and continues to be hurt by this guild based psycho-  
15 political discrimination against a full range of scientifically supported approaches to  
16 treatment and training and so I ask you to help APA to do the right thing, thank you.

17                   MS. PHILLIPS: Thank you very much questions for this speaker?  
18 Thank you for joining us. Our next speaker is Scarlett Luger-Klein with Nadia Thalji to  
19 follow. Welcome.

20                   MS. LUGER-KLEIN: Good morning my name is Scarlett Luger-Klein  
21 and I would like to thank you for giving me the opportunity today to speak out against the  
22 arbitrariness with which the Commission on Accreditation has reviewed our program.

1 I'm currently a Psych-D student at CIS and I am part of five people here who comment in  
2 relation to the complaint by Dr. Burns and Dr. Stewart against the Commission. You  
3 have heard several of their concerns already and you will hear another one which is that  
4 the Commission does not treat all programs equally.

5           At the time that our program was on probation 7 other of the programs  
6 were too and our accreditation was revoked based on 4 sets of outcome data. The time to  
7 completion, attrition rate, licensure rate and success rate with internships. So our  
8 outcome data was deemed inadequate however our time to completion rate was  
9 calculated by the Commission to be 5.19 years at the time and that was compared to a  
10 range of 4.3 to 8.3 years by the other programs.

11           Our attrition rate was deemed to be around 20% by the Commission.  
12 There was only one other program that had a very low attrition rate of 2.29 the other 6  
13 programs were between 19.29 and 33.86 so we were completely in this range. Our  
14 licensure rates were also within this range, actually above the average for schools in the  
15 San Francisco Bay area but the Commission calculated the rate incorrectly and even after  
16 CIS submitted substantial evidence to correct this rate the Commission refused to  
17 acknowledge that their rate was false.

18           As for internship it is true that our students prefer to complete CAPIC  
19 internships and our rate of students who actually complete APA accredited internships  
20 are relatively low compared to the other schools however as we have seen here today  
21 there is absolutely no reason to assume that CAPIC internships are of lower quality and  
22 the fact that the Commission claims that or pushes for internships to be completed at

1 APA at higher rates is completely unsubstantiated by any type of data and as you see  
2 there are so many problems with the Commission's way of reviewing programs that I am  
3 asking you to please decide in our favor to help us to and read carefully the complaint by  
4 Dr. Burns and Dr. Stewart and help us to rectify the situation, thank you very much for  
5 your time and attention.

6 MS. PHILLIPS: Thank you questions for this speaker, Bobbie?

7 MS. DERLIN: Thank you for being here. If you could just clarify for me  
8 you referenced a specific institution.

9 MS. LUGER-KLEIN: Yes.

10 MS. DERLIN: Where the accreditation was either withheld or withdrawn  
11 based on particular outcome thresholds that institution is?

12 MS. LUGER-KLEIN: The California Institute of Integral Studies in San  
13 Francisco.

14 MS. DERLIN: Okay I just wanted to be sure I was straight, thank you.

15 MS. LUGER-KLEIN: Yeah.

16 MS. PHILLIPS: Ralph?

17 MR. WOLFF: Actually it's more of a comment I think for Herman. You  
18 make reference to a complaint filed by Dr. Stewart and Dr. Burns.

19 MS. LUGER-KLEIN: Yes.

20 MR. WOLFF: Is that a complaint filed with the Department? I'm not  
21 quite clear with that I would just say that my understanding is that CIIS went through an



1 appeal process with APA but I think the question I have is was the complaint filed with  
2 the Department about violation of Department standards.

3 MR. BOUNDS: And I think that's what the third party comments were  
4 referencing about that particular institution. It appeared to us that we didn't know they  
5 had been through their complaint process yet and we haven't received a complaint for  
6 that institution I don't think.

7 MR. WOLFF: For clarification purposes if an institution has gone through  
8 an appeal process for revocation of accreditation and third parties such as in this case, not  
9 the institution but third parties wish to file a complaint that there were violations of  
10 federal regulations would they have to go through the institution's complaint process?  
11 That would not seem to me to be appropriate.

12 The point is what I understand from the staff analysis and from the -- what  
13 Herman just said is that the complaint -- did the complaint go through the institution's  
14 appeal process or complaint process and I am saying this is really about an accrediting  
15 action and federal regs, so it would seem to me that the Department could receive these  
16 matters as a complaint without having to go through -- I'm not sure if it would be CIIS or  
17 would they -- I'm just trying to see would they have to go to APA or could they go  
18 straight to you at the Department?

19 MR. BOUNDS: We do require complainants to work through the Agency  
20 first and then if they are not happy with that result they can submit that complaint to us. I  
21 think we did -- yeah and we did receive that.

1 MS. LUGER-KLEIN: Dr. Burns would be able to give you more details  
2 on this but as she said earlier she pursued many different avenues before she filed this 80  
3 page complaint here with you.

4 MR. BOUNDS: And we do have it we just have not reviewed it yet. It  
5 came in on June 10<sup>th</sup> I believe.

6 MR. WOLFF: So can I -- one more clarification. So there is reference to  
7 a specific complaint with details and federal regulations so is that a matter that the  
8 Department is now treating as a matter to be reviewed with respect to the Agency  
9 independent of any action we might take today?

10 MR. BOUNDS: Right, right, correct.

11 MS. PHILLIPS: Kathleen you had a question?

12 MS. ALIOTO: You had said that you thought it was arbitrary. Why do --  
13 look at these other incidents, the other marks of not being accredited that you were better  
14 than some other institutions, why do you think the decision was made?

15 MS. LUGER-KLEIN: Well I don't know you know. And I have been  
16 asking myself this question many times. How come that we were revoked accreditation  
17 when all the other 7 programs that were on probation with similar outcome data had that  
18 accreditation restored?

19 I'm not sure whether it has something to do with the particularly low APA  
20 internship rate of our school or whether it has to do with a certain bias against schools  
21 theoretical, outlook, our approach to clinical practice which is relatively far removed  
22 from simple CPT. So this could be all reasons, I'm not sure. I really don't know.

1                   I just observed that it was the case, that we were revoked accreditation  
2 even though our outcome data were not worse than that of other schools in the area.

3                   MS. ALIOTO: Thank you.

4                   MS. PHILLIPS: Jill?

5                   MS. DERBY: This is really a thought to Herman when a complaint is  
6 filed with the Department what are the possible outcomes of that? I don't believe it  
7 comes back to this panel or does it?

8                   MR. BOUNDS: So what normally happens when we get the complaint  
9 we will review and if we find the Agency out of compliance then we will ask them to  
10 respond and tell us how they are going to fix or remedy the issue. It would come back to  
11 this Committee if we found the Agency out of compliance and say they disagree.

12                   They said you know we don't think you are right and we are not going to  
13 do what you have asked us to do so we will bring it back to the Committee for that end  
14 ruling for the senior Department official. That could also happen if we had a complaint  
15 that would come in, of course we would consult with folks in OGC if there was  
16 significant harm done as a result of the excuse me, of the Agency's actions and then we  
17 would have to get further guidance from OGC on what you know, how we would follow  
18 that up.

19                   But that would be a case where the complaint would come through you  
20 know, would come through the Committee.

21                   MS. DERBY: Help me, what's OGC?

1                   MR. BOUNDS: I'm sorry that is the Office of Legal Counsel it would go  
2 to I would consult with Sally and Donna on those cases, yeah.

3                   MS. PHILLIPS: Anne?

4                   MS. NEAL: The issue of complaints and the access to this body has come  
5 up in the past and I would just like to register yet one more time the need for NACIQI to  
6 see when complaints have been received and even if the resolution is that there is not a  
7 problem some sort of summary so that we have an indication of what that complaint was,  
8 and why the Department chose to do what it did because I think that bears directly on the  
9 broader picture and it is something that we need in our role as NACIQI members.

10                  MR. BOUNDS: That is certainly possible for us to do. We receive quite  
11 a few -- a larger number but we would be happy to say include in the staff analysis we  
12 could include a brief summary under the history of the agency. Right now we just inform  
13 the Committee that we received 5 complaints and if they were reviewed in favor of the  
14 Agency or not but we would be happy to provide my response letter back to the Agency  
15 in those cases, if that would be helpful.

16                  MS. LUGER-KLEIN: Would you briefly allow my colleague Dr. Stewart  
17 to comment on this?

18                  MS. PHILLIPS: I think we are moving ahead. I will leave the complaint  
19 process I believe to Herman for now because there is not a complaint before us and thank  
20 you for your questions, are there any other questions of this person before I let her go? If  
21 we want to discuss further about the complaint processes I can ask Herman to speak to  
22 that. In the meantime thank you very much for speaking with us.

1                   I am going to hold on further complaint process questions for now. When  
2 we come back to the staff we will be able to ask a number of questions maybe including  
3 that. We will move again to Nadia Thalji with Melodie Schaefer to follow. Thank you  
4 for joining us.

5                   MS. THALJI: So my name is Nadia Thalji, I am a doctoral candidate in  
6 clinical psychology at Pacifica Graduate Institute which is an institution that is non-APA  
7 credited and that I consciously chose the university because of the orientation and it was  
8 very clear since the very first day what they were able to offer and they did not offer any  
9 guarantees of the APA accreditation just to make the statement to clarify that was my  
10 experience.

11                   So I am currently completing my internship at the C. G. Jung Institute  
12 Clinic in San Francisco which is a CAPIC internship and I am also a member of the  
13 multi-cultural consent committee at the APA division 39 second analytic division and a  
14 student Board member of CAPIC.

15                   So I would like to point out how the cumulative effects of the policies do  
16 not reflect the needs of students like me and they are quite devastating. I'm dressing in  
17 red because of the urgency of this matter. And I would like to address the unjust policies  
18 and practices of APA, APIC and the Commission on Accreditation policies are not  
19 inclusive and have a discriminatory impact on students and the public.

20                   In 2015 I had access to this qualified internship through CAPIC and the  
21 loss of such an organization would be devastating and would not allow me to have such  
22 training. One aspect is a half-time internship model which is not available at the AP

1 accredited internship has given me the opportunity to fulfill the requirements for the  
2 completion of my doctoral. And as a student I cannot afford another year of schooling  
3 while waiting to obtain an AP accredited internship.

4           In addition as a single parent I cannot afford expenses to require to  
5 interview and move across country for a year for an NPA accredited internship. The  
6 quality and the relevance of the modality offered in my current internship satisfies what I  
7 am seeking -- my personal and professional goals. It offers me the opportunity to work in  
8 a community and a client population.

9           I offer therapy in English, Portuguese and Spanish and I am also here to  
10 point that I would ask you to investigate the policies. For instance the IRD 47B the  
11 under-evaluating the non-accredited internship opportunities. Students from underserved  
12 communities and parents they are not willing to relocate should have access to qualified  
13 internship including CAPIC.

14           MS. PHILLIPS: Thank you questions for this speaker. Thank you very  
15 much for joining us. Our next speaker and I understand is our last speaker is Melodie  
16 Schaefer, thank you for joining us, welcome.

17           MS. SCHAEFER: My name is Melodie Schaefer. I'm a licensed  
18 psychologist in the state of California and have developed and provided doctoral  
19 psychology training and supervision for over 20 years at APA, APIC, CAPIC and exempt  
20 settings and I'm a CAPIC board member.

21           I would like to thank the Committee for this opportunity to express my  
22 concerns and opinions pertaining to the APA Commission on Accreditation. This

1 includes the expectation IRD 4.7B for APA accredited academic programs which achieve  
2 a 50% minimum APA internship placement rate of their students.

3           This IR has been implemented without justifiable data to support their  
4 platform which runs against the principal on which our profession stands. In addition our  
5 professional espouses is a necessity of appreciating and educating ourselves on the  
6 relevance of diversity in providing service.

7           And then have contradiction to this value lies within the IR's APA  
8 placement rate expectation and its implicit assumption of higher quality. Internships in  
9 California and I would suspect possibly in other states as well that they are not APA  
10 approved ironically are quite often those focusing on psychological services to the  
11 underserved and the under-represented communities that are in remarkably high need of  
12 care and greatly impacted by reductions and fiscal streams of support that preclude APA  
13 consideration.

14           To what end does the COA's position serve? It would not seem to serve a  
15 do no harm position as critical care needs of impacted communities will be a not. CAPIC  
16 championed the procurement of doctoral internship training funds within the state of  
17 California beginning in 2008 where its funding for doctoral level training had been  
18 excluded.

19           To date our efforts have resulted in over 9 million dollars of funding,  
20 approximately 6 million of which has been awarded directly to CAPIC to provide  
21 stipends of over 20,000 dollars per full-time intern of students with a commitment for pre  
22 and post-doctoral internship training in public mental health settings.

1                   CAPIC's state funded stipends must be directed to the intern not the sites  
2 and are not guaranteed as recurring funds and thus are not viable to support APA  
3 application. State and county funded agencies have found pursuing APA accreditation  
4 cost prohibitive. Reductions in student applications resulted from academic programs  
5 insistence on application to APA internships.

6                   Now a gross reduction on the number of employed psychologists  
7 throughout county mental health agencies has been followed by increases in Master's  
8 level therapists. Again, to what end is the COA's position leading? It can't be easy for  
9 this Committee to consider embracing the tonus of what I and others have put forth today  
10 however if we do not move forward collectively together with a healthier and more  
11 representative voice then we risk the further withering of our profession, thank you for  
12 your consideration.

13                   MS. PHILLIPS: Thank you, questions for this speaker? Thank you very  
14 much for joining us.

15                   MS. SCHAEFER: Thank you.

16                   MS. PHILLIPS: At this time in our procedures I would like to invite the  
17 Agency to return to the table an opportunity to respond to the third party comments.  
18 Welcome back.

19                   MS. WALL: We appreciate the opportunity to come back and certainly if  
20 there are any questions that anyone has we would be more than pleased to entertain them.  
21 Certainly we listened to many of the concerns presented today and it appears that many  
22 are beyond the scope of accreditation and reflect broader issues in our field.



1           Recognizing that I feel like I should state that the Commission does not  
2 make requirements for jobs, licensure or post-doctoral education -- licensure boards  
3 within each state set the requirements for the characteristics that make an individual  
4 eligible to pursue licensure. A large portion of the internship placement is done through  
5 the APIC match -- again APIC does not direct the Commission.

6           The Veteran's Administration was mentioned as an employer -- I would  
7 state that the Veteran's Administration establishes their own standards, qualification for  
8 placement in internship programs and in employment. To reiterate, the Commission on  
9 Accreditation does not require that all interns complete an accredited internship  
10 placement as they complete their doctoral training program.

11           In addition the Commission on Accreditation does not identify a  
12 prescribed set of intervention procedures that individual students must be instructed in.  
13 Our public's do that the opportunity to offer comment, both through the public comment  
14 periods during eligible presentations where public comment is open and certainly by  
15 nominating members to serve on a Commission as part of the public information  
16 process.

17           That's all I am going to say right now.

18           MS. BIESCHKE: I just have one thing to add and that is that our  
19 threshold is 50% and the threshold serves as a trigger not as a bright line so it does allow  
20 for students to make choices about whether to apply to an accredited or a non-accredited  
21 internship depending on their particular extenuating circumstances.

22           MS. PHILLIPS: The opportunity for questions for the Agency, Jill?

1 MS. DERBY: It seems really ironic at a time where there is a national  
2 outcry to strengthen and expand mental health services that we are listening to this  
3 commentary that seems to restrict and limit. So this is a very general question but I am  
4 interested in the rationale behind the 50% requirement that we have been hearing about.

5 MS. BRIESCHKE: We looked at what the ratio -- what the empirical data  
6 told us about what programs were doing when we put the threshold into effect and used  
7 pretty much of that standard as the threshold specifically. So we tried to match it to what  
8 was occurring in the field at the time.

9 I guess the second thing is that you know we accredit over 300 programs  
10 each of whom has between 6 and hundreds of students and it is difficult -- want to insure  
11 that internships are of high-quality and one way to do that in an efficient way is to have a  
12 standard. We knew that they were being reviewed in a particular way and met certain  
13 standards so we wanted to ensure that level of quality.

14 We also wanted to provide programs with the opportunity to demonstrate  
15 to us that they were insuring that the internships their students were going to were of high  
16 quality. I also want to stress that they don't have to be APA accredited, they have to be  
17 accredited by and recognized by another body like yourself.

18 MS. PHILLIPS: Or by the CPA I understand, by the Committee on  
19 Psychological Association. I have Kathleen, Frank and Simon so far.

20 MS. ALIOTO: I'm a little concerned. I thought that you were working  
21 with the fast and 34 institutions you just said 300?

1 MS. BIESCHKE: The accredited doctorate internship and post-docs, 389  
2 I think doctoral.

3 MS. ALIOTO: And these various institutions how many students do you  
4 actually deal with or do the institutions deal with -- what are your numbers?

5 MS. WALL: They're substantive ranges of numbers of students across the  
6 different programs and I don't know that I have off the top of my head a specific number.  
7 Most doctoral programs that train students in a traditional teach the CIDY model tend to  
8 be smaller. This is a rough guess maybe 40 students in a program. Many of the applied  
9 doctoral programs are those that follow the CIDY model tend to be larger.

10 I am going to guess at least 100 - 150 students to maybe upwards of 3 to  
11 400 in some of the larger institutions.

12 MS. ALIOTO: And you just indicated that you do not -- one of the things  
13 that has been testified about is that you only really support one form of intervention with  
14 clients. You are saying you don't -- can you give us any kind of numbers in terms of how  
15 many of your programs are using behavior intervention treatment versus psycho-  
16 analytical or the other various forms that were discussed today?

17 MS. BIESCHKE: It's a wide range, we don't ask for that in our standards,  
18 we don't systematically collect that information but it ranges -- I can't even hazard to  
19 guess, we accredit all different types of theoretical orientations.

20 MS. ALIOTO: Thank you.

21 MS. PHILLIPS: I have Frank, Ralph and Simon so far in the lineup.

1                   MR. WU: This is a direct follow-up on the last question. I had asked this  
2 of one of the third parties -- about roughly would you say practitioners out there or  
3 institutions -- what's the division between the predominant school of thought that has  
4 been described and the other schools of thought, is it 50/50, 80/20 -- just roughly just  
5 ballpark to get a sense.

6                   And what would account for people believing that you favor the one over  
7 the others? A number of people seem to have the strongly held belief that you are  
8 aligned with a particular therapeutic approach to the exclusion of others and that you are  
9 determined to drive out of the marketplace these other treatments.

10                  MS. BIESCHKE: Within the standard we do -- psychology is a science  
11 and we emphasis the importance of the science informing practice and practice informing  
12 science so it is integration. Some of the standards ask for exposure to curriculum and  
13 empirically evidence-based treatments.

14                  Some different parts of our field have been -- it's easier to study and be  
15 cognizant of behavioral treatments and they may be publishing more and have more  
16 available so it is easier for programs to say they are doing it in a particular way. But the  
17 way I construe evidence is that it is not based on a particular treatment. Evidence comes  
18 from aspects of the therapeutic relationship that can inform treatment and I think of  
19 evidence much more than beyond one particular therapeutic orientation and my  
20 impression from being on the Commission is that we are looking for the evidence, we are  
21 not looking for the evidence that they are doing a particular kind of treatment but that

1 there is some empirical evidence for some of the approaches that they are teaching  
2 students.

3 MR. YU: It I might follow-up and also if you could give us a sense of  
4 what the proportions are here. Do I understand you correctly, are you saying that those  
5 making the claims that you favor evidence and science that they are promoting something  
6 that is not evidence-based or -- it's just so that I can understand the distinction that is  
7 being drawn because I heard some of the third parties say they are promoting something  
8 that also is evidence-based.

9 It's just not evidence-based in the sense that you have described it.

10 MS. BIESCHKE: I construe evidence to be pretty broad so I would not  
11 and my impression from being on the Commission is that we are not looking for a  
12 particular kind of therapeutic evidence we are looking at how students are being exposed  
13 to evidence-based treatments very broadly construed.

14 But there is -- I think that there is commentary in the field. Sometimes we  
15 have site visitors who have their own particular orientation despite us training them  
16 otherwise who ask about that. When it gets to the level of the Commission we definitely  
17 are looking at evidence in a broadly construed way.

18 I am reluctant to give you -- I don't think I have the knowledge to be able  
19 to give you a sense of what the push portions would be. I am not trying to avoid your  
20 questions I really am at a loss as to how to answer that.

21 MS. WALL: And I think the only comment that I would add is and again  
22 I am not a Commissioner, I don't make decisions about programs but there is a sense that

1 programs are looked at to see if they are teaching students how to question and to utilize  
2 these questions in developing an appropriate intervention but I haven't you know,  
3 observed and I have only been at the APA for you know the last year and a half that there  
4 isn't a bias towards one type of intervention over another.

5 MS. PHILLIPS: I have Ralph and then Simon.

6 MR. WOLFF: I would like to focus on the internship issue. One of the --  
7 or many of the third party commenters raised the issue that there is just simply an  
8 inadequate number of APA sites which creates an enormous amount of competitiveness  
9 but also generates the fear that if a school is not at the 50% level.

10 Can you give me some data or give us some data on how many sites are  
11 available, how many students are eligible so are there enough sites for all students at the  
12 point in their careers and the doctoral programs or is it only 30% - 40% available?  
13 What's the ratio?

14 MS. BIESCHKE: The gap -- there has been I think a substantial gap in  
15 the number of internships that are available which has considerably shrunk over time so I  
16 think about -- I think it's worse it was maybe we had a 75% match rate so 75% of  
17 students got APA accredited internships.

18 I think now we are closer to 90%. This year was a particularly good year  
19 meaning that we have some programs which are undergoing review who have not been  
20 able to obtain interns at their programs. So I think the imbalance is starting to right itself.

21 MR. WOLFF: The second question is that one of the -- raised the issue  
22 about at least on their face the standards appear to be the same between APA and CAPIC.

1 If what -- if a student were to go to a non-APA site does it have to be individually based  
2 but if multiple students go to that site would that be acceptable? I mean I am trying to  
3 think of the work load or the burden if a student chose for geography or for focus on a  
4 non APA site does every individual student have to go or the school have to validate to  
5 APA every individual decision or are there some sites even if they are not APA  
6 accredited which because multiple students have gone there would be able to show that it  
7 would meet your standards even if they weren't APA approved sites?

8 MS. WALL: I'm going to respond to your question and hopefully I will  
9 address it all. If you go back and think about the implementing regulations the 50%  
10 requirement rate is by class of students obtaining an internship. And so a program  
11 doesn't necessarily get to justify each individual placement but they do need to report it.

12 If a program did not meet the threshold and the Commission reviewed it  
13 there is a strong likelihood that they would ask the program to explain why that  
14 placement rate was the case.

15 MR. WOLFF: Thank you, it is clear but it also seems to put the burden  
16 that it would make -- having been on the other side, it would make the institution feel  
17 defensive that we have to explain why we are not at the 50% level for the class in the  
18 sense that presumptively and would it be -- well let me ask you would it be sufficient  
19 hypothetically to say well our students wanted to stay local, they wanted to emphasize  
20 autism or a specific socio-economic levels and things like that.

1           I'm just trying to think they at least represented a series of concerns that  
2 the APA wouldn't accept the rationales and that it puts enormous pressure on the  
3 institutions to have to demand that APA sites are privileged.

4           MS. WALL: I really think that's a Commission decision so I am going to  
5 just defer to Dr. Bieschke.

6           MS. BIESCHKE: Well we are certainly interested in having people  
7 explain why they don't hit the 50% rate. I can just show that from my perspective as  
8 someone who has been on the Commission for nearly six years that when internships  
9 aren't accredited the quality varies considerable.

10           I mean there are many aspects that we take into consideration we know  
11 exist when reviewing an internship. For example, you know we require a stipend -- a  
12 wage for an internship. We also demand that training take precedence over service  
13 delivery and as you heard today many people talked about the loss of interns impacting  
14 their service delivery possibilities.

15           But our first priority is to ensure that our students are getting trained in  
16 their internships not just delivering services. So you know we are trying to make this  
17 manageable for ourselves in terms of insuring that students get the highest quality  
18 training. We also know that many states require accredited or prioritized -- just the  
19 students talking today about their program not having APA accredited -- having an APA  
20 accredited internship is important as well for students as they move forward.

21           So it's not 100% for very good reasons. There are lots of reasons why  
22 people may not be able to do that. There are ways in which programs can establish that



1 an internship is of high quality and that students are getting excellent training and we  
2 accept those decisions. This is really trying to strike a balance here and we do know that  
3 these -- that APA accredited internships are of high quality.

4 MS. PHILLIPS: Thank you I have Simon, Art and Kathleen.

5 MR. BOEHME: What's your reaction when you hear students and other  
6 third party commenters come and say that you are not creating an environment or  
7 opportunities for all students and I am paraphrasing -- to thrive and to create equal  
8 opportunities for students who pursue what they want?

9 MS. BIESCHKE: I cannot tell you how important it is to the Commission  
10 to serve our students so it is kind of heartbreaking to be honest with you. It made me  
11 think that we are not doing a very good job of communicating the thresholds in the way  
12 that we are using them in programs to try to help programs, to identify when programs  
13 are falling out of compliance that they allow us to check in on an annual basis in between  
14 periodic review to insure that the program isn't falling behind in some meaningful way.

15 I think we can speak to that -- we have an update, we have discussed the  
16 D47 thresholds in the update. We know that about 16% of our programs read the update.  
17 We are going to have to figure out other ways of communicating that convention so that  
18 is not our intention.

19 We certainly would be responsive to programs discussing how they insure  
20 quality training in the midst of the thresholds.

21 MR. BOEHME: There was a 75% match correct of people who had an  
22 APA approved --

1 MS. BIESCHKE: At a minimum.

2 MR. BOEHME: At a minimum.

3 MS. BIESCHKE: I think it's higher now.

4 MR. BOEHME: But it is required and it says on your website that  
5 everyone who gets a doctoral degree has to have an APA approved internship.

6 MS. BIESCHKE: We are not requiring that in the Commission. That  
7 may be something APA specifies but on the Commission we do not specify that. The  
8 Commission is independent of us.

9 MR. BOEHME: Alright thank you for clarifying.

10 MS. PHILLIPS: I have Art and Kathleen.

11 MR. KEISER: Well I am really sympathetic to the students and many of  
12 the speakers about the political issues and unfortunately I don't think that is our role to  
13 get involved with the political issues, whether one state recognized not APA credited type  
14 program or not.

15 And I think that's not our issue and I hope at least I will be interested in  
16 discussing that much more but my focus though there were a couple of concerns  
17 regarding conflict of interest -- I assumed it was in the visiting team rather than on the  
18 Commission though I am looking at your Commission and I think isn't it required that  
19 you have one public member for every 7 members? I only see 2 public members and you  
20 have like 20-some public -- 20-some members so is there a problem with public  
21 representation on your Commission.

1 MS. PHILLIPS: I have got a request for Herman Bounds to speak  
2 quickly.

3 MR. BOUNDS: I think they are a programmatic agency.

4 MR. KEISER: So they don't have the 7 to 1.

5 MR. BOUNDS: So they don't have the 7 independent --

6 MR. KEISER: No the numbers of the public on the Board.

7 MR. BOUNDS: Sally they have to have a public member but they are not  
8 separate and independent.

9 MR. KEISER: I don't care if they are separate but they have to have 1 to  
10 7?

11 MR. BOUNDS: No, they don't.

12 MS. WALL: If I may comment.

13 MS. PHILLIPS: Go ahead.

14 MS. WALL: There are actually three public member positions on our  
15 Board, two are really public members in that they are individuals who are not trained in  
16 the field of psychology, don't hold an affiliation a psychology program and do represent  
17 public interests.

18 The third position is the psychologist who represents public interest  
19 psychologies. So there really are three folks on the 32 member Commission that do hold  
20 public interests at heart, not saying the other 29 don't.

21 MR. KEISER: Going back to my original question on the conflict of  
22 interest could you address that?

1 MS. WALL: Certainly every year -- training is offered to the current  
2 Commission members on conflict of interest. That training is also for all of the  
3 accreditation staff, individuals who served as site visitors are also advised of conflict of  
4 interest during their training. Everyone signs agreements that they will not participate in  
5 programs where such conflict may occur.

6 MS. BIESCHKE: I would just also like to add that the Commission is  
7 populated by nominations from across the field. No one is required to be a member of  
8 the American Psychological Association to be on the Commission. We have some  
9 members that represent APA they cannot participate in programmatic decision-making.

10 MS. PHILLIPS: Sally -- were you looking to clarify something?

11 MS. MORGAN: What Herman said was correct that the 1 in 7  
12 requirement applies to agencies that have to be separate and independent and those are  
13 only institutional accrediting agencies. There is a separate requirement that there be  
14 public members on the Commission but it doesn't specify a ratio.

15 MS. PHILLIPS: Kathleen?

16 MS. ALIOTO: There was some testimony that it was too expensive to be  
17 part of the APA, what are your fees?

18 MS. WALL: I actually looked those up. Certainly there are fees for  
19 doctoral programs that are based on the number of students in attendance to the program  
20 for an annual, for a program with less than 50 students it is 3,750 dollars. For programs  
21 with more than 50 students it's 4,250 and those are annual fees they are billed every year  
22 in October.

1 I can give you the other breakdowns if you would like.

2 MS. PHILLIPS: Actually it is the internship fees that would be relevant to  
3 the question.

4 MS. WALL: Sure for internships annual fees are \$2,000 -- for programs  
5 applying for contingent on accreditation 2,250 for programs that are fully accredited.  
6 Site visit fees are billed at the rate of \$1,750 per site per site visitor. There are two site  
7 visitors for internship programs, three for doctoral programs -- all of the fees are  
8 established and charged and are re-evaluated every three years that are based upon past  
9 fee experiences and projected increases due to inflation.

10 MS. PHILLIPS: Anne?

11 MS. NEAL: As you know we are required to assess whether or not  
12 accreditors are reliable grantors of educational quality. And we have been talking a lot  
13 about the internship threshold and you all articulated that as you have heard this that you  
14 are thinking perhaps you have not done a good job of communicating that threshold.

15 And I guess my question to you is -- is it a failure of communication or is  
16 it perhaps that this threshold is actually not a good indicator of educational quality and  
17 that it has a certain guild-like feel to it, witness the APA requirement?

18 I think that's really what we're getting at and I would like to hear you  
19 respond to that.

20 MS. BIESCHKE: I can tell you that if there were other groups -- I believe  
21 in accreditation and I believe that it is a hallmark of quality. If we -- I would be willing --

1 there are no other ways to have an internship accredited beyond this one way through  
2 APA as far as I know right now.

3 I know that there are other organizations that are moving to do that and  
4 that we would have to take that into consideration. We deliberately wrote the D47  
5 threshold to not limit it to APA -- to not limit it because of this exact issue. And so we  
6 would look at accreditation as being something we believe in because of all of what you  
7 all do, we believe it in as well as a hallmark.

8 So I can see what it would seem that way but I think that it's an important  
9 marker of quality and it is does say something about a program to have students who are  
10 competitive enough to achieve an accredited internship, well qualified.

11 MS. PHILLIPS: Just a quick follow-up question on that before Simon.  
12 The threshold D7 -- I believe doesn't even reference APA alright I think it references  
13 USDE recognized or CPA. Is anybody aware of -- actually let me ask Herman this is  
14 CAPIC looking to become a DE recognized accreditor of internship?

15 MR. BOUNDS: I am going to have to rely on my memory. I think I have  
16 had some calls about that but they haven't pursued that thoroughly.

17 MR. PULIATTI: (Off record)

18 MS. PHILLIPS: Thank you, Simon?

19 MR. BOEHME: Yeah I guess I just want to kind of what Anne was  
20 saying -- I guess I am just struggling to really wrap my head around this internship  
21 threshold yet you don't find and I'm looking to see you know you say that you know grad  
22 debt levels is not collected.

1                   Is this going to happen in the future? You know what mechanisms in  
2 place are we going to start to see some of these metrics that you are not collecting? You  
3 know when you come back -- you know assuming that we move your application forward  
4 are you going to come back in 5 years and we are going to have this same debate about  
5 internships and still a lack of information about debt load and you know debt incurred,  
6 graduation rates and repayment and default rates?

7                   MS. BIESCHKE: As it currently stands debt loads are not part of the  
8 standards of our accreditation so we would certainly take that under advisement. We  
9 don't want to restrict people being able to go to graduate school by not telling them they  
10 can't have debts but I also want to be transparent with our students about what it costs to  
11 go to graduate school and I think we have achieved that with C20 so we could look at  
12 debt loads as well.

13                   Programs are pretty eager to explain how they can help fund students so  
14 that information is usually pretty readily available. I answered that question I'm not sure  
15 I answered the other question, did you have two? And I forgot what it was.

16                   MR. BOEHME: No I think that does. And another comment that you  
17 made that an internship is it correct that you require them to be agency offering the  
18 internship to have a stipend is that correct?

19                   MS. BIESCHKE: Right thank you that was what I was going to say is that  
20 we do think it is important given the amount of money many students are putting into  
21 their education to be compensated for the services that they provide at their internship.  
22 They are not quite at the rate of what you would pay a licensed psychologist obviously or

1 even an entry level post-PhD but they have to be competitive within the marketplace and  
2 that is important to us.

3 MR. BOEHME: Right and I don't want to dive too much into this  
4 because this goes far beyond the NACIQI purview but I think in terms of student interest  
5 it is fair to say that there are many organizations that have a greater public service  
6 mission that would not be able to support for example this kind of stipend.

7 And there are so many incredible opportunities -- that I personally feel that  
8 you are limiting students and I think that is a shame because of that requirement. And  
9 there are numerous public service internships that you know it's mind-boggling that I feel  
10 as though -- and I understand where you are coming from, where you want to insure that  
11 students have a good internship experience and I admire that and I admire that proactivity  
12 but I still think that it is limiting to some extent.

13 MS. BIESCHKE: I would say we have very good relationship with our  
14 student organization through APA. We meet with them on a regular basis. I think they  
15 would be pretty distressed if we stopped requiring a stipend so I can appreciate that there  
16 are many organizations that could benefit from our student's services but they are also  
17 concerned about their debt loads and want to be compensated for those services.

18 MR. BOEHME: Right but you are not collecting information on the debt  
19 load so it blows my mind that you have now just said that students are concerned about it  
20 but apparently the accreditor isn't because you are not collecting information on that. So  
21 you know and I don't want to take up too much time but I think it is important that when



1 looking at all of these student interests I think there's a lot of great feedback today and I  
2 look forward to seeing you guys hopefully come back with incorporating some of that.

3 MS. WALL: Just to make a comment there is some information that is  
4 collected on graduate student debt but it is not collected by the Commission so the  
5 information is available.

6 MS. PHILLIPS: Federico?

7 MR. ZARAGOZA: Just a follow-up on some of the discussion by the  
8 students and specifically in reference to Exhibit 1 which are the Guidelines and Principles  
9 for Accrediting the Integral Programs and the interest of such specifically. It mentions  
10 very prominently that interns would be involved in the self-study process including input  
11 into the quality and quantity of internships and it even goes beyond that.

12 It speaks to they will be involved discussing outcomes and processes et  
13 cetera. I didn't get the sense from the testimony today that students were aware that they  
14 did have a voice in the self-assessment process now and that's -- the continuous  
15 improvement side of the house so again my observation here would be that you have got  
16 an excellent guide here but how do you -- tell me how do you stay on top of this so that  
17 you in fact are able to insure that students do in fact have a voice in this, on the self-  
18 evaluation or self-assessment process?

19 MS. WALL: That information is included in a program self-study. It is  
20 included as part of the site visit. While I can speak to that from my past life as a site  
21 visitor we would ask students and talk with them in a confidential setting -- who are on  
22 their internship about their level of involvement in the outcome evaluation system. So it

1 is something although you know I can't say that that's something every site visitor would  
2 do but that type of information is collected from programs across multiple areas when a  
3 program is evaluated.

4 MS. BIESCHKE: For both the internship -- post-doctoral as well as  
5 doctoral programs all have to include their students in the site visit in the self-study  
6 process.

7 MR. ZARAGOZA: Just to follow-up I'm curious. So we know about the  
8 self-assessment process and how that works. Where do you stand on third party  
9 evaluations? Infused third party valuations of the value of the way that the internship  
10 programs are working?

11 MS. WALL: Third party comments are accepted for every program there  
12 is a time frame by which they need to be submitted but they are included in the  
13 Commission's evaluation process of every program for which they --

14 MR. ZARAGOZA: Do you understand I am not talking about third party  
15 comment I am talking about third party independent evaluation.

16 MS. WALL: So I still don't understand --

17 MR. ZARAGOZA: Would the third party evaluation data be of value in  
18 the accrediting process?

19 MS. WALL: I'm a biased person. I like data so I would personally say I  
20 would welcome the comments.

21 MR. ZARAGOZA: Thank you.

1 MS. PHILLIPS: Any further questions for the Agency at this time? Let  
2 me ask the staff to return for the moment you guys don't go far. At this point we want to  
3 give the staff an opportunity to respond to the Agency and the third party comments.

4 MR. MULA: Thank you Madame Chair. I would like to clarify  
5 something that has kind of been embedded in some way in all of the conversation and  
6 that is about APA required APA education to get jobs. It is a prominent factor of  
7 professional organizations that have associations that those associations lobby heavily  
8 with all state agencies and employers that hire these type of people -- hospitals, private  
9 practices -- to hire their people.

10 So what happens is the Commission does not get involved in making any  
11 of that happen but when a student or a graduate goes to get a job and he goes to the kind  
12 of people who hire this kind of person that employer will probably require in this case  
13 that he graduated or she graduated from an institution that is accredited by a recognized  
14 accreditor and that would be a PA in this instance.

15 So it is a common practice about professional organizations that they have  
16 this kind of practice and the Department will not get involved in that and so there's a lot  
17 of issues there that we cannot get involved in.

18 The most important thing is that we really would like to see and I will  
19 reiterate this again the system that they use and the process that they use and the evidence  
20 that they use when they are making decisions on the citations that the Department cited  
21 them for, thank you.

22 MS. PHILLIPS: Questions for the staff, I have Frank and Cam and Ralph.

1           MR. WU: This is more of a comment than a question it is just an  
2 observation. I had just realized this phenomenon that even though it is beyond the  
3 purview of NACIQI I think it's just worth pausing for a moment to note that our actions  
4 here -- not just with the APA but with the ABA and with so many other professional  
5 associations that also have an accrediting function creates monopolies out there.

6           Not us alone but in conjunction with states so it is just something -- well I  
7 am not saying it is good or bad I am just observing that this is occurring and I happen to  
8 think it is clearly beyond our purview as an entity to do something about this but it is a  
9 phenomenon that we ought to note and so I am pointing this out and it is not just this  
10 Agency but with many others we are inadvertently doing this.

11           MS. PHILLIPS: Thank you I have Cam and Ralph.

12           MR. STAPLES: Thank you Susan and Chuck I just want to question  
13 about a particular provision of the regulations that is the acceptance of agencies by others  
14 so 2.13 and you know from the time we spent here there are many cases where when you  
15 have an internal debate within a profession about a philosophical approach to that  
16 profession we have had an outpouring of people on both sides of the question that we  
17 have had questions raised in your report and the staff report about whether there is  
18 acceptance in the community -- in that particular community by others.

19           That is not apparent in this case, there is nothing in this report that relates  
20 to that and I just wanted to ask you about that. If you haven't seen the complaint or you  
21 just got their complaint I guess so I don't know if that would change the Department's  
22 review but from this point -- from all that you have received and all the complaints and

1 many of them alluded to a philosophical debate within the profession, is that not a  
2 concern that you identified or that you feel is significant the concern that they are outside  
3 their level of acceptance necessary in the profession?

4 MR. MULA: Good question. We do have criteria that requires  
5 acceptance and usually that acceptance is shown by testimonies or comments or some  
6 kind of participation in the community itself. In this case it would be the psychological  
7 community, professionals, people in the states of licensure requirements, higher  
8 educational organization that use the Agency or consult with the Agency so we see a  
9 relationship with the professional organization -- the accreditor or the professional  
10 organizations, the state agencies and other government agencies or institutions of higher  
11 education that talk to these people, rely on their accreditation or rely on their process  
12 when they are changing their standards or reviewing the standards.

13 They go out to this community of constituents that includes employers,  
14 state people, higher education people and ask for comments under standards so that  
15 everybody participates. This is what we look at for evidence to see if the outcome is  
16 accepted.

17 And we probably don't -- I don't know how we can do this but we don't  
18 see a lot of comments or participation from the general public, a small part of concerned  
19 population of professionals -- although we do have the federal register which basically  
20 everybody knows that they are coming up and they can make their comments but we  
21 don't see that when we are reviewing for this criteria, satisfying this specific criteria.

1           MR. STAPLES: But with the comments that we received -- the third party  
2 comments some of them raised these issues that could fall under this category but I guess  
3 what you are saying from your review you didn't think that it rose to the level of  
4 suggesting that the Agency didn't have acceptance by the general community of the  
5 psychological community.

6           MR. MULA: This particular issue is with the internships although the  
7 Agency's scope is recognized for their internship influence and internship programs we  
8 do not have any authority as far as getting involved where others -- I am going to just say  
9 to be honest with you what California does is different than a lot of the states.

10           So we -- if it is not a commonly accepted practice within other states, we  
11 pretty much will not get involved in that. So it's really hard to get involved in an  
12 internship program difference because the Agency does -- their standards do specifically  
13 state that they do not force their internship program on any institution.

14           That is usually in response to the Association, the professional  
15 association's influence on education and the professionals who hire these people.

16           MR. STAPLES: Thank you.

17           MS. PHILLIPS: I have a clarification I think from Herman before we go  
18 on.

19           MR. BOUND: No I was just going to make a comment Can you raise a  
20 good point. We kind of look at that you know why acceptance sometimes doesn't mean  
21 total acceptance so we have to look at some of the larger bodies that accept the Agency --  
22 you know when you look at all the licensing bodies, you look at all the employers so you

1 kind of have to weigh that. Sometimes it is a tough call and I agree with your question  
2 and concern we just thought that the documentation provided by the Agency reflected  
3 that they were accepted by a majority of the folks in that profession and that's just the  
4 call we made.

5 MR. STAPLES: Thank you and I just have one quick comment which is  
6 about the impact on students from the accrediting -- the decision around terminating a  
7 particular institution and I think although that is not directly within our purview at this  
8 moment, I think it is an issue that is of significance given that we have another item later  
9 on our agency which could result in a far more significant number of students impacted.

10 So I think perhaps it is safe for that conversation about what that transition  
11 period looks like and who's responsibility it is to ensure that the decisions that we make  
12 or the Department makes don't down the line affect people detrimentally. I think that's a  
13 significant issue that we have to grapple with it just may not be directly a NACIQI alone  
14 issue, thank you.

15 MS. PHILLIPS: Thank you I have Ralph.

16 MR. WOLFF: Yes California and I'm glad sometimes we are different  
17 but not in every case. I want to go back to the original focus that I raised earlier with the  
18 Agency and Chuck I don't know what the Readers are going to recommend but the staff  
19 is recommending that there be a follow-up on enforcement and monitoring and I remain  
20 confused because you had -- I'm looking at your staff analysis and on page -- your initial  
21 finding on page 6 is the template -- the Agency must provide additional information how  
22 it enforces student achievement outcomes benchmarks.

1           The Agency responded and I'm quoting again, "Although the letters  
2 demonstrate the Agency collects and analyze data related to student achievement and  
3 contact programs that fail to meet the threshold the letters do not demonstrate to meet the  
4 enforcement time lines regarding 602.28." The Agency has not demonstrated it and  
5 there's a similar finding in 602.28 that the Agency has not demonstrated it in and initiates  
6 immediate adverse action.

7           So I am hearing the Agency say these are not standards, these are  
8 benchmarks. You have reviewed that and have continued to make that finding so I'm say  
9 is there a way for the Agency to respond short of turning the benchmarks into formal  
10 standards of non-compliance. I am just trying to understand you have reviewed the same  
11 response they have given us here today yet you have continued to make that finding, help  
12 at least me understand on what basis they are in non-compliance.

13           MR. MULA: It is not clear to us what the standard is. The processes are  
14 there and they have the information but they provided that they go through this decision-  
15 making process. The decision-making process is not codified in any kind of standard and  
16 we don't know if there is a standard and that's basically as honest as I could explain or as  
17 simple as I can be.

18           We are looking for them to provide us with a standard and a process, the  
19 policy that they use, the standard that they use to enforce and the process. We need to  
20 have it all put together there's too much stuff coming from different sources and we  
21 could not actually pinpoint that process now.



1                   MR. WOLFF: The word standard is used in many different ways. So  
2 what I hear you saying is that they could continue -- the Agency could continue to review  
3 the benchmark data but the fact that it could go on for years and years and years before  
4 any --

5                   MR. MULA: Correct.

6                   MR. WOLFF: So what you are saying is that it is not so much a new  
7 standard as a formalization of the process of review that the Agency would need to  
8 provide with some time frames before it would rise to the level of a non-compliance with  
9 Agency standards, am I re-stating that right?

10                  MR. MULA: Thank you sir, that's correct.

11                  MS. PHILLIPS: Further Committee questions of staff? Okay let's move  
12 into Committee discussion. I don't know if the Readers are prepared to make a motion or  
13 if there is further discussion that people would like to offer at this point. Other readers  
14 prepared to make a Motion, would there be a Motion for this?

15                  MS. DERBY: I move to continue the Agency's recognition as a  
16 nationally recognized accrediting agency at this time and require the Agency to come into  
17 compliance within 12 months with the criteria listed in the report and submit a  
18 compliance report due 30 days thereafter that demonstrates the Agency's compliance.

19                  MS. PHILLIPS: Do we have a second? Second by Hank Brown, thank  
20 you discussion? Frank?

21                  MR. WU: This is just an observation for the benefit of third party  
22 commentators both on this and other agencies. I sometimes get the sense that third party

1 commentators who are deeply aggrieved and have compelling stories come before us  
2 thinking that we NACIQI can fix something that actually is not something we are legally  
3 able to address.

4 I just make that observation because I feel bad for people who not only  
5 suffered some wrong but then come before a government body thinking there is some  
6 form of redress only to learn that this is not the right place for the particular complaint  
7 that they have and so my suggestion addressed to the world is if it is not related to a  
8 regulation or statute or something that they could point to that's legally part of what  
9 NACIQI can deal with that we are probably not the right place.

10 If in the written statement or the testimony there isn't a sentence that says,  
11 "This violates such and such," then we, NACIQI shouldn't be dealing with it. That's all I  
12 just feel bad about that.

13 MS. PHILLIPS: I think Jen would respond to that and then Arthur.

14 MS. HONG: So we definitely try and clarify that point in the Federal  
15 Register notice announcing the meeting and discussing the parameters of the oral  
16 comments that they should be connected to the statute and regulations. We also counsel  
17 third party commenters when they call us and tell them exactly what the scope of a  
18 NACIQI meeting is about.

19 Nonetheless folks make the argument that an Agency -- they somehow  
20 relate it to the criteria of recognition and we have accepted some of those comments that  
21 have come in.

1                   MR. WU: Right and what I said is in no way a criticism of the third  
2 parties or of staff it is just a lamentation and I suppose if 500 people came forward and  
3 said these standards don't comport with the profession then it would raise the issue that  
4 Cam raised then we would say, "Whoa -- 500 people came forward to say we are all  
5 members of this profession and these folks have crazy standards," then we would need to  
6 probe a little further.

7                   But unless it is something like that and in particular grievance is about  
8 particular individual's experiences as students or professors or institutions. Those strike  
9 me as probably not raising an issue that we can do something about.

10                  MS. PHILLIPS: Arthur?

11                  MR. ROTHKOPF: I would like to second Frank's concern and I have to  
12 say this is the first time at least in my experience that we had the psychology group  
13 before us and the concerns expressed are at least novel to me. But I think we might put it  
14 into other groups that come and I think there are concerns expressed that are clearly not  
15 within the standards and not something we could fix but we have heard it not just once  
16 but twice and I am convinced that we are going to hear it a third time when these groups  
17 come before us.

18                  And I think it's really not fair to us and the Agency if they are proposing  
19 things -- the groups that come in all good faith as an example, you are not following the  
20 right way in which to practice the profession and we get those. But we can't fix that and  
21 so I don't know whether how the staff could discourage this or at least point out that you

1 have been here once and it is not working and it is not going to work again because it is  
2 not within the power of this group to make those changes.

3           And I don't know how you do it but it does take away in some cases and I  
4 am not in any way criticizing this group but in others I think there are circumstances  
5 where we are just using time and I don't know you could have you know I'll leave out the  
6 name of the group but you could have 500 people show up and say this is the wrong  
7 standard for this particular profession.

8           They want to be medically oriented rather than something else but anyway  
9 Frank has a good point we might think about how to deal with it in the future.

10           MS. DERBY: Following-up on that same discussion and recognizing as  
11 has been articulated it is not within our purview. I think there is a part of me that hopes  
12 that the Agency representatives listening to this here and realize that people that come  
13 this far to make these kind of presentations have some legitimate issues that are seriously  
14 affecting students and others, not to mention the general public that needs to benefit from  
15 mental health services.

16           So it is my hope in spite of the fact that we can't fix it that you have heard  
17 and it makes a difference in your proceedings and deliberations.

18           MS. PHILLIPS: Anne?

19           MS. NEAL: I just want to respectfully differ with my colleagues that it is  
20 not within our purview. I believe that issues that address intellectual diversity, academic  
21 freedom issues are absolutely things that we should be hearing about because the

1 accreditation system affects the approaches and perspectives that students are being  
2 offered.

3                   And if these schools are offering them limited sets of perspectives when  
4 there might be a broader one to me we have been doing our job so I would not want to  
5 discourage this kind of input.

6                   MS. PHILLIPS: Thank you Anne. Further discussion on the Motion at  
7 hand?

8 **NACIQI RECOMMENDATION:**

9 **Calling for a vote I am going to go by hands, those in favor of the Motion as posted,**  
10 **those opposed, 1 opposed, those abstaining -- Motion carries.**

11 Thank you but don't go away.

12                   In this pilot process we have one more step following our formal action  
13 and that is to inquire about Agency activities and improving program institutional quality.  
14 You have referred to some of these but I will send it back to Jill to pose those questions.

15                   MS. DERBY: So part of our intent here is to bring some of these things  
16 into focus for our policy development role. I have these four questions to ask. How does  
17 this Agency define at-risk status?

18                   MS. WALL: The Commission has two adverse statuses show cause and  
19 probation, would you like me to define those?

20                   MS. DERBY: I think we understand what they are.

21                   MS. DERBY: What tools does your Agency use to evaluate at-risk status?

1 MS. BIESCHKE: We use periodic review materials, we use substantial  
2 change requests that programs send us, we use complaints, third party comments and then  
3 our threshold triggers to sort of help to evaluate that. We also evaluate these by writing  
4 to the programs that are at-risk, specifying how they are out of compliance and then  
5 having them give us more information to make our accreditation decisions.

6 MS. DERBY: Thank you that's a segue to the third question. Is what  
7 tools does this Agency have to help at-risk institutions improve.

8 MS. BIESCHKE: The only other thing I didn't mention was that we have  
9 on-going training for our publics to talk about the standards and how to write a self-study.

10 MS. DERBY: Thank you and finally what is the Agency's view of how  
11 well these tools for improvement have worked?

12 MS. WALL: I just want to add one other tool that Dr. Bieschke didn't  
13 mention. The office is the Office of Program Consultation on Accreditation and there are  
14 staff in our office who respond to programs' questions, who provide information to  
15 facilitate their going through the process and since that's one of the things I do I thought I  
16 needed to mention that.

17 But how well we think that these tools work -- I would like to illustrate  
18 that of the 24 programs that have been put in an at-risk status in the last 4 years, this is  
19 between 2012 and 2016 when our procedures for adverse action changed all of the  
20 programs that have been put at show cause have received the following statuses: 14%  
21 have received accreditation with a 7 year time frame to the next periodic review; 43%

1 received accreditation with the 5 year time frame; 38% received accreditation with the 3  
2 year time frame and 5% received accreditation with the one year time frame.

3 The fact that all of the programs that were placed on the at-risk status in  
4 the last 4 years have been re-accredited and approximately 57% were able to address the  
5 concerns we went into compliance and received at least accreditation with the periodic  
6 review of 5 years I think does reflect the fact that these approaches are working, thank  
7 you.

8 MS. DERBY: 57% what about the 43%?

9 MS. WALL: Wait did I miss it?

10 MS. BIESCHKE: 38% of those received 3 years and 5% received one  
11 year so the 57% refers to those who received 5 or more years of accreditation.

12 MS. DERBY: I see thank you.

13 MS. WALL: So it's really about 60% received the higher levels.

14 MS. DERBY: That completes my pilot questions.

15 MS. PHILLIPS: Thank you very much. Thank you for joining us today  
16 this morning. We are going to move to a lunch break at this point and resume at 2 but  
17 before doing so Jen has one quick announcement.

18 MS. HONG: Yes real quickly just a reminder that the accreditor data  
19 dashboards that we provided to you, the universe of those data are Title 4 only. Title 4  
20 only, undergraduate degree-seeking which is why we don't have one for APA or any  
21 other similar accrediting agencies that are the same status as APA but we do have some  
22 accrediting agencies coming up at our programmatic specialized accrediting agencies that

1 do also do Title 4 accreditation so those data are going to look a little funny because  
2 there's only like a handful of institutions that accredit for Title 4 purposes, please just  
3 keep that in mind, thanks.

4 MS. PHILLIPS: One last just quick announcement before we break I  
5 understand that NACIQI members have been working for several years now with  
6 Marcella Goodrich as our attorney in ethics and Marcella has been drawn into some other  
7 activities and we now will be working with Morris Barron, Morris I don't know if you  
8 are here but wanted to at least introduce you -- there we go waving from the back, thank  
9 you very much. We will be seeing more of Morris in the days to come but where you  
10 thought Marcella now think Morris.

11 Thank you Marcella for your work with us and welcome Morris. We will  
12 reconvene at 2 o'clock with the Accreditation Commission for Acupuncture and Oriental  
13 Medicine, thank you.

14 (Whereupon a recess was taken to be reconvened June 22, 2016 at 2:00  
15 p.m.)

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1 accreditor. It's current scope of recognition is for the accreditation and pre-accreditation  
2 candidacy status throughout the United States for its professional Master's Degrees and  
3 professional and Master's level certificate diploma programs in acupuncture and oriental  
4 medicine and professionally described core programs in acupuncture and in oriental  
5 medical.

6           The Agency further accredits free-standing institutions and colleges of  
7 acupuncture and oriental medicine that offers such programs. The Agency accredits 52  
8 oriental medicine programs with an additional four programs and pre-accreditation status,  
9 27 Masters of acupuncture programs and 9 Doctor of Acupuncture and Oriental Medicine  
10 programs.

11           There are also an additional 3 programs in the pre-accreditation status. 38  
12 of the Agency's 56 accredited and candidate programs are a single purpose free-standing  
13 institution of higher educational. Only the accredited free-standing institution may use  
14 the Agency's accreditation to establish eligibility to participate in Title 4 and other  
15 related programs under the Higher Education Act.

16           The Agency accredits or pre-accredits programs and institutions in 22  
17 states. The Secretary first recognized the Agency in 1988 allowing it to accredit at the  
18 professional Master's Degree level in acupuncture. In 1992 the Agency's recognition  
19 was extended to include accreditation of the first professional Master's Degree and  
20 professional Master's level Certificate and diploma programs in acupuncture and oriental  
21 medicine.

1                   In fall 2005 the Agency was granted an expansion of scope to include the  
2 Agency's pre-accreditation status. The Agency is requesting clarification to update its  
3 scope of recognitional language and remove the designation of the term "First  
4 Professional" as it is the term that is no longer utilized by the Department.

5                   The Agency requests clarification of its scope to read, "The Accreditation  
6 and Pre-accreditation candidacy throughout the United States of Professional and Non-  
7 Degree and Graduate Degree Programs including professional doctor programs in the  
8 field of acupuncture and oriental medicine as well as the free-standing institution and  
9 colleges of acupuncture and oriental medicine that offer such programs.

10                  Staff notes that the Department has received two complaints regarding the  
11 Agency during the current recognition cycle however both complaints were resolved in  
12 the Agency's favor and no further action was taken by the Department. Madame Chair I  
13 will defer to staff for their comments.

14                  MS. PHILLIPS: Thank you, Rachael?

15                  MS. SHULTZ: Good afternoon my name is Rachael Shultz and I will be  
16 providing information regarding the staff recommendation for the Accreditation  
17 Commission for Acupuncture and Oriental Medicine or ACAOM.

18                  The staff recommendation to the senior Department office is to renew the  
19 Agency's recognition for five years. The staff recommendation is based upon its review  
20 of the Agency's Petition and supporting documentation as well as its observation of an  
21 ACAOM on-site review in Annandale, Virginia in June 2016.

1           The Agency currently has 56 accredited and candidate programs but has  
2 had only two complaints lodged against it during the current accreditation cycle. As  
3 already mentioned both of the complaints were resolved in the Agency's favor. The  
4 Agency has addressed all of the requirements of the Secretary's criteria for recognition.  
5 It has no remaining compliance issues to address and no written third party comments  
6 were submitted regarding the Agency's Petition.

7           However the Agency was not placed on the Consent Agenda for this  
8 meeting in order that it could discuss the information requested in the Committee's pilot  
9 project.

10           In closing as I stated previously the staff recommendation to the senior  
11 Department official is to renew the Agency's recognition for five years. There are  
12 Agency representatives present today and we will be happy to answer the Committee's  
13 questions, thank you.

14           MS. PHILLIPS: Thank you Rachael. Reader or Committee questions of  
15 the staff? Okay oh I'm sorry Anne?

16           MS. NEAL: Quickly -- I was looking at the material that the DOE  
17 provided and it said that one school within this accreditation had heightened cash  
18 monitoring. Can you tell me what the Department does when that happens and if it acts  
19 on its own when it sees problems with finances?

20           MS. SHULTZ: Heightened cash monitoring is something that the FSA,  
21 Federal Student Aid Office imposes on participating institutions and in all honesty I don't  
22 even know what triggers it or what happens. I think in some instances they have to post a

1 certain amount of money to help cover expenses of the students that are receiving Title 4  
2 but honestly I don't know a whole lot about it because it is FSA not OPE.

3 MS. NEAL: It also says that there were two complaints can you tell us  
4 about those?

5 MS. SHULTZ: It's been two complaints in the last five years and I know  
6 that they were both resolved in the Agency's favor but at this point I don't remember the  
7 details of either one of them.

8 MS. PHILLIPS: Other questions for the staff? Okay thank you Rachael.  
9 Let's invite the Agency to come forward. Welcome a guided tour to your microphone.  
10 You will see that there is a red light that is on when your mic is on. You press it on at the  
11 bottom of there -- you got it perfect and if you could introduce yourselves thank you very  
12 much for coming.

13 MR. LIANG: Sure good afternoon my name is John Paul Liang. I'm the  
14 Chair of the Accreditation Commission for Acupuncture and Oriental Medicine,  
15 ACAOM and I have with me our Executive Director of ACAOM Dr. Mark McKenzie  
16 and also our Director of Regulatory Affairs Dr. Karl Gauby and we would like to thank  
17 NACIQI for this opportunity to appear before you all and we are a 501 C3 organization  
18 with 11 Commissioners two of them which are public members and as presented before  
19 we have 56 institutions, 77 graduate programs in the U.S. and also a Title 4 gate-keeper  
20 for 37 institutions.

21 So I would like Dr. McKenzie to take over to address some of the  
22 Department staff details.

1                   MR. MCKENZIE: Thank you John Paul. First I would like to thank you  
2 Madame Chair and the Committee members for the opportunity and also to thank  
3 Executive Director Jennifer Hahn and Accreditation Director Herman Bounds and  
4 additionally I would also like to thank and extend my appreciation to Departmental staff,  
5 especially our primary staff liaison Dr. Shultz.

6                   The staff has been very responsive to any questions and inquiries that we  
7 have had through this process. I would also just state for the record that the process has  
8 been very educational for us as a Commission and has given us an opportunity to  
9 strengthen what we do as an Agency and we are very focused on improving the quality of  
10 the education delivered in this profession.

11                   And ultimately our goal is to improve the profession and the clinical  
12 abilities of practitioners in the field and to make sure that the patients are treated safely  
13 and with the best that this medicine has to offer. So I also just want to mention that as  
14 John Paul pointed out and in the introduction we are a very small agency in comparison  
15 to a lot of the agencies that are before you as we currently have 56 institutions, about 77  
16 programs in total.

17                   And we have had a fairly small staff over the last couple of -- actually  
18 over this last cycle and fortunately we have been able to increase our staff including  
19 adding Dr. Gauby and we have also brought on a Director of Operations and Technology  
20 and we see huge changes in what's coming as far as technical requirements and the  
21 questions that you are asking about data collection -- the kinds of places that we are  
22 focusing.

1           Other than that I guess my statement as far as the staff report is we accept  
2 the staff report as given and I'm not going to challenge any of Rachael's suggestions at  
3 all so we are here basically to answer any questions that you have.

4           MS. PHILLIPS: Thank you very much. Readers -- your questions and the  
5 pilot questions.

6           MR. ROTHKOPF: That was maybe a very wise decision. Let me turn if I  
7 would following the Chair's suggestion that we use this part of the conversation to talk  
8 about the pilot questions which I assume you are aware of and I would like to try and get  
9 into those right now.

10           The first question talked about information from the score card, the  
11 Department score card relating to PELL eligible percentages, PELL completers,  
12 graduation rates, debt and repayment. Could you comment on those in terms of take us  
13 through where you are within that and to the extent that you have established benchmarks  
14 of what you think is appropriate for your institutions what, are those benchmarks, how  
15 were they arrived at and how effective do you think they are.

16           MR. MCKENZIE: Sure thank you for the question. The dashboards we  
17 just basically got last Friday and we were on a call with staff on Monday discussing some  
18 of the challenges with the information. It actually raised a few red flags for us an Agency  
19 because as Executive Director Hong pointed out earlier that the dashboards are primarily  
20 based on undergraduate programs.

21           We accredit math graduate level programs including Master's and  
22 Doctoral level programs. We do appear on that and there appears to be an anomaly in

1 how the dashboard information is actually collected or where it came from. So we are  
2 going to actually drill down into the specifics in order to respond directly to the  
3 information that appeared on your dashboard.

4 MR. ROTHKOPF: Is that something that you can then furnish to staff?

5 MR. MCKENZIE: Yes I have actually already had a discussion and in  
6 fact after the conversation with the staff where I am not sure how many people were on  
7 that call but there were a lot. I brought it up on the call that the information that we have  
8 as I understand it would actually be inaccurate and so we need to drill down and see  
9 exactly where that information is coming from, does that help you?

10 MR. ROTHKOPF: Well it helps but I think we would like to have it so it  
11 is a part of the record of this meeting.

12 MR. MCKENZIE: Yeah I think -- we have also received the more  
13 detailed information and we submitted -- we were requested to respond and provide any  
14 corrections and those were due on Monday which we submitted and they were extensive.  
15 As far as what we saw -- some of it were fairly benign but other things are pretty  
16 important and so again we need to drill down into that information to be able to  
17 determine how accurate it is.

18 MR. ROTHKOPF: And I don't know if you are able to answer the  
19 questions relating to debt and repayment of obligations that have taken place with  
20 students in your program can you answer that now or do you want to wait to submit?

21 MR. MCKENZIE: Yes I can -- let me approach it a couple of different  
22 ways. When we look at the data and repayment we verified the fall rates for all of our



1 institutions and across the board we are in average -- we are probably around 5%  
2 significantly better than most agencies in the national average.

3           So just from a default perspective students are repaying their loans.  
4 We've -- there's been one national survey that would indicate that the average loan value  
5 is around \$49,000 for these programs. Now one of the challenges in our particular  
6 profession is we do two Masters Degrees and a post-graduate Doctoral Degree right now.  
7 They are very heavy in credit in terms of credits.

8           The Master of Acupuncture that started in 1988 is now a minimum of 105  
9 actual credits on top of 60 credits coming in as an undergrad. A Master of Oriental  
10 Medicine adds another component on top of the Master of Acupuncture that's 146  
11 credits. When you compare that to typical Master's Degrees that may range from 35 to  
12 80 credits it is a fairly heavy burden as far as this profession but again this profession is  
13 also a licensed healthcare profession and these were things that came out in our process  
14 and a lot of these things had been established historically by the previous Commission in  
15 their public comment process and drafting standards.

16           MR. ROTHKOPF: This is not in the pilot questions but to what extent are  
17 graduates or practitioners if you will, required to be licensed by the states in which they  
18 intend to practice? If so, what's your pass rate of the graduates of your accredited  
19 institution's and is there a minimum that you have established for that?

20           MR. MCKENZIE: I'm sorry about that -- yes first 45 states currently  
21 license the practice of acupuncture throughout the United States, there are 5 states who  
22 are currently not required yet. A typical requirement for licensure is passage of an

1 ACAOM accredited program or U.S. DEE recognized accreditor program. We're  
2 currently the only content specific or programmatic specific accreditor for this profession.

3           So often it is actually included in the state licensure bills and the language.  
4 The second component is passage of a national certification exam. That's a separate  
5 agency that administers that it is four modules and the threshold for that is 70% for the  
6 national boards. There is also one state it happens to be California that still requires a  
7 state exam and our passage -- our current threshold on that is 60%.

8           MR. ROTHKOPF: And how did you arrive at that? Is that something that  
9 you test periodically? How did you pick those numbers?

10           MR. MCKENZIE: Sure, one it was historical so it was done over 12 years  
11 ago and as most accrediting bodies here when you are developing standards you actually  
12 have to include discussions with your constituencies. This is a fairly new profession in  
13 the United States but maybe one of the oldest professions around as far as organized,  
14 having a 3 to 5,000 year history.

15           But in the United States it has really only been around as a profession  
16 since about 1980 - '82 is when it really started and back up about ten years to 70. So a  
17 relatively short history on that and then the original -- these standards were developed,  
18 the current version of the standards were developed over 12 years ago and so at that point  
19 the Commission would have gone through the same process of engaging constituents in  
20 the process including discussions with the educational institutions and then doing public  
21 comment from the practitioner group and the state agencies and the Department of Ed.

1                   MR. ROTHKOPF: The last question here to what extent do you -- have  
2 you found that one or more of your institutions has failed to meet the current cutoff and  
3 then if so what do you do about it?

4                   MR. MCKENZIE: We have a number of ways that we deal with  
5 monitoring issues, that is really addressed in our response but briefly we will look at if it  
6 is finance that you are talking about specifically or if you are talking about other areas.  
7 We will either identify it through our comprehensive reviews -- we also do additional  
8 monitoring so we've worked out a separate agreement with the National Certification  
9 Commission to provide data directly to our Agency rather than it being provided to the  
10 institutions, lending institutions separately either through annual reports or  
11 comprehensive reviews.

12                   That way we are sure that we are actually looking at independent data it  
13 hasn't touched anybody else's hands and so we employ pretty much a three year rolling  
14 average review so we look back. One of the challenges that came up in these additional  
15 questions is we are again -- small -- our average cohorts are probably around less than 20  
16 individuals so certification exams, licensing exams with less than 20 become a little  
17 suspect as to how valid they are going to be.

18                   So we actually require schools to come up with additional ways in which  
19 they determine that their school, that their students are actually meeting the  
20 competencies.

21                   MR. ROTHKOPF: How do you define or how do you determine an  
22 institution that you would consider to be at-risk? That's a term that we -- do you know --

1 have you determined that in your relatively short history and limited number of  
2 institutions? How did you do it and then what did you do to that institution or institutions  
3 to either rectify the problem or no longer have them as part of the group?

4 MS. PHILLIPS: If I could just ask you to hold off on the answer to that  
5 question until the end of our discussion with you. Arthur is giving us a fast-forward,  
6 Arthur are there other parts of the pilot questions that you wanted to pose. I am going to  
7 uphold the improving institutional quality until after the vote.

8 MR. ROTHKOPF: Sorry I was pre-mature in asking that but you could be  
9 thinking about it.

10 MR. MCKENZIE: I was actually going to go with you.

11 MS. PHILLIPS: Federico?

12 MR. ZARAGOZA: I'm sorry I did have one question and it's in reference  
13 to staff comments. A concern over the Master's program 50% graduation rate and they  
14 have asked for more rationale can you speak to us about how you came to that 50%?

15 MR. MCKENZIE: Sure this is a somewhat similar answer that was  
16 actually developed about 12 years ago when the standards were first developed. We are  
17 actually currently reviewing our Master's standards and I expect to look at that and  
18 possibly make some changes -- again this kind of ties into that real heavy credit load.

19 Most of the students that come into these programs are second profession  
20 often average age probably in the mid 30's and so that heavy kind of a program they may  
21 start and life happens, people have families and children and it becomes very difficult to  
22 stay.

1                   So I think at the time that was a valid number and we are going to be  
2 tracking better the data to be able to look at that number.

3                   MS. PHILLIPS: Other Primary Reader questions before I move to  
4 Committee? Okay Committee Members I have Art and Ralph so far.

5                   MR. KEISER: Do your institutions report their placement rate?

6                   MR. MCKENZIE: We do have institutions report placement rates on an  
7 annual report system.

8                   MR. KEISER: So all of those institutions report placement rates.

9                   MR. MCKENZIE: It's in the annual report correct.

10                  MR. KEISER: And do you evaluate the validity of those reports?

11                  MR. MCKENZIE: I would say that they are looked at individually  
12 because we review annual reports individually. One of the challenges for us is to then  
13 aggregate that information and look at it and say one -- does it make sense given the  
14 small number of students that we have.

15                  The other challenge is that as a relatively new healthcare profession the  
16 vast majority of students actually have to start their own businesses so with the gainful  
17 employment issues around salaries and those kinds of things it is not as applicable to our  
18 profession because 80 to 90% start their own businesses and so they are not giving  
19 themselves salaries so we are a little challenged in where we are at in the development of  
20 the profession.

21                  MR. KEISER: Is that self-reported? Do you go back and validate  
22 whether they have opened their own shingle or whatever?

1           MR. MCKENZIE: The one way that that would be done is through our  
2 comprehensive review which includes an on-site or a site visit we typically ask for people  
3 and we actually interview -- do open interviews with both current students but also  
4 graduates.

5           MR. KEISER: Do you validate your annual report?

6           MR. MCKENZIE: We don't, we don't have the resources to call people  
7 up and ask them if they are employed, we just don't have that.

8           MR. KEISER: Do you have a bright line benchmark?

9           MR. MCKENZIE: Specifically.

10          MR. KEISER: For placement?

11          MR. MCKENZIE: No.

12          MR. KEISER: Thank you.

13          MR. MCKENZIE: As a hard number no.

14          MS. PHILLIPS: Other Committee questions, Ralph?

15          MR. WOLFF: Actually I've already asked most of my questions but I was  
16 reading the report and I thought you did have a 60% placement rate.

17          MR. MCKENZIE: You're right I'm sorry. I'm thinking more on a -- so  
18 we did have a placement rate and when you said bright line that it is a hard number, this  
19 tags into the discussion earlier today is that when institutions do not meet the threshold it  
20 just pushes us to a higher level of review so we are going to start either requesting  
21 information from the institution to determine -- make sure they are still in compliance.

1                   Again the biggest issue is how they are employed. There are not a lot of  
2 jobs in this profession that are outside of someone starting their own practice.

3                   MS. PHILLIPS: Further Committee questions, Kathleen? Anne?

4                   MS. ALIOTO: How many students do you serve?

5                   MR. MCKENZIE: Currently 7,749 in 56 institutions and 77 programs I  
6 believe.

7                   MS. PHILLIPS: Anne?

8                   MS. NEAL: Yes there are members of your Commission that are  
9 involved in discussions of institutions with which they are affiliated, what do they do in  
10 those instances?

11                  MR. MCKENZIE: They are recused and actually they do not participate  
12 in those discussions. They do not actually have access to any of the documents and they  
13 physically leave the room whenever that is done. We actually do that for every meeting  
14 that we hold.

15                  MS. PHILLIPS: Other Committee member questions? Seeing none -- I  
16 don't believe we have any third party commenters for this agency correct? So I am going  
17 to skip those two parts. Rachael is there any Department staff that you would like to  
18 make, wonderful -- and we are to the Committee discussion and vote. Let's consider a  
19 Motion by one of the Primaries and see where we are.

20                  MR. ROTHKOPF: Yes I'll move consistent with the staff  
21 recommendation that this Agency's recognition be extended for a period of five years.

22                  MR. ZARAGOZA: And I second that.

1 MS. PHILLIPS: It's been moved and seconded discussion?

2 MS. NEAL: I want to make a quick comment I guess a commendation in  
3 a way. You say that you receive data directly from the licensing authority. Why couldn't  
4 other accreditors do the same thing?

5 MR. MCKENZIE: We actually -- just to clarify we created a relationship  
6 with a certifying agency so the national exams -- not necessarily licensing agency. In our  
7 profession the licensing is at a state level which would complicate it a little bit so I'll  
8 leave it at that.

9 MS. PHILLIPS: Other discussion or comments or questions? **The**  
10 **Motion before you is on the screen. Using hands those in favor? Those opposed?**

11 **Abstentions?**

12 **NACIQI RECOMMENDATION:**

13 Thank you, congratulations.

14 Now we can move to the final question Art you can pose your question.

15 MR. ROTHKOPF: Sorry I didn't follow the appropriate procedures. Do I  
16 understand it now that the percentage requirement is now 70% but 60%?

17 MR. MCKENZIE: No today we have different thresholds so the path the  
18 certifying exam -- that one is 70% and for a national certifying exam. State licensing  
19 exam in California is 60% and the placement is 60%.

20 MR. ROTHKOPF: My own view would be don't speak for the Advisory  
21 Committee but I do think having set these figures a dozen years ago I think it is time to  
22 re-examine them in light of current developments and affairs and I think you might take



1 a look at it. It is not unrelated to this issue that we started on which is at-risk institutions,  
2 what do you do, how do you identify and what do you do with it when you find them and  
3 have you found them and what has been the history of it.

4 MR. MCKENZIE: Yeah I agree actually and the at-risk is a hugely  
5 important issue. We actually do -- first we identified by comprehensive reviews and site  
6 visits. Any time an institution is found to be in "not compliance" with a standard or  
7 criterion of which we have 98 points that we look at -- if they have one noncompliance  
8 they go on a monitoring report that is reviewed at the next applicable Commission  
9 meeting.

10 And so that way we monitor every noncompliance from every school at  
11 every meeting. Over the last five years we have re-accredited I think 47 or granted  
12 continuing accreditation to 47 institutions. We currently have about 18% of those are on  
13 some type of a monitoring report. It means they had at least one non-compliance and  
14 maybe as many as 20.

15 When we have non-compliances in serious areas so student assessment,  
16 finance, governance, things like that -- the Commission has the authority to put them on a  
17 tighter review so we would request potentially an interim report focus site visit.

18 We also look at complaints that we receive from students, we look at  
19 substantive change information so there's a lot of information that comes into us, other  
20 agencies, where were the programmatic accreditors so 19 of our institutions are  
21 accredited by a regional and national accreditor. We also get copies of that information

1 directly from the agencies and information from the Department of Ed and the Federal  
2 Aid Office about compliance with those.

3           And we also look at the financial aid audits so there are a lot of ways that  
4 we monitor on-going -- our current challenge is to actually systematize that whole  
5 process so that we can really look at it in the aggregate versus looking just individually  
6 each time, so does that address your question? Thank you.

7           MR. ROTHKOPF: Thank you.

8           MS. PHILLIPS: Any other questions for this Agency, yes Bobbie?

9           MS. DERLIN: You mentioned that you are a fairly new profession in this  
10 country but of course this is a profession that is well recognized elsewhere for a long  
11 time. I'm curious to know how the process of quality control here which we are  
12 managing through accreditation -- how that kind of quality control is achieved elsewhere  
13 if you know.

14           MR. MCKENZIE: Yes I actually do. I had the -- you know the fortune --  
15 the good fortune of being able to participate in a Chinese Ministry of Education Review  
16 of one of the largest TCM universities in China and I was actually somewhat surprised  
17 our processes are fairly similar in how they do their reviews. Clearly there are  
18 differences in some of the things that both countries do and cultural issues.

19           But for the most part it was very similar and in this profession I actually  
20 think the vast majority of other countries look to the United States and the processes we  
21 have in place through the Accreditation Commission, through national certification  
22 examining body to really see this is a good way to move this profession forward.

1                   And we still have a ways to go to develop and really participate fully in  
2 our healthcare market right now.

3                   MS. DERLIN: Thank you.

4                   MR. MCKENZIE: Thank you.

5                   MR. ZARAGOZA: Madame Chair I just want to make an observation  
6 and a comment and that is that in reviewing this particular Agency the score card didn't  
7 really reflect the institution yet this information is out there and clearly it is important but  
8 keep that in the back of our minds in terms of the score card and the role they play in the  
9 general public if in fact as in this case it would have reflected a very small part of the  
10 overall organization.

11                  MS. PHILLIPS: Point well taken. I think we are concluding our time  
12 reviewing, we appreciate your time with us and educating us about what you do to  
13 improve education. Congratulations and thank you.

14                  MR. MCKENZIE: Thank you very much.

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1       **AMERICAN BAR ASSOCIATION (ABA), COUNCIL OF THE SECTION OF**  
2                   **LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

3                   MS. PHILLIPS: We'll move to our next Renewal of Recognition Petition  
4 from the American Bar Association Council on the Section of Legal Education and  
5 Admissions to the Bar. Here the Primary Readers are Bobbie Derlin and Art Keiser,  
6 Department Staff is Nicole Harris. We will begin with the -- Bobbie are you presenting  
7 the introducing of the agency? Pardon me?

8                   MS. DERLIN: The introduction?

9                   MS. PHILLIPS: Yes if you would please, thank you.

10                  MS. DERLIN: That would be me. As Sue mentioned this is a Renewal of  
11 Recognition for the American Bar Association which established a faction of legal  
12 education and admissions to the Bar Council a very long time ago in 1893 which then  
13 became a Council that conducted accrediting activities beginning in 1923. The Council  
14 was both an institutional and a programmatic accrediting agency and currently it credits  
15 199 legal education programs.

16                  Of the legal education programs accredited and approved by the Agency  
17 19 of those programs are free-standing law schools and maintain independent status as  
18 institutions of higher Ed with no affiliation with a college or university. These law  
19 schools may use the American Bar Association accreditation to establish eligibility to  
20 participate in HEA programs. The Agency is a title for gatekeeper.

21                  During this particular recognition period the Department received 11  
22 third-party comments and one complaint which was received on May 31, 2016 and has

1 not yet been reviewed by the Department.

2           The Agency was last reviewed for accreditation in 2011 at that time there  
3 was an opportunity for the Agency to prepare a compliance report which was accepted in  
4 July of 2013 and I will now pass this to the staff.

5           MS. PHILLIPS: Thank you very much. Staff report.

6           MS. HARRIS: Good afternoon Madame Chair and members of the  
7 Committee for the record my name is Dr. Nicole S. Harris and I will be presenting  
8 information regarding the Renewal Petition submitted by the American Bar Association  
9 also referred to as ABA or the Agency in my presentation.

10           The staff recommendation to the senior department official as mentioned  
11 is to continue the Agency's recognition as a nationally recognized accrediting agency at  
12 this time and require the Agency to come into compliance within 12 months with the  
13 criteria in the final staff analysis and submit a compliance report due 30 days thereafter  
14 that demonstrates the Agency's compliance.

15           The staff recommendation is based upon my review of the Agency's  
16 Renewal Petition and supporting documentation as well as observation of an ABA site  
17 visit in Washington, DC in February 2016.

18           The third party comments as mentioned submitted in regards to the  
19 Agency support continued recognition of the Agency and their rigorous standards that  
20 measure the quality of law schools. Based upon the review of the response to the draft  
21 analysis supporting documentation, site visit observation follow-up communication with  
22 the Agency, Department staff has identified five remaining issues that have been included

1 in the final staff analysis.

2           Two issues that remain are related to documentation in which the agency  
3 submitted documentation five days after the final staff analysis had been completed and  
4 could not be reviewed or added to the final report. The other three issues pertain to  
5 amendments needed to current standards, policies and procedures in particular the agency  
6 must amend its standards to include an academic and administration member and in its  
7 compensation of its appeals panels.

8           The last two issues relate to changes the agency has instituted in its  
9 practices but has not amended current standards, policies and procedures to reflect these  
10 changes. Specifically the Agency has required its law schools to submit a site evaluation  
11 questionnaire in lieu of the self-study requirement. However the Agency identifies the  
12 self-study and the SEQ or the self-evaluation questionnaire as a separate requirement  
13 with separate definitions in its standards.

14           Therefore as I stated previously the staff recommendation to the senior  
15 department official is to continue the Agency's recognition as a nationally recognized  
16 accrediting agency at this time and require the Agency to come into compliance within 12  
17 months with the aforementioned criteria and submit a compliance report due 30 days  
18 thereafter that demonstrates the Agency's compliance.

19           There are Agency representatives present today and we will be happy to  
20 answer the Committee's questions, thank you.

21           MS. PHILLIPS: Committee or Reader, questions for staff? We will go  
22 with Art.

1           MR. KEISER: I think I now understand I have read it 4 times. The Bar  
2 Association requires a self-study document then they changed their self-study document  
3 really by name and called it a questionnaire. They call it something differently and then  
4 it seems really minor here but I just want to make sure I understand is this a title issue?

5           MS. HARRIS: Actually no, actually in their standards 204 they list this  
6 self-study as a section that the law schools have to submit and the self-study includes a  
7 self-evaluation questionnaire and four additional parts. And the questionnaire is not just  
8 a portion of the self-study it is a component that has its own identity as their standards list  
9 and with the change of just requiring a self-evaluation questionnaire I am concerned the  
10 self-study requirements are going to get lost or doesn't explain where these other  
11 components that are needed for self-study are to be included by the institution.

12           MR. KEISER: Section 602.17 requires an institution of program repair,  
13 following guidance provided by the Agency in depth self-study. Are they not doing that  
14 or are they doing that or is it -- I'm not sure is it just a different name for what they are  
15 doing?

16           MS. HARRIS: That's the reason for them being out of compliance  
17 because it wasn't clear to me as well.

18           MR. KEISER: Okay well I guess I get to ask them, thank you.

19           MS. PHILLIPS: Other Committee questions?

20           MS. HARRIS: You're welcome.

21           MR. WOLFF: Well yes actually a minor question and then some other  
22 questions but help me understand ABA's professional accreditor and how are we getting

1 information? What are the bachelor students -- the undergraduate students in this? I  
2 don't understand what the ABA has a connection to undergraduate students?

3 MS. HONG: Right, there are no degree-seeking undergraduates listed  
4 here. Some of the loan volume I presume is reflected from the loans drawn down by the  
5 participating law schools so that's --

6 None of that information is available because there are no degree-seeking  
7 undergraduates being served by their schools.

8 MR. WOLFF: The more important question to me as I understand it the  
9 Agency was last recognized to continued recognition 2011. Since 2011 there have been  
10 numerous articles about fraud in placement rates reported by law schools and  
11 misrepresentation to students and I didn't see anything in the report how staff and I'm  
12 going to be asking the Agency how has the Agency adapted to that.

13 This is a matter of very public discussion so number 1 is the whole legal  
14 profession has gone through tremendous upheaval and huge reductions in enrollment,  
15 huge deficits by law schools, under admitting students -- the New York Times just had a  
16 major two-page spread on this whole issue on Sunday, admitting students who are less  
17 qualified and therefore perform very much less on the bar exams so this is a case where I  
18 see documentation doesn't get at the reality so that's number 1 and the enormous loan  
19 rates of law graduates and salaries are no longer keeping up because the jobs aren't there  
20 in the legal profession.

21 So I am just wondering was that a focus of the review given the  
22 widespread public information about this and where would I find it if it was because I



1 didn't see it in the document, in your analysis.

2 MS. HARRIS: I would refer you to the Agency for answers to some of  
3 your questions but as for my analysis I did go through the criteria and I also requested  
4 additional information from the Agency for not just non-profit but for for-profit site visits  
5 and on my attendance of the site visit I have been privy to some of the articles and I did  
6 in my observation I did look for to make sure that questions were being asked in  
7 reference to job placement and how it is handled and they do a lot of front-end work that  
8 they have explained in their write up -- the Agency does and the school in turn  
9 substantiated what they had written when I observed them.

10 So again I can't observe every school but from what I gathered that's  
11 where I came to my conclusions.

12 MR. WOLFF: Thank you I will want to ask the Agency, one other  
13 question if I may -- I'm sorry it's really about the curriculum but I will ask that more of  
14 the Agency. There's a lot of concern about legal curriculum, even President Obama  
15 questioned whether that the third JU is necessary and so those are the real questions but I  
16 want to ask the agency about how much flexibility is there for innovation so thank you.

17 MS. PHILLIPS: Other questions of the staff? Okay thank you we have  
18 one further staff comment?

19 MR. BOUNDS: Yes I just wanted to reiterate something Nicole said,  
20 especially when it comes to maybe placement and those things for you know the agency's  
21 basic standard is bar exam pass rate and so that's kind of what we look at when we  
22 review student achievement. They don't really have a -- you know they don't have a

1 placement standard in place as part of one of their benchmarks so we look at what they  
2 have and then as Nicole said they have and Nicole you correct me if I am misspeaking --  
3 they have done some considerable work up front to kind of you know explain things to  
4 students that -- what the job market kind of looks like or what it would look like once  
5 they graduate but their benchmark is bar exam pass rate.

6 MS. HARRIS: That's correct.

7 MS. PHILLIPS: Okay let's move on to inviting the Agency  
8 representatives to join us at the front table. And here again we will invite the Agency to  
9 make their remarks or let the Primary Readers to pose the appellate questions and then  
10 open it up to the larger committee for other questions or follow-up questions. Good  
11 afternoon, welcome.

12 MS. BERCH: Thank you so much. Good afternoon and thank you for  
13 giving us this opportunity to appear here. My name is Rebecca Berch and for many years  
14 I was a Justice on the Arizona Supreme Court, I was Chief Justice for five of those.  
15 Before that I was on the faculty of Arizona State University College of Law as the  
16 Director of their legal writing program and their academic support program and  
17 incidentally before that I was a Bar Examiner.

18 But I am honored to be here today as the Chair of the Council of the  
19 section of Legal Education and Admissions to the Bar of the American Bar Association.  
20 I'm here with my colleagues, Barry Currier the Managing Director of accreditation and  
21 legal education for this section. From Barry's office we also have Bill Adams, the  
22 Deputy Managing Director and Stephanie Giggetts, who is our Accreditation Counsel.

1 Stephanie played a significant role in preparing the materials for our hearing here and  
2 acting as our liaison and we are very grateful to her for that.

3           The Council is made up of 21 volunteers, lawyers, judges, academicians  
4 and public members. We are supported by more than 300 volunteers who work on issues  
5 such as accreditation, standards and site visits among other issues and of course we are  
6 supported by excellent staff.

7           As has already been noted the legal profession is facing very challenging  
8 times. The Council is aware of that and we are engaged in discussions to respond to  
9 those changes to insure that the regulation of law schools comports with DOE  
10 requirements and protects the public.

11           I would like to thank the Department of Education staff particularly Dr.  
12 Nicole Harris and Herman Bounds for their professionalism and their responsiveness in  
13 working with us as we have gone through this process. We appreciate the care with  
14 which they reviewed our compliance report and their willingness to discuss issues with us  
15 including having a telephonic conference.

16           So we very much appreciate the opportunity to appear here and we look  
17 forward to answering any questions you might have. I thought we might begin by  
18 addressing the five areas of potential non-compliance that Dr. Harris noted with your  
19 approval, okay. So to jump in the staff reported recommendation at Item 7 lists five  
20 bullet points or hash points.

21           The first two deals with documentation issues specifically the failure to  
22 provide resumes or bios of particular groups of people. The first one asked for “staff

1 with responsibility for accreditation activities” so we did what we have always done in  
2 the past which is to provide those resumes for those who actually have some  
3 responsibility for accreditation activities and we have never been found out of  
4 compliance before for doing that.

5 We were advised that there were 12 resumes missing. These are largely of  
6 secretarial-type people who in our opinion have ministerial duties and don’t actually have  
7 any “responsibility” for accreditation activities. We did as Dr. Harris noted, attempt to  
8 submit those though she is absolutely correct that we were late -- 5 days late or something  
9 in submitting them.

10 But we have them here and we are willing to give them to you. It seems  
11 silly to pardon me -- it seems imprudent to request an additional report to be filed to be  
12 given resumes that can be provided now. Other documentation errors noted were 4  
13 resumes missing from the Council.

14 The Council consists of 21 voting members. We submitted to you the  
15 resumes of the 21 Council members. In addition attending Council meetings are four  
16 liaisons, one from the ABA, one from the Young Lawyer’s division and then we have  
17 two liaisons to the ABA House of Delegates. Those four people are not technically  
18 members of the Council and they are not voting members.

19 We have the resumes for you, again we attempted to submit those but  
20 because we weren’t aware of who was missing they were submitted late but we have  
21 them. And the final area of non-compliance as respects documentation for resumes deals  
22 with the Data Policy and Collection Committee.

1           We submitted a list of the members of the Data Policy and Collection  
2 Committee. Around that time one member who had been invited to join that Committee  
3 missed the first meeting. The second meeting came up and this person then resigned and  
4 said apparently I don't have the time to attend this. So the one missing resume is of a  
5 person who has withdrawn from the Committee, has never attended a meeting.

6           So it's our neglect -- we do need to submit an updated roster of the  
7 members of the Data Policy and Collection Committee but nothing requires the DPCC  
8 contain any particular number of individuals on it so you do in fact have the resumes of  
9 every person who sits on that Committee.

10           The next item of non-compliance will be it deals with the Appeal's Panel  
11 and their makeup and membership and I will ask Stephanie to address that.

12           MS. GIGGETTS: Good afternoon. The criteria require that we have an  
13 academic, an administrator, an educator and a practitioner on the Appeal's Panel in  
14 addition to our other committees that are decision-making committees. We actually  
15 submitted a roster and the resumes for our Appeals Panel which consists of three  
16 members and three alternates.

17           Of those six individuals they represent an administrator, an educator, an  
18 academic and a judge practitioner. We understand that our rule does specifically state  
19 that the Appeals Panel will comprise of a legal educator, a practitioner and a public  
20 member but the actual consistency of the Committee does meet the criteria. However, we  
21 are very happy to revise our rules to make sure that we address the missing administrator.

22           We have only had one opportunity to actually appoint an Appeals Panel

1 and that occurred prior to our last appearance before you. That was for a program and it  
2 did consist of a legal educator, a practitioner and a public member.

3 And we are going to have Barry Currier talk to you about the Standard 204  
4 on the self-study.

5 MR. CURRIER: Good afternoon, so the confusing issue is our self-study  
6 standard -- we went through a comprehensive review of our standards and in that process  
7 we revised our standards relating to self-study. Previously and under the old standards  
8 there were two documents that a school was asked to submit.

9 One was a so-called self-study and the other was a site evaluation  
10 questionnaire. What we found our experience was that the way most schools did it they  
11 appointed a Faculty Committee that did a self-study that was largely designed to be a  
12 model site visit report that could be given to the site visit team that they might then adapt  
13 and adopt for their purposes in writing the site visit report.

14 And they filled out a site evaluation questionnaire that largely duplicated  
15 the information that was in the self-study that was received. That seemed unnecessary,  
16 duplicative and so forth so what we did was we created a standard called self-study which  
17 consists of two pieces of information.

18 1 -- A site evaluation questionnaire -- so that's a part of the self-study as  
19 we see it and number 2 -- Responses to four specific questions, I think it is four or is it  
20 five? B through F which ask questions that we thought were really the more sort of  
21 reflective questions that we would like the school to respond to that perhaps were more  
22 consistent with what you might expect to get in a reflective self-study document.

1                   So those two pieces together are the self-study. As site evaluation  
2 questionnaire there is a list of all of the information that is provided for in the criteria and  
3 then a document that answers the questions that we set out in the balance of the standard.  
4 Those two pieces together are the self-study. We think that meets the requirements of the  
5 recognition criteria.

6                   I think that Dr. Harris is correct that as we went through and updated and  
7 modified our standards and tried to make them all internally consistent, there are a couple  
8 of places where we didn't change the language and you know the site evaluation  
9 questionnaire language lingered in the standard so we will take care of that but I don't  
10 know Dr. Keiser if that responds a little bit to your question but that was the -- that was  
11 our goal -- was to actually get schools to be more reflective and analytical and not to have  
12 them just repeating in narrative fashion what they were giving us in another document as  
13 a questionnaire and we think it actually improves the process.

14                   So that would be how we would respond to that particular concern.

15                   MS. PHILLIPS: Okay Reader questions of the Committee of the Agency,  
16 particularly the pilot questions and whatever else you have? Bobbie?

17                   MS. DERLIN: Before -- this is Bobbie Derlin thanks for being here.  
18 Before I begin I just want to clarify with you Sue I would like to embed if you will pilot  
19 question 1 and 2 in my questions and then sort of -- because we know there are some  
20 concerns about these first two areas -- have people question --

21                   MS. PHILLIPS: That's absolutely fine.

22                   MS. DERLIN: So as you know we are working on some pilot questions

1 and I think you have provided some very direct response for us and we appreciate that in  
2 terms of addressing the concerns that have been raised in the staff report. But two of our  
3 pilot questionnaires areas relate to metrics, performance, outcomes, data and I know you  
4 were present you have heard we have some concerns about these.

5           So initially as you examine outcomes of the various programs and  
6 institutions you work with because you serve as an institutional and a programmatic  
7 accreditor can you please provide some clarify for us about specifically what kinds of  
8 metrics you are examining and I'd like you to pay particular attention to the issue of debt  
9 and the relationship of debt to the placement of lawyers.

10           MS. BERCH: Certainly I'll take an initial stab and I will likely defer to  
11 my colleagues to supplement. We look at a lot of data and we look at several kinds of  
12 metrics we consider ourselves to be really quite data driven. We have several standards  
13 that deal with learning outcomes and several of our metrics are related to those. So for  
14 example we look at attrition rates, our standards require that law schools admit students  
15 who appear to be success -- or that they will be successfully able to complete the course  
16 of study and become members of the profession.

17           So to assess that we take a look at issues like attrition -- attrition is  
18 difficult to judge as you all know you are in the field but it can be difficult to judge  
19 because sometimes attrition is a good thing. Sometimes schools will take a risk on a  
20 particular student, give students an opportunity and when they prove themselves those  
21 students get whisked away by other arguably better schools and that can be very good for  
22 the students and it doesn't reflect poorly on the school from which the student was stolen



1 that the student succeeded and got stolen away.

2                   So we look at attrition but we look at academic attrition that is we try to  
3 look only at those who are not able to make it through so we have an interpretation that  
4 takes a look at attrition.

5                   We take a look at bar pass which is the easiest most objective standard to  
6 look at. Now for many years bar pass rates were quite steady and we felt comfortable  
7 having a standard, Standard 316 that provided a few different ways of meeting the  
8 standard. Things -- as already has been noted things have gotten rockier in the last few  
9 years so we have recently put out for public comment a standard, a proposed standard,  
10 that would tighten up our bar pass standard.

11                   It says in just a couple of sentences that we are going to look at your bar  
12 pass rate two years out. And we will take a look -- we are looking for a passing rate of  
13 75% so those are at least a couple of the metrics. A question if I am not mistaken also  
14 went to how did we arrive -- was that part of your question?

15                   MS. DERLIN: Sorry no I think my question also went to concern related  
16 to debt that students incurred while in law school and relationship of that to placement.

17                   MS. BERCH: On the question of debt we don't specifically ask questions  
18 about debt and you can correct me if I am wrong here but we do require posting  
19 information about cost of programs, tuition, books, other expenses that may occur and  
20 that is required to be posted. We have affiliated institutions that look at debt and they  
21 post a lot of the information about it so there's a group called Access Group that collects  
22 the information about debt and publishes it.

1 I am going to turn the information or turn the question over to Barry  
2 Currier to see if he has anything to add here.

3 MR. CURRIER: Well let me just talk about bar pass for a minute. So we  
4 used to have a standard that allowed you to comply some of you are lawyers here so if I  
5 need to explain more to the non-lawyers let me know but students obviously graduates  
6 can take the bar many times. And we allowed schools to comply on the basis of their  
7 first time pass rate or on the basis of their so-called ultimate pass rate that is what is your  
8 rate, what is your success rate if you are graduates on the bar exam after a longer period  
9 of time and multiple attempts.

10 The first time pass rate option which is still in the standards has become  
11 problematic because it allowed you to comply if you were within 15 percentage points of  
12 the state average, it is a little more complicated even than that but let's just use that for  
13 talking points.

14 When pass rates were pretty high around the country that was probably a  
15 reasonable standard but bar passage rates in the last two years have started to decline.  
16 There are number of states that have only one law school so just take the hypothetical  
17 what is the bar pass rate in Wyoming where they have only one law school was 50%?  
18 Well then you would be in compliance with our standard if you had a 35% pass rate if  
19 you were the University of Wyoming. That's not going to happen because Wyoming  
20 determines the pass rate so schools in a state where there is only one school could almost  
21 never be out of compliance with the first-time pass rate no matter how low it got.

22 So that became problematic so the reform is to not allow compliance on

1 the basis of first-time pass rate. Second we had a five year measuring period, data shows  
2 that most students do not persist after about two years so no school is going to be able to  
3 move the needle on its pass rate by looking at repeat taker data, by going out more than  
4 two years and that allows our committees and the Council to get into discussions with  
5 schools more quickly -- we don't have to wait for five years.

6 So another reform is to shorten the period. And the third then would be to  
7 rely on this ultimate pass rate. We have collected first time bar pass information and do  
8 make it public and have for a long time but we do not collect, have not previously  
9 collected ultimate bar pass rate, we have just collected the first time pass rates.

10 In those cases where schools aren't in compliance with that first time pass  
11 rate and have had to go to that second level compliance opportunity and we have  
12 collected their ultimate bar pass rates we have been pleasantly surprised I guess I would  
13 say by how high those ultimate pass rates have become.

14 So a school that might have a 60% first-time bar pass rate will have an  
15 80% - 85% ultimate bar pass rate. There are many reasons students don't pass the bar  
16 exam on the first try and it seems appropriate for the accreditation standards to not look  
17 simply at first-time success but to look at ultimate success so that's what we have been  
18 doing with the bar pass rates.

19 With respect to debt we have been following a disclosure model for a  
20 number of years now and a lot of information is disclosed. Now we do not currently --  
21 we collect information about student borrowing but it is currently not part of the  
22 consumer information that schools are required to post with us. The U.S. News and

1 World Report does ask for that information. Schools report it to them and it is part of the  
2 information that students can get you know by looking at that U.S. News.

3           There are also entities that also publish it so we collect it, we don't publish  
4 it the information is available. It is not a standard there is no standard about how much  
5 debt is too much debt at this point in time. The model has been to assume that if we  
6 seriously extensively and particularly disclose a lot of information, make schools publish  
7 that information that students can be good shoppers and can get that information and  
8 make some decisions for themselves, both about the cost, about job opportunities, about  
9 their chances of getting in and their chances of succeeding.

10           So it may be that as evidence mounts that students don't shop very  
11 effectively and that as uncapped student loans are available that we need to be more  
12 paternalistic if you will or more -- we may need to make more information required and  
13 adopt standards around how much debt is too much debt.

14           I would point out I think that discussion is interesting because really the  
15 question is not about debt the question is about the cost of the program. I mean it is  
16 almost as bad as somebody has 5 million dollars and they overspend and pay cash for a  
17 program that makes no sense as it is that they borrow the money for a program that  
18 makes no sense.

19           Now I realize that they are paying interest but they are also foregoing a  
20 return on investment for money that they might pull out of their pocket. So really the  
21 issue is more on cost than it is around debt and I have heard Dr. Keiser say we might  
22 want to talk about opportunities for innovation and when you are ready to talk about that

1 I think we are prepared to you know give you a response and certainly there is nothing in  
2 our standards that requires a school to charge an exorbitant cost for a JD degree.

3 MS. DERLIN: Before we open this more broadly to members of the  
4 Committee I would just like to ask one question of clarification related to the pass rates  
5 on the examinations. Is your source of information for those pass rates through schools  
6 or are you obtaining information directly from the examiners?

7 MR. CURRIER: Well the schools file the reports and I thought it was  
8 interesting with the prior person we would love if the bar examiners -- so we get  
9 information from 52 or 53 jurisdictions. We have bar taking opportunities in 52 or --  
10 there's no national bar admission.

11 So we would love it if all of those bar administering authorities by exam  
12 administering groups would send us directly pass/fail information for the graduates from  
13 their schools for the bar exam in their state. There are a few states that make official  
14 reports available, posted on a website. California was one of those, probably provided  
15 the most information and recently they passed a law that for the moment anyway makes it  
16 impossible for them to release that information.

17 So they are at the moment actually going backwards for various and  
18 interesting political reasons related to what's going on in California. So we do get some  
19 information directly from bar admission authorities but it is passed through the school so  
20 the information that we are getting is from the school. Most bar passage information is  
21 public so many schools instead of asking their students go to the publically pass/fail lists  
22 and do their own calculations.

1                   So it's a combination -- there's a group called the National Conference of  
2 Bar Examiners which is the national group that works with bar examining offices and  
3 they are doing a lot of good work and one of the things they are willing to do is be the  
4 collector of all of that information if the states would provide it to them the bar  
5 examining offices are very thinly staffed and have tight budgets and the notion that they  
6 would send out letters to you know 60 or 70 different law schools you know twice a year  
7 with name and bar pass/fail information is just a task that for the most part they have  
8 been unwilling to assume.

9                   But we do have a national organization that is developing a national bar  
10 exam number so that a student who takes first in California and then takes again in  
11 Oregon could easily be tracked. So we are on our way to actually getting very good  
12 comprehensive data but bar admission is a matter for each state to determine under the  
13 authority and control of the state and so it requires the cooperation and buy-in of the  
14 Supreme Court of the state and the bar admissions professionals in that state.

15                   MS. DERLIN: Thank you I will pass this back to you Sue.

16                   MS. PHILLIPS: Art?

17                   MR. KEISER: A couple of questions. I would like to get back to the  
18 student achievement issues and the issue of pass rates. How many institutions have you  
19 denied accreditation to for low pass rates?

20                   MS. BERCH: For low pass rates alone none. We have several things  
21 going on the bar pass rate 316 is something that can trigger a further inquiry by us that  
22 will get more monitoring. As Mr. Currier just noted the time of enforcement under our

1 existing rule stretches out for almost five years it's why we are trying to do away with  
2 our existing rule and update to a rule that would allow us to enforce more quickly.

3 Bar pass rate is an item that we will look at to help us determine under 501  
4 and schools can be disciplined under Standard 501 if it is determine that they are not  
5 admitting students that appear capable of not only going through the program of study but  
6 passing the bar so it is something that we can consider there and we have.

7 MR. KEISER: Over the past five years how many institutions have you  
8 withdrawn your accreditation from?

9 MR. CURRIER: Zero, zero.

10 MR. KEISER: Yet in Florida I read about institutions with very low pass  
11 rates. Is it a kind of a that moveable standard that the pass rates I mean some of the rates  
12 I saw in the 30 percentile now I don't know if that is true or not I don't believe the press  
13 most of the time. But those seem to be published rates of a number of institutions with  
14 fairly low pass rates.

15 MR. CURRIER: And I don't want to seem defensive at all about this and  
16 my wife always says watch your tongue so signal when I'm -- what you see in the press is  
17 usually first time pass rates so what you don't know is if the school has 30% or 50% or  
18 70% first-time pass rate, you don't really know a year later what that pass rate is so that's  
19 one point the reports are a first-time pass rate information because that is what the bar  
20 examiners make public.

21 Secondly a lot of those reports relate to the mid-year exam, bar exam that  
22 is given in February, the bar exam is given in February and July -- I would say 75 - 85%

1 of the takers take in July and so often those low percentages are based on a very small  
2 sample.

3           And third I would say this is a phenomenon of the last two years. So it is  
4 fair to say that you know perhaps the schools and we need to move more quickly than  
5 sometimes accrediting groups and schools move but if you went back I mean this really  
6 started in 2013-14 with sharp declines in the bar pass rate.

7           MR. KEISER: I'm sure Ralph will spend a little more time on this but  
8 let's talk about the ultimate goal of any -- you know you are teaching people to become  
9 lawyers and I have a lot of lawyers working for me who are not practicing law. That  
10 really became very public in '08/'09 with the recession. Do you collect that data on  
11 placement?

12           MR. CURRIER: Yes we do and the spread sheet that is on our website  
13 that is downloadable, sortable and researchable has 31,000 cells in it. We collect so  
14 many different kinds of employment status, full-time, part-time, long-term, short-term,  
15 bar pass required, JD advantage, public interest supplied by school so there is 31,000  
16 cells of information out there on job performance.

17           MR. KEISER: And how does the Commission use that data? What would  
18 be an appropriate placement rate for a law school?

19           MR. CURRIER: Well our standards do not require any specific  
20 employment. That's why I mentioned earlier that philosophy has been up to this point  
21 that maximizing the disclosure is the best way to go and so we don't have a specific  
22 standard that a school must achieve in terms of placement.



1                   Now more needs to be said because the placement is measured at 10  
2 months after law school. If California if you graduate in May and you take the July bar  
3 you don't get your results until November so 10 months out, including the holidays it is  
4 only a few months to find a job.

5                   So it takes a little longer I think in the law sometimes for people to get  
6 their footing so if we were to adopt a standard we would want to put the measuring  
7 period or maybe we would have several measuring periods. Maybe we would have a  
8 short and a medium standard we would want to look at and then we would have to define  
9 what would count with a non-bar required job count in employment and then what kind  
10 of a non-bar required job would count.

11                  So for the moment we publish a lot of information about the kinds of the  
12 jobs that students are getting and you know a lot of groups pick up on that and write their  
13 own reports about it but there is no standard that a school must meet in terms of  
14 placement.

15                  MR. KEISER: I'm listening to you and I could be at law school and have  
16 a fairly low bar pass rate certainly the first time and then have an almost non-existent  
17 placement rate and still be accredited is that what --

18                  MR. CURRIER: Bill wants to say a word. Yes, the answer is no  
19 ultimately but yes on the surface, Bill?

20                  MR. ADAMS: So we have an interim monitoring process. The annual  
21 questionnaire that law schools fill out ask a lot of questions including a lot of data  
22 questions and the Accreditation Committee through its intra-monitoring sub-committee

1 reviews 15 performance data indicators and for most of those there are data points that  
2 are triggered what we call a flag.

3           So if a school gets two or more flags then it will go through a review  
4 either by the accreditation committee if the school was currently in the accreditation  
5 process or about to be site visited. If it is not then it goes to the intra-monitoring sub-  
6 committee so if they have two or more flags or if they have one employment flag.

7           So for example they have unemployed seeking of 15% or more than that  
8 will flag it and either the Accreditation Committee will look at that school and/or the  
9 intra-monitoring committee will look at that. And it looks at it in relation to its other  
10 indicators to sort of figure out is this a problem I'm sorry -- is this a problem, does it  
11 warrant further communication.

12           So for example after 2014 there were 117 schools that went through this  
13 process at some point and 17 of them were sent letters by the Accreditation Committee  
14 mostly over bar passage, entering credentials, questions about their admitting so many  
15 students does it appear now that they are taking too much of a risk. Some of them got  
16 letters on employment and then the school gets the opportunity to respond and explain  
17 why that is or is not a compliance problem.

18           Of those 17, 11 provided information to satisfy the committee that it was  
19 not a problem but 6 are going to have received the second letter to explain most of those  
20 are going to be over their admissions credentials related to employment and/or bar pass  
21 kinds of issues.

22           This year there were 108 schools, 47 were reviewed by the Committee and

1 15 have received letters. So if the employment rate -- unemployed seeking rate goes over  
2 15% then it does get to the attention of the Accreditation Committee and then they will  
3 ask some questions and like I say they compare it to a number of the other data indicators  
4 like who are you admitting, what is your bar pass rate and those kind of things.

5 MR. KEISER: I'm going to shift gears to some of the other people on  
6 those issues but I was intrigued because the debt issue is a big issue to this Committee  
7 and I was a little concerned when you said, "The programs are very expensive and I wish  
8 they would be lower," something like that. Yet you have a lot of standards that seem to  
9 drive up the cost -- don't you require tenure for your faculty which is a very expensive  
10 process which drives up the cost of a legal education?

11 MR. CURRIER: So our standards do require tenure and again I just want  
12 to be very honest with you. As with the -- is a low placement rate a problem? Yes it is a  
13 problem. Does it violate one of our standards? No. Does it violate a recognition  
14 criteria? No. So if the law requires that we have a standard on placement we will have a  
15 standard.

16 At the moment it doesn't and we have followed a disclosure path so I just  
17 want to be -- it's not that it is not a problem right so I certainly don't want to be heard to  
18 say that it is not you know that it is not an issue.

19 MR. KEISER: But you are the ones who identified that the legal  
20 education is very expensive and it certainly is more expensive at a private institution than  
21 a public institution because of course a public institution is publicly funded and  
22 subsidized. But when the prices of law schools are 70 - 80 - 90 thousand dollars doesn't

1 the Commission get concerned or discuss that maybe some of the policies that are  
2 required that are not necessarily the most important part of providing the quality  
3 education these things are what is driving some of these costs up which then force the  
4 students to borrow more money which then puts the students into debt. And if they can't  
5 find a job it wrecks their lives.

6 MS. BERCH: We are of course concerned about that but we have  
7 examined our standards. We just went back through an entire standards review process  
8 for a couple purposes. One was to align our standards with DOE's requirements but  
9 others were to look for areas that might unnecessarily increase costs. We require either  
10 tenure stability of employment depending on the circumstance but not all classes are  
11 taught by tenured professors.

12 There is very heavy use of adjuncts and these are choices within the  
13 school's control. Our primary function is to insure that students who go to ABA  
14 accredited law schools are receiving a solid education of substantive legal knowledge.  
15 They are provided the skills that they are given the training and professionalism that will  
16 allow them to become productive members of the profession.

17 MR. KEISER: I will turn it back to you.

18 MS. PHILLIPS: Okay I've got the lineup here of Hank, Ralph and Arthur  
19 so far, Anne and Kathleen, Hank?

20 MR. BROWN: Thank you first I might comment that my impression is  
21 the passage rate on the bar exam is often more of a function of the receptivity of the state,  
22 the particular state permitting additional people to practice law in that state than it is the

1 quality of the legal education but that may only be my view on it.

2 MS. BERCH: As a former State Supreme Court Chief Justice I will say it  
3 is the prerogative of the states to set the pass rate and they do.

4 MR. BROWN: Thank you. I had understood from an individual that the  
5 standard that applied with regard to a tenured faculty for new institution-seeking  
6 accreditation was a different standard than what was supplied to schools that had -- law  
7 schools that had already been accredited. Is that correct?

8 MR. CURRIER: No that is not correct, Standard 405 applies to -- which  
9 is the standard relating to security of employment, it applies to law school seeking  
10 approval, provisionally approved schools and fully approved schools.

11 MR. BROWN: So the portion of their faculty that would be tenured  
12 would be a consistent requirement?

13 MR. CURRIER: Well there's no requirement about the portion of your  
14 faculty that has to receive tenure or that has to be tenure eligible so there is a wide  
15 variation among schools in the percentage of the faculty or the percentage of the teachers  
16 who are in tenure-accruing or tenured position or longer term contract positions.

17 There is a standard that requires a majority of all student credit hours be  
18 taught by full-time faculty.

19 MR. BROWN: But to the point of a new school there's not a different  
20 standard for a new school than there is existing accredited schools?

21 MR. CURRIER: No sir.

22 MR. BROWN: Thank you. Do you have standards with regard to the

1 physical facilities of a law school?

2 MR. CURRIER: Yes we do.

3 MR. BROWN: And I think from time to time I don't know if you have  
4 denied accreditation to institutions that had inadequate facilities but from time to time I  
5 think you have warned institutions is that correct?

6 MR. CURRIER: Correct.

7 MR. BROWN: Do you feel like sometimes you have been used to  
8 leverage the legislature to fund new facilities when the existing facilities were quite  
9 adequate?

10 MR. CURRIER: Well my answer to that would be no. I mean this has  
11 been going on for a long time and certainly if you went back a number of years ago there  
12 may have been more of that the ABA says we have to get a new building going on, but  
13 now that's I think definitely not the case and our standards with respect to facilities have  
14 shifted over the last decade or more to really I think be boiled down to perhaps what is an  
15 appropriate minimum and that is you have to have physical facilities that are adequate to  
16 support the program of legal education that you offer.

17 There is nothing in our standards that requires three story atriums there is  
18 nothing in our standards that require yoga rooms, childcare facilities, rock climbing  
19 walls, et cetera. You have to have good classrooms that have decent site lines with  
20 reasonably good acoustics. You have got to have office space to support the program and  
21 the standards that's one place I think library would be another where over the last 15  
22 years of so the standards have become much more modernized and much less of a

1 bargaining opportunity for the schools.

2 MR. BROWN: Would I be correct in assuming that you would look  
3 askance at an accreditation visit that was used to leverage the legislature when the  
4 existing facilities were quite adequate?

5 MR. CURRIER: If the existing facilities are quite adequate then the  
6 university can say to the Dean who says look at this report you have to fund a new  
7 building that the report says the facilities are quite adequate. So if the facilities are in fact  
8 quite adequate I would be surprised if the Accreditation Committee or the Council would  
9 find the school out of compliance with the standard.

10 I don't know having been a Dean whether I would be surprised if the Dean  
11 says, "Don't you see something in this report that says we need a new building," because  
12 that's the way the politics of any job work. But if the facilities are adequate I think our  
13 standards do not require palaces and I would be surprised if a school was found out of  
14 compliance when its facilities were demonstrably adequate.

15 MR. ADAMS: If I may the office reviews our site reports because they  
16 are done by volunteer teams which include professors and whatever so we do remove  
17 from site reports comments like the offices are less commodious than we have at our  
18 school whatever. We actually remove those so if there were comments like that inside  
19 reports the office have them removed.

20 MR. BROWN: I must say it is perceived among some law schools that if  
21 you want attractive new facilities one method of obtaining those is to have many  
22 comments offered to the accreditation team on their visit as to how terrible the facilities --

1 the existing facilities are. And I'm glad to hear that you were impervious to that.

2 MR. CURRIER: I hope that we are but I would say that I think the  
3 situation in higher education and a lot of professions and certainly in legal education,  
4 there are many more issues that are much more core that are the basis of the  
5 conversations that go on between site teams and schools you know arguing for more  
6 university support for your law school would be much more likely to be done these days  
7 than arguing for a nice new building.

8 Law schools used to provide surplus to the university. Many law schools  
9 now are being subsidized by the university and so that conversation has flipped and we  
10 have all been there you know. Well I gave two years ago and now you should give to  
11 me, you know how those conversations go. But the issues are more about the applicant  
12 pool jobs, the quality of the students that are coming than they are about if the facilities  
13 are glorious enough, as it should be.

14 MS. PHILLIPS: Thank you. I have Ralph, Arthur, Anne and Kathleen so  
15 far.

16 MR. WOLFF: Thank you I appreciate your comments. As a former law  
17 professor and bar examiner I appreciate some of the concerns you raised. We are in an  
18 era of very heightened accountability, public visibility of issues so I am going to raise a  
19 few that will be topics throughout this meeting. I look at your survey and I do see that  
20 you request or require placement data of various categories which seem appropriate and I  
21 understand you say 10 months out.

22 How is that data verified?



1           MR. ADAMS: So this year we have implemented an auditing process and  
2 protocols. We retained a firm with expertise in doing this kind of data review so there are  
3 two types of reviews that will take place this year. Already 10 law schools were  
4 randomly selected and all of their employment files from 2015 will be submitted to this  
5 auditing form for an audit.

6           Then from the entire list of 2015 graduates 383 files were selected which  
7 covered 156 schools and of those 156 schools 1 to 10 files had been selected. All of  
8 those files are being reviewed by the auditors and they will look for the key items that we  
9 have identified 18 items that schools should be reporting and also the documentation that  
10 supports that and the protocols which set up fairly specific rules about how they should  
11 make this categorical distinction and also what kind of documentation they need to have  
12 in the file to say either I got this from a student survey, I got it from a phone call with a  
13 student or whatever and so depending upon the level of error -- so if there is an error of  
14 5% of the files for example then the school will be pulled into a higher level of review  
15 and there are increasingly higher levels of reviews and sanctions should schools be found  
16 to be misreporting.

17           Also I forgot to mention a separate part of that is a review of the websites  
18 and comparing the data that they are reporting on their websites and the employment  
19 forms with the data that they have submitted to us so as a result of that their reports will  
20 come back to us from the auditing firm on the 15<sup>th</sup> and then the office will report to the  
21 Accreditation Committee any schools that seem to be misreporting or misrepresenting or  
22 failing to document what they are reporting.

1 MR. WOLFF: Thank you.

2 MR. CURRIER: Let me just add to that last year -- this has been two  
3 years in development and we are actually using funds to pay for this that we have  
4 collected from schools that we fined for misrepresenting data in the past so that is where  
5 we are getting the money. At the moment it is very expensive to do this and our hope is  
6 that we will find that schools are reporting honestly and maybe we can figure out how to  
7 spend a little less money doing it.

8 It is also extremely time consuming for the schools and as you would  
9 understand it is very complicated. A student says to you in November I have a full-time  
10 jobs working at Schmidt's & Jones. The reports are due in April, do they have to call  
11 them back in April, can they call all 38,000 people on the actual reporting day so that it is  
12 a snapshot as of a date trying to give instructions as to what is sufficient to get you to that  
13 date was challenging. We did a beta test last year, we had 10 law schools cooperate in  
14 that beta test to help us refine this protocol so we are pleased and we think that it will  
15 give us a very good understanding of whether schools in the past and today are accurately  
16 reporting their employment outcomes.

17 MR. WOLFF: Thank you but that leads into my second question. There  
18 were reports and you have just alluded to law schools, some very prominent ones -- non-  
19 profit misrepresenting and misstating their data, both to students and to the ABA. Could  
20 you describe -- it sounds like you find some schools with some unusual accrediting action  
21 never having done that myself much, might have liked to as a revenue scheme by giving  
22 tickets I think but I am also interested in the sanctions.

1           I mean one of the issues is these are very serious integrity issues and one  
2 metric that I think is too often used is how many did you terminate accreditation but were  
3 there sanctions, were there public probation, what kinds of actions did you take as an  
4 agency to follow-up on public reports that seemed to have come more from the press than  
5 from the Accrediting Agency about misrepresentation and misstating of figures?

6           MR. CURRIER: Well the most serious of these and it was public they --  
7 we think, we think cleaned up their act but the University of Illinois was the most  
8 notorious of these and the problems were actually discovered during a site visit. They  
9 were not discovered by the press they were discovered by auditing activities of admission  
10 files being done by our site visit teams, so that's some indication at least in that case it  
11 succeeded.

12           They were fined \$250,000 and that was a public sanction that had to be on  
13 their website for you know a couple of years and so forth. Out of that flowed another  
14 process similar to the process Bill Adams described with respect to admission credentials.  
15 So for the past three or four years we have had a collaborative working relationship with  
16 the Law School Admissions Council where a school reports to us the students that are in  
17 their first year class as you and the others that you know, you all had an LSAT score, they  
18 have your data, your LSAT score and your undergraduate grade point average.

19           And we shipped the school -- we shipped the names to LSAT and they  
20 verified that the GPA, undergraduate GPA and LSAT information the school reported  
21 was, in fact, what they have in their files. They send that to the school they can quibble  
22 about it and then we have what we think is a certified list of people who are attending the

1 school and their undergraduate grade point average and LSAT score and that is the data  
2 set from which the 75<sup>th</sup>, 50<sup>th</sup> and 25<sup>th</sup> percentile have been computed.

3           So all schools it's "voluntary". All schools have been participating in this  
4 and we think that you know we now have a lot of confidence because of that process that  
5 the admissions data is accurate and then this employment thing grew out of similar  
6 concerns that we wanted to make sure that the employment information that was being  
7 reported was accurate as well.

8           MR. WOLFF: Thank you. I'll just make a comment for all of us that I  
9 think some of the steps that you are taking for auditing these figures and what other  
10 agencies are doing would be worth knowing about to how the cost is and how data is  
11 verified because this is an issue that relates to a lot of different agencies and it is in the  
12 public eye right now so we had to learn what is good practice.

13           MR. CURRIER: If I might just the software companies that schools use  
14 have been very cooperative in modifying the software to make it easier for schools to  
15 develop the records that the audio protocol requires them to develop. Now it is of course  
16 in their interest to do that but they have been helpful in making it a little easier for the  
17 schools to build the kind of record that we want to see in the file to verify a person's  
18 employment.

19           MS. PHILLIPS: Thank you I have Arthur and then Kathleen.

20           MR. ROTHKOPF: It was interesting in the last exchange with Ralph that  
21 the LSAT came up which we hadn't really talked about before. I took it you know 58  
22 years ago is it still the same test? Has it been modernized? Why that test? I mean is the

1 bar or association have any connection with the LSAT what if some school came along  
2 and said, "Gee I don't like this test I want to give another test that is out there, you know  
3 the business school test, whatever or the GRE," is that something that comes up and is  
4 that something that goes to your standards?

5 Ms. Berch: Yes our standards require, they don't specifically require the  
6 LSAT they require a valid and reliable test and those are psychometric terms of art that it  
7 is valid, that tests what it purports to test, that it is reliable, that it is replicable. The  
8 LSAT happens to be a test that meets those standards it is valid and reliable for its  
9 purpose. There are schools out there are proposals right now to consider other kinds of  
10 graduate records type situations and we are waiting to see whether they can establish for  
11 us that those are valid and reliable. I think we are looking at that issue right now.

12 MS. PHILLIPS: Anne?

13 MS. NEAL: Well I want to say hello to all of you. I have been here for  
14 many years as you know so Mr. Currier seeing you is just like old home week.

15 MR. CURRIER: It's nice to be here with you as well.

16 MS. NEAL: Yes indeed. Well I wanted to go on two vectors of  
17 questions. First I wanted us to follow up a little bit on the auditing issue which you have  
18 raised which does indeed sound quite positive and just to emphasize to this group how  
19 significantly powerful we are I went back to look at the 2011 transcript where you said at  
20 that time that you would be designing a protocol so in fact it has taken a very long time  
21 and in fact it is just in time to meet with us that you have come up with this auditing so I  
22 just want to point that out.

1           I am glad that you have gotten it done but it is amazing to see what a  
2 meeting can do to focus one's attention because I can remember back in 2011 we had  
3 some pretty heavy conversations prompted by Grassley and Boxer and others who were  
4 deeply disturbed about this representation of placement rates and duping of students and  
5 at that point you promised us so keep up and try to work a little faster.

6           I guess my next question goes to standards which we have heard a little bit  
7 about and I am just looking at some of these standards. A law school shall not grant a  
8 student more than a total of 15 credit hours for distance education and we all know that  
9 distance education typically tends to be a little bit cheaper.

10           A law school should require that the course of study for the JD degree be  
11 completed no earlier than 24 months and except in extraordinary circumstances no later  
12 than 84 months. A law school shall not permit a student to be enrolled at any time in  
13 course work that exceeds 20% of the total credit hours required by that school for  
14 graduation.

15           The full-time faculty shall teach substantially all the first one-third of each  
16 student's course work. The full-time faculty should also teach during the academic year  
17 either more than half of all the credit hours actually offered by the law school or two-  
18 thirds of the student contacts hours.

19           So I just simply want to follow-up a bit on the questions that you have  
20 already heard since our responsibility is to determine if accreditors are reliable guarantors  
21 of educational quality how is it that these standards are advancing educational quality? It  
22 is clear that they are likely to make things a little bit more expensive, do you have data

1 that show that these time frames are absolutely critical to legal quality education or does  
2 it -- or regrettably am I forced to wonder if it is against something that I used earlier, a  
3 little bit more of a guild mentality than one that is focused on educational quality and  
4 providing it in an affordable way?

5 MS. BERCH: Our job is to insure the quality of legal education. Are  
6 their metrics that say that most of the first year or a substantial portion of the first year  
7 should be taught by full-time faculty? Boy that would be really difficult to judge. There  
8 are some really wonderful adjunct faculty and adjunct faculty as you all know serve a  
9 very important role in supplementing and teaching interesting mergers and acquisition  
10 and sports law and arts law classes.

11 Human rights and its intersection with environmental law that sometimes  
12 full-time faculty can't teach. On the other hand as you all know in the academy and  
13 involved with institutions of higher learning there is such strict vetting of those to whom  
14 you are thinking of offering tenure that we feel more comfortable requiring that schools  
15 offer a substantial portion. You are absolutely correct that at least I don't know -- I  
16 haven't been on the Council that long and we serve a one year rotating term as Chair but  
17 there is nothing that I have seen that says it must be 50% plus 1 and that 45% won't do.

18 So the answer to that question is no there is no particular metric. On the  
19 other hand it is our duty to ensure that the education is adequate and that is what we are  
20 attempting to do here. Do you have a more direct answer Barry?

21 MR. CURRIER: No that was very direct but I have an indirect answer  
22 and just pick up on a couple of the particular points that you made. One overarching

1 point I would make is with the exception of 18 or 19 schools our 204 schools are all part  
2 of universities that are either signatories to the AUP regionally accredited or the  
3 substantial equivalent thereof.

4           So in many cases if we changed our standards, not saying we shouldn't but  
5 if we changed our standards it wouldn't make a whit of difference in terms of how those  
6 schools had to behave and particularly with respect for instance to their responsibilities as  
7 an AAUP institution.

8           So these are complicated issues particularly for the schools that are in the  
9 midst of a larger university. When I was the Associate Dean and students wanted to take  
10 more credits than our school allowed them to take, they would say they could handle it  
11 and I can't remember the number but I figured out if they went to law school 24/7 they  
12 could complete the course of study in like 33 days.

13           And I you know trying to pose horrible hypotheticals to make my point I  
14 said do you think we should let you go 24/7 and get out of here in 33 days? Oh no that  
15 would be ridiculous. Than what would be acceptable? So is 24 months okay, is 23 not  
16 okay? We are not going any time soon to competency based education I don't think.  
17 And in part we can't do that because one of the things schools and our graduates get from  
18 ABA accreditation is the right to sit for the bar exam in every state.

19           And so we have to calibrate our requirements to a certain extent to what  
20 we understand the courts would be willing to accept as minimums if we want to play that  
21 role it is sort of a de facto set of standards to insure portability of degrees and so on and  
22 so forth.



1                   So I don't know what the -- it used to be you had to go for six semesters so  
2 we shifted now to just a timeframe and the timeframe is 24 months to 84 months. And 24  
3 months you know is two years and if you go straight through you can get out in two years  
4 at virtually any law school in the United States today.

5                   So in the sense of you know should we shorten the period. The period to a  
6 degree it has been shortened, the amount of work you need to get has remained at about  
7 83 academic credits. So there would be fiddling at 20% which is just designed to make  
8 sure that students didn't do 80% of the work in the first two months and then almost none  
9 for the next 22 or you know 34 months to just spread out the work with the sense of being  
10 immersed in the course of study was a good idea. So that's what the 20% was designed  
11 to do.

12                   The distance learning is interesting. I was actually the Dean of an  
13 unaccredited distance learning law school for six years. I believe in distance learning but  
14 there is good distance learning there's bad distance learning. There's cheap distance  
15 learning and there is expensive distance learning just like there is bad classroom  
16 instruction and good.

17                   So I'm not sure that distance learning would necessarily reduce the cost of  
18 the program. It might reduce the cost of attendance if people didn't have to live, you  
19 know move and be where the school was. So you know we will expand those  
20 opportunities as we can. Right now there is very little pressure for us to expand beyond  
21 the 15 credits.

22                   Actually we get very little push back with respect to that as schools or law

1 schools are beginning to dip their toes more and more into the distance learning market.  
2 So I would expect that would you know gradually it was 12 and the comprehensive  
3 review increased it to 15. It removed the requirement that you couldn't take more than 4  
4 distance learning credits in any semester so now it's possible for a student to be gone the  
5 entire -- an entire semester of distance learning if the school provides courses that allow  
6 them to do that.

7           So gradually those standards are loosening up. You know as a matter of  
8 personal preference I would prefer to see them be loosened up much more quickly but  
9 that's the reason it is 15 and you know I think you can expect to see that change next time  
10 we come here. So that's a response to that one.

11           The faculty teaching load thing is you know that's the most problematic  
12 but nothing says that a professor who is good at teaching has to be paid what many law  
13 school faculty and faculty in other disciplines are paid so there is plenty of room within  
14 the standards to offer programs that are more accelerated rather than slowed down that  
15 are more flexible with some distance learning.

16           And there are standards of course that can be one-third distance without  
17 becoming a distance learning course so it is possible right now without even being into  
18 formal distance learning for one-third of a program to be offered by distance learning  
19 pedagogies. There's a lot of room and the real question is will schools take it up and  
20 that's the challenge.

21           MS. BERCH: And if they take it up will they as a result of that lower the  
22 cost of tuition?

1 MS. PHILLIPS: So I have Kathleen and Simon next and then Cam and  
2 then we do have third-party commenters we are going to move to that, Kathleen?

3 MS. ALIOTO: I was just concerned about the self-study. I thought a self-  
4 study was supposed to come from the law school or the university itself from within in  
5 terms of what the programs should be rather than being imposed by the bar and then you  
6 said you have a site evaluation questionnaire and B to F questions.

7 I didn't think that was the essence of a self-study that a college or law  
8 school does and my problem with the approach that you have taken is that there's a  
9 difference between what we say on questionnaires and what the reality is of what is  
10 actually going on in classrooms which is of course what student achievement comes from  
11 that experience.

12 So how do you answer that? I can understand why you haven't passed on  
13 that particular metric.

14 MR. CURRIER: Well I guess I would say that the self-studies that we  
15 were getting which were and again those of you who are academics will understand the  
16 Faculty Committee that is appointed, talk about your strengths, weaknesses, opportunities  
17 and challenges and what we got was a lot of opportunities and very little challenges like  
18 let's list the 43 things we think we would be great at doing.

19 Let's not talk about how we would make choices about which of those to  
20 do based upon the resources that are available to us so we were getting self-studies that  
21 were not particularly constructive for the school or helpful to the Accreditation  
22 Committee except that it was titled self-study therefore you know it meet the

1 requirements.

2           So actually the questionnaire asked questions in different ways that are  
3 eliciting information that is analytical evaluative. It is not just how many books are there  
4 in the library and the questions are questions about what is your mission, assessing the  
5 quality of your program, assessing the efforts you are engaging into to improve the  
6 program and a description of your strengths and weaknesses.

7           And so I think that the idea behind this was that rather than getting a  
8 document that was more of a Chamber of Commerce document we would be likely to get  
9 more reflective and helpful answers by constructing the self-study this way.

10           MS. ALIOTO: And then how do you follow-up on that?

11           MR. CURRIER: Well the schools will submit this material and if the  
12 Accreditation Committee determines that they haven't done an adequate job in the  
13 opinion of the Accreditation Committee of being sufficiently reflective in response to  
14 those questions or if they haven't filled out the questionnaire satisfactorily they will be  
15 asked to report back and explain what they are doing to bring themselves into compliance  
16 with what's required.

17           MS. ALIOTO: I guess my final concern is with all of the press attention  
18 that has been given to what's happening in the legal profession I know a huge part of it is  
19 that we don't have as many jobs anymore but the other piece of it is that there are some  
20 schools that are failing students that you are accrediting and I think that is a problem for  
21 this board.

22           MR. CURRIER: Failing them in what sense? Failing to give them a

1 decent education or what do you mean by failing them?

2 MS. ALIOTO: Failing them in terms of giving them a decent education,  
3 failing in terms of helping them get employment, failing them in terms of gouging them.

4 MR. CURRIER: Well I was just going to say that I think that never has  
5 legal education really top to bottom been as strong programmatically. Students have  
6 more opportunities, more adjuncts with specialized training and experience. They bring  
7 more experiential learning opportunities than they have ever had. More international  
8 opportunities, so I think the programs are actually rich and that is part of the problem and  
9 some of those programs are expensive to run so I think really law schools are doing a  
10 pretty good job I would say in the programmatic area.

11 We do have a standard that requires that a school have an affective career  
12 services office and so placement rate is relevant to that but so is what's the level of  
13 staffing, what is your outreach to your students, you know what sort of counseling are  
14 you providing them and schools are cited for not having enough resources devoted to  
15 career services.

16 The problem as you point out is you could be very effective in that regard  
17 but if the jobs are not out there you would hate to be the career services officer who was  
18 bonused on the percentage of your students that got -- actually got jobs. You know you  
19 can have a very, very highly qualified study body getting a very good education and if  
20 they are in the wrong market those students are going to have trouble getting employment  
21 so that is a reality that we are living with now and schools are changing their programs  
22 rather dramatically in response to how the market is changing and if you looked at some

1 of the data you will see that I think the first year classes now are about a third smaller  
2 than they were in 2010 which was our peak first year enrollment figure so both schools  
3 and students voting with their feet are deciding not to go to law school and a lot of that  
4 we think is based upon the access to data that they have.

5           And so you know I don't judge that that's a good thing or a bad thing I  
6 judge that if we put the information out there effectively that students will make good  
7 decisions and that is what has been going on because the law school enrollments have  
8 been declining largely in response not to poor programs but to difficulties in securing the  
9 job on the back end.

10           MS. BERCH: Madame Chair if I might follow-up just briefly. I think the  
11 expression failing the students implicates another aspect of the problem which is -- I  
12 agree with everything that Mr. Currier has said but once those jobs started to dry up the  
13 market crashed frankly after about 2011 and class size started to go down dramatically.

14           A lot of schools decided all of a sudden that they were very interested in  
15 taking chances on a whole new range of students who in prior years would not have been  
16 accepted to law school and it is these students now for whom because they didn't start to  
17 be admitted until 2011 and 2012 -- we are just starting to see the data for those people.

18           Now we did start to see the 25<sup>th</sup> percentiles going down and those would  
19 trigger flags for us if they decreased substantially. If the class size shrank substantially  
20 those would trigger flags for us and call for interim monitoring but we are just now  
21 getting the first classes of those schools where and by the way it is relatively few schools  
22 where they have admitted a riskier cadre of students at the lower levels and we are just

1 starting to see the data come in for those and I think those are the ones about whom you  
2 have been reading in the papers in the last year or so.

3 MS. PHILLIPS: Thank you I have Simon and Cam and then we will  
4 move to third party comments.

5 MR. BOEHM: Well Mr. Currier you certainly said something that piqued  
6 my interest that law schools are rich and quite literally and figuratively law schools are  
7 doing quite well and something absent from again while student debt has been somewhat  
8 of a topic of your very comprehensive responses it has still been absent and what I found  
9 most startling came from my colleague's question Art when he asked how many schools  
10 had lost accreditation in the past five years.

11 And I think that an accreditor since I have been a member here of NACIQI  
12 it is best to look at you know some of the best schools and you certainly have some  
13 terrific schools and then also look at some of the bottom schools, schools that are not  
14 performing very well.

15 And I think looking at an Accreditation Agency you can tell a lot from  
16 some of these low performing schools. And a school that sticks out to me is Whittier  
17 Law School in California. Yeah we are here -- a law school it has an enrollment, the  
18 enrollment has dropped 51% since 2010 yet tuition has increased 31% since 2008.

19 Over 105 million dollars of Title 4 funding has gone into this school. All  
20 the while one in four graduates of this law school has obtained a full-time attorney job  
21 within 9 months. And when you break that down even further which I find extremely  
22 disconcerting is that 10% of those students received a job provided by the school and

1 only 21% received a legal job.

2           The remaining percent of those students received a job that did not require  
3 a JD somewhere between 58% is the information that I have. And those statistics also go  
4 along with Chatman they have a 38% of graduates getting a job, Appalachian School of  
5 Law, University of Laverne, Golden Gate, all have abysmal placement rates.

6           And when we look at that with the cost of law school if someone were to  
7 go to Whittier Law School and get on a 10 year plan it would be about \$3,000 a month  
8 and if they were on a 20 year plan at least \$2,000 and obviously there is a lot of variables  
9 involved in this and I am speaking broadly.

10           But I guess if there was more political pressure on accreditation I think  
11 there would be a lot more media in this room. There would be a lot greater scrutiny  
12 nationally on ABA and the amount of debt that many of my peers and students that I  
13 don't know are struggling to deal with who cannot find legal jobs and I think there is a  
14 great you know there are just very few excuses that the ABA and the Commission you  
15 know has done to help propel this and so I guess my question is specifically related to  
16 these low performing institutions is what are you guys doing?

17           Because when I sit here and I hear you guys I hear a lot of proactive, I am  
18 excited here about what innovative work you are doing but as you pointed out what we  
19 are about to hear is you know students who just essentially got screwed over because of  
20 the market and that is not acceptable and I don't think that is what you intended to say but  
21 what is the ABA or the Commission now doing to prevent these students and my peers  
22 and other students from entering this clear path where it just seems like there is not many



1 jobs at the end of the road and they are going to institutions where they are going to be  
2 paying thousands and thousands of dollars per month.

3           And from this presentation and reviewing the staff report it seems like  
4 many things are going well but when we look at these low performing schools you guys  
5 are doing absolutely nothing.

6           MS. BERCH: Well of course we can't comment on what's going on with  
7 respect to any particular school. I will say there is vigorous and active enforcement going  
8 on. Our Accreditation Committee reviews school after school after school. We have  
9 interim monitoring going on every year every school files an annual questionnaire with  
10 us.

11           As a result of that annual questionnaire if there are flags triggered which  
12 can be for example if you know the class size shrinks dramatically would be an example  
13 you gave or the 25<sup>th</sup> percentile level falls dramatically those would be things that would  
14 trigger an inquiry from us.

15           Bill gave you some of the statistics on the numbers of schools that are on  
16 active interim monitoring right now. I don't think it is the best measure of the success of  
17 an accrediting institution to look at how many accreditations have been revoked.  
18 Revocation of accreditation hurts all the students in those schools whose accreditation is  
19 revoked including the 75% who are in the upper 75% of the class and who presumably  
20 are doing well and probably on their way to a fulfilling career.

21           The other risk and one that is really dear to my heart is some of these  
22 schools are schools of opportunity and that is they are taking in students who because

1 they come from groups that have historically been under-represented may not have the  
2 statistical criteria to get into some of the other schools. So we want to make sure that  
3 when the schools admit students who's criteria are somewhat lower that they have other  
4 reason to believe that these students can succeed anyway so maybe those students come  
5 in with a Master's Degree in some other field or proven leadership ability or a military  
6 background or they have run a business but something that shows that even though they  
7 may have had a low LSAT there are other reasons to believe that they are going to  
8 succeed so when we see a drop in LSAT we can't automatically say, "Oops bad." There  
9 is no presumptive minimum LSAT where we say you cannot go to law school under any  
10 circumstances some people just don't test well.

11           But it doesn't mean that they couldn't be a good lawyer otherwise. There  
12 are other skills that make one good leader and a good lawyer and a good listener and a  
13 good counselor all of which are important attributes of being a good lawyer. So when we  
14 see for example LSAT falling that would raise a flag.

15           MR. BOEHME: Right but no one is talking about LSAT. We are talking  
16 about student debt right so -- I guess you are not answering my question and so I would  
17 like for us to stay on that. I completely acknowledge and I like your answer that plenty  
18 of opportunities and so there is probably a great deal of support going towards these  
19 students but as the accreditor what is your response when as I am presenting to you some  
20 not so great statistics and I am not trying to gloss things over, things that are contributing  
21 to a national phenomenon of students having a large amount of debt and the ABA  
22 accredited schools have a tremendous amount of debt and it is true with many universities

1 and I am going to ask these questions of other accreditors so don't think I have something  
2 against ABA, maybe I want to go to law school to if anyone will accept me after this.

3 But I think the -- I just want to make sure we are talking about what is  
4 your responsibility and your response to these lower performing schools. I mean have  
5 they been put on probation that's my first question.

6 MS. BERCH: You make a valid point. The answer is has anyone yet  
7 been put on probation? No. Again this is a relative new phenomenon of schools having  
8 these broad bands. I tried to be direct about saying that these are schools that are now  
9 involved in interim monitoring or in the process with these schools. Do you want to put a  
10 little flesh on that?

11 MR. ADAMS: So the interim monitoring really asks the schools to give  
12 more in depth information so like I said with the schools that were sent letters in 2014  
13 they provided responses some of them. I mean some schools provided more in depth  
14 analysis of how their students were doing post 10 months. We don't require them to go  
15 into 10 months but with the schools that are having problematic sort of indicators the  
16 Committee is going a lot deeper in asking them to provide additional information.

17 So there's a dialogue going on like you say with 6 schools that submitted  
18 initial inquiry and there's a dialogue going on with 15 now so they could go on probation  
19 at some point but they haven't reached a point yet where --

20 MR. BEOHME: So there's an internal flag system is that correct?

21 MR. ADAMS: That's correct.

22 MR. BOEHME: So how would a student know using your example that a

1 low opportunity let's for example someone in the military or name the circumstance that  
2 they may have to take out extreme amounts of debt but they do not hold on -- they are not  
3 aware of this because the ABA has an internal system. Is there an external system where  
4 students are able to see that -- wait a minute maybe this school that I am going to go to is  
5 not such a good idea because I have to take out large amounts of debt, they do not have a  
6 good job placement rate.

7 MR. ADAMS: So it is available to them, that's the reason you know that  
8 it is because on their 509 reports it says this school has this bar pass rate, this school has  
9 this placement rate in bar pass required jobs that's the reason you could name those  
10 schools so any applicant to those schools --

11 MR. BOEHME: I couldn't find that through the ABA website so I am just  
12 asking.

13 MR. ADAMS: It's on the school's website and it's available through our  
14 website but they are all required to report all of that information. So it is up there what  
15 their job placement rate is at 10 months, what their bar pass rate is, what their credentials  
16 are and also we do have the cost of education, the amount of grants and scholarships, the  
17 number of them, the 25<sup>th</sup>, 50<sup>th</sup> and 75<sup>th</sup> sort of percentiles on what that is, so they can  
18 calculate what their cost is going to be from that 509 and see those bad results that you  
19 cited.

20 And like you said that doesn't from that information that is not a complete  
21 picture of the institution however, and that is the reason that we are talking to them.  
22 Some of them can produce more information about what is happening with those

1 graduates post 10 months and like I say the dialogue is going on and we are not at a point  
2 yet that we can say whether any schools will go on probation or not but they may but the  
3 information about what chances am I taking at this school is there on the school website  
4 itself and you can access it through our website.

5 MS. PHILLIPS: If I might just pause we will have a chance to come back  
6 to speak to the Agency again after the third party comment. I would like to get Cam's  
7 questions answered and move on to them and we will come back to this as needed, Cam?

8 MR. STAPLES: Thank you Susan. I would like to ask a little bit about  
9 the LSAT and the reason I want to ask that is because you mentioned that you require not  
10 the LSAT but that whatever assessment is utilized that the let's see -- it will validly and  
11 reliably predict student performance, along those lines -- and I am curious about that  
12 because as I am sure you know the SAT is being roundly abandoned by colleges largely  
13 because there is no reliable connection between SAT scores and student performance.

14 Now do you have data that actually matches the LSAT's with performance  
15 in law school around like the GPA in law school is it around -- I'm curious about that  
16 because it is a bit of a novel bit of evidence if you have it.

17 MS. BERCH: Yes there was a correlation study done and it correlates the  
18 success on the LSAT with success in the first year of law school. Now since then less  
19 formal studies have been done that tend to show correlations between the LSAT and  
20 ultimate completion of law school and between the LSAT and bar passage but those are  
21 less formal studies.

22 The formal study that I am aware of is the correlation between the LSAT

1 and success in the first year of law school.

2 MR. CURRIER: Well and if I may beyond that -- every school every year  
3 gets a report that takes its admission's formula -- every school has an admission's  
4 formula that has a valid and reliable test score let's say the LSAT and the undergraduate  
5 grade point average weighted in certain ways that comes up with some number that is  
6 then used in the admission's process.

7 At the end of the first year every school gets a report that says this is how  
8 your formula worked this year in terms of predicting pass/fail and indeed relative  
9 performance and so you can calibrate it. You can raise the LSAT lower the UGPA so it  
10 is validated every year with reports that schools get. Now it has been going on for many  
11 years so the tweaking of the formulas is usually within a very narrow range but every  
12 year the indicia that you use, the quantifiable information is actually spit back to you by  
13 the LSAC and you are told what the correlation is between your admission's formula and  
14 your first year class performance.

15 MR. STAPLES: And I imagine that is useful data. I guess the question  
16 though is law schools are not permitted to go the way the colleges are going and become  
17 test optional.

18 MR. CURRIER: At the moment a school must require a valid and reliable  
19 test. The Council has on its plate a question about whether or not to continue that  
20 standard insist on the LSAT or do something in between like let a lot of other tests come  
21 up and compete.

22 And as Justice Berch mentioned there's one school that has a study that

1 has been done for it that purports to validate the graduate record exam for law school  
2 admissions and we are looking at that study and will determine whether or not it is valid  
3 and reliable for that school and if it is there probably will have to be a process for that test  
4 to be more nationally validated but that is not the business we have been in -- validating  
5 tests if you will and so we have got to think about the process that we should go through  
6 to make that conclusion.

7 MR. STAPLES: I understand that but by requiring a test you are setting  
8 the stage for that whole conversation and I guess I am asking this because it is not  
9 directly related to the issues that Simon was raising but I think the combination of some  
10 questions and answers about the standards that you have whether it is limiting the  
11 percentage of adjuncts, whether it is setting certain limits in terms of the years of law  
12 school you are building in a cost structure, you are building in perhaps in the case of the  
13 LSAT a test that is not as you mentioned earlier, not necessarily for every applicant for  
14 sure, for every lawyer a good measure of whether they will be a good lawyer.

15 You are building in certain criteria that perhaps restrict the applicant pool,  
16 perhaps have a certain bias towards certain skill sets, cultural and other diversity biases  
17 and I guess they may also contribute to the death structure. Having been one of the many  
18 people who went to law school I found my adjuncts to be in many ways more interesting  
19 and more related to the actual practice of law than my academic courses.

20 So I would be interested in encompassing a base law school that has  
21 nothing but adjuncts and could reduce its costs dramatically but they are not allowed to  
22 do that under the structure that you presently have and you can't perhaps draw a straight

1 line from your structure to the cost but I think you do limit flexibility and you limit  
2 innovation and I think that that should be examined.

3 And I say that because I think all of this adds up to a picture where in the  
4 world of law school right now those are things that should be really considered and  
5 emphasized and I think if your practices prevent that then they ought to be examined.

6 MS. BERCH: Madame Chair if I might?

7 MS. PHILLIPS: Yes ma'am.

8 MS. BERCH: I'll be brief. Points well taken and several of these ideas  
9 are under consideration by us. I would point out that the genesis of the LSAT was  
10 actually to provide an objective indicator so that law schools wouldn't become an old  
11 boy's network so that there would be an objective basis on which anyone who scored  
12 well on the LSAT might get into law school.

13 There was the fear that schools were using interviews and photographs  
14 and things to exclude certain classes of people from law school so in fact the LSAT was a  
15 way to let more people in to diversify the profession. Does any testing add a layer of  
16 expense? Yes. But it is also easy for law schools. They have created this index where  
17 you have LSAP scores and a GPA and they weight them and it also assists the schools.

18 So this discussion as you can tell is ongoing and there are feelings on all  
19 sides of it but we are looking at it, thank you.

20 MR. STAPLES: Thank you.

21 MS. PHILLIPS: Thank you very much. I am going to take a pause for  
22 you folks at the moment. We are going to move to third party comments. We do have



1 two third party commenters so you can take a seat and we will call you back, don't go too  
2 far. Our first third party oral commenter is Montgomery Blair Sibley with William  
3 Sumner Scott to follow and again we have a three minute interval that we can take your  
4 testimony and welcome, thank you for joining us.

5 MR. SIBLEY: Thank you. Good afternoon my name is Montgomery  
6 Blair Sibley and I am simply the voice in the wilderness of this room. And I ask you  
7 today what do the DC Madam escort service records, the law firm of Littler and  
8 Mendleson and your recommendation to the Secretary have in common? They all reflect  
9 the state of 65 years of the American Bar Association turning the American legal  
10 profession into what a judge of the Chief Justice of the Arizona Court of Appeals John  
11 Malloy said that "The once honorable profession of law now fully functions as a bottom  
12 line business driven by greed and the pursuit of power and wealth."

13 I submit to you today the question is not whether the debt is too high -- of  
14 course it is. Whether law schools are defrauding their students -- of course they are. The  
15 question is what has become of our legal system? And I answer you it is broken and if  
16 you give the ABA another five years to continue that culture, continue the churning out a  
17 culture that supports a broken legal system you are derelict in your study to the public.

18 This ABA created legal system has produced mega law firms that  
19 overwhelm the individuals that are sucked into this legal system and as a result they have  
20 no access to justice. For example I worked for Carmax for five years, I was recently  
21 fired. Carmax hired Lenore Mendleson, a thousand dollar law firm, half a billion dollar a  
22 year billing law firm to come up against me.

1                   Now I am just an individual -- I'm better trained than most but I am still  
2 just an individual. What chance do I have in that David and Goliath fight and that is the  
3 kind of situation the ABA created legal system has made here. We have talked about the  
4 law school graduates who are drowning in student debt, obligating them not to do good  
5 but to do well and as a result for example the New England law school in 2012 paid its  
6 Dean \$873,000 yet his graduates nine months later only 40% of them had legal jobs, 20%  
7 of them were unemployed.

8                   I tell you today for those who cannot be here that millions of poor and low  
9 income U.S. citizens remain desperate for legal representation. Public defenders around  
10 the country are on miniscule budgets and are so overworked they are not providing  
11 constitutionally mandated representation for criminal defendants.

12                   Civil legal services that help people with housing, immigration and work  
13 place issues are basically non-existent and I mentioned the DC Madam escort records --  
14 ladies and gentlemen if you would like me to request them for you I will give you the  
15 names of thousands of lawyers who used the escort service as part of their business  
16 model.

17                   And if that doesn't tell you what the ABA does in terms of developing  
18 ethical and morally decent people who run this country nothing else will. Is that my three  
19 minutes ma'am?

20                   MS. PHILLIPS: That is your three minutes. Thank you very much. Any  
21 questions for this witness? Thank you for joining us. Our next speaker is William  
22 Sumner Scott, welcome.

1           MR. SCOTT: Thank you. The ABA is one of the gatekeepers for forced  
2   ignorance in the United States. On September 11, 2001 the U.S. mainstream media  
3   filmed the collapse of World Trade Center buildings 1, 2 and 7. Those films show the  
4   World Trade Center buildings came down at freefall speed into their footprints.  
5   Newton's second law of motion requires extreme force to do that. The only way to  
6   provide sufficient force is by the use of explosives, you can see the BYU physics  
7   Professor Dr. Stephen E. Jones' work on that subject.

8           However the official United States Government 911 Commission report  
9   asserts that no explosives were used. The American Bar Association is an integral part of  
10  the higher education system that enforces the acceptance of the official 911  
11  Commission's report of no explosives. As a consequence of the ABA control the U.S.  
12  legal system teaches that Newton's second law of motion does not apply to the  
13  destruction of the World Trade Center.

14           To eliminate this forced ignorance upon law students the American Bar  
15  Association must be removed from the law school accreditation process. Removal of the  
16  ABA will allow individual law schools to teach the truth of what high level official  
17  criminal conduct that now goes uninvestigated.

18           Historically 100% of the members of this Committee were selected by the  
19  Secretary of Education. In 2006 this Committee was engaged in serious deliberations to  
20  get rid of the American Bar Association. They did an Enron they went to the United  
21  States Congress and now two-thirds of you are employed by politicians and appointed by  
22  the politicians.

1           The politicians believe that by your appointment that you will continue to  
2 enforce ignorance upon all students at all levels of higher education. In order to stop that  
3 we have to first get rid of the American Bar Association, we have to let lawyers like me  
4 who relatively have just a little small law firm to deal with and provide support so that we  
5 can influence individual law schools to teach honest subjects instead of being brow  
6 beaten by the American Bar Association accreditation process.

7           This has to come to a stop and because you were politically appointed I  
8 think you have more responsibility than the high quality that was appointed by the  
9 Secretary of Education historically. You now have a direct contact with political people  
10 and you can directly use your influence to get education where it ought to be because free  
11 speech means nothing if we can't teach it to our young people, thank you very much.

12           MS. PHILLIPS: Thank you any questions for the speaker? Thank you  
13 very much for your comment. We would invite the Agency to return to the table,  
14 representatives of the Agency.

15           I would like to give you the opportunity to respond to any or all of the  
16 third party comments that you have just heard.

17           MS. BERCH: I'll pass and defer to my colleagues.

18           MS. PHILLIPS: Thank you, the Department if I could ask Dr. Harris to  
19 rejoin us. I wanted to give the opportunity for the Department to respond to the Agency  
20 or the third party comments and Herman is first up on that.

21           MR. BOUNDS: Thank you. I would like to make a couple of comments.  
22 I know the Agency referenced the 2011 staff report which is great and we look at past

1 reports however we look at each agency new during the review process. So if we didn't  
2 do that we may not find issues or concerns that we should have picked up then. So while  
3 again you know that I just want to let you know that we do look at each agency each time  
4 based on what they are doing at that point.

5           The second thing I would like to bring up is we always ask for resumes for  
6 staff. We need to know exactly what those folks are doing. We have no idea what their  
7 experience levels are, what their functions are, what their performances are so that is why  
8 we ask for those staff resumes. Especially since you know later down the line we may  
9 get issues of complaints, we may get other issues brought to us about the agency if we  
10 have an idea of what your experience level is we can address those issues.

11           And then the other two more points -- the other point that I wanted to  
12 make is that we can't wait forever for documentation. At some point we have to push the  
13 button the staff report and when that information comes in late that would cause our  
14 reports to be late so we have to get that information out to the Committee, I just wanted  
15 to bring that point up.

16           The last two points is that your practices have to reflect -- your policies  
17 have to reflect your practice so you know depending on what you are doing with the side  
18 report or the questionnaire the way you described it is fine but your policies have to  
19 currently reflect what you are doing so that is why you were found out of compliance  
20 with those issues, no matter how minor.

21           We want to make sure that the schools that follow your standards clearly  
22 understand what you want them to do. The other thing I wanted to talk about real briefly

1 is -- and that would also apply to the academic administrator participation. It just has to  
2 be clear. If that part is unclear you have to be found out of compliance with those areas.

3           So no matter how minor, no matter how minor your practice has to follow  
4 what's written in your criteria or your standards.

5           MS. PHILLIPS: Any further Departmental response or Committee  
6 questions for Department or Agency? Art?

7           MR. KEISER: My understanding of a big part of the review, on the 5 year  
8 review is that the Agency is required to do a systematic review of their standards, is that  
9 correct?

10          MS. HARRIS: You're asking the Department? Okay you said they are  
11 required to do --

12          MR. KEISER: A systematic review of their standards?

13          MS. HARRIS: They are actually required to do a systematic review of  
14 their standards and show documentation that that was done.

15          MR. KEISER: And that's kind of one of the things that bothered me  
16 because we had a lot of conversations today but one of the conversations the question  
17 was asked why the time length of the program and the response from the Commission  
18 was well we don't review that or we haven't reviewed that and maybe it is a good idea  
19 that we do review that but that is one of their standards.

20                 Would they have been required to review that standard?

21          MS. HARRIS: What happens is they are required to submit  
22 documentation of a full cycle review. The full cycle review is based upon what was

1 submitted -- we don't tell the agency what to submit they submit a full cycle review that  
2 might not pertain to a particular issue but it does pertain to the standard being met as a  
3 request, a response and a Commission decision based on the standards.

4 MR. KEISER: But if they have a standard during the five year cycle they  
5 would need to have gotten a review of that standard wouldn't they have?

6 MS. HARRIS: Correct and show evidence.

7 MR. KEISER: Thank you.

8 MS. PHILLIPS: Ralph?

9 MR. WOLFF: Just to clarify I thought each agency and maybe it's  
10 different for specialized but I thought each agency had to have a policy on the cycle of  
11 the review of the standards and what the time frame was but not the expectation that  
12 within the next cycle of comprehensive review every time it needed to do a  
13 comprehensive review of the standards that it may be that the ABA is five years but  
14 maybe you all can correct that.

15 But I didn't think that it was the cycle of review opined -- I mean the time  
16 they came before this Committee to find the cycle of review they just had to have a  
17 policy that stated what the numbers of years were for that comprehensive review.

18 MR. BOUNDS: Right they just have to have requirements that they do a  
19 systematic review of standards in their policy so you are absolutely right.

20 MR. WOLFF: So I guess my question if I could tag on yours was what is  
21 the time frame for your cycle of review and when was the last time that you did it within  
22 your own cycle or time frame that you have established?

1           MR. CURRIER: We have completed and you know our standards require  
2 eventually concurrence by the ABA House of Delegates so the Council has ultimate  
3 authority over that we have to refer them to the ABA House of Delegates for review. We  
4 finished the last comprehensive review in 2014 and so in our rules we are committed to  
5 rule is this the internal operating procedure -- internal operating procedure 8. We are  
6 committed to a 10 year cycle for comprehensive review which we think is consistent with  
7 the recognition criteria that just require us to establish a periodic review.

8           But really it is an ongoing process. I mean we have a Standard Review  
9 Committee that meets four times a year and the Council takes up changes to the standards  
10 including important things like the admission standards on a regular basis but we began a  
11 comprehensive review in 20 -- before I returned to the office, 2011 or '12 and we  
12 finished in 2014.

13           MR. KEISER: If I may. What I am not talking about the review as much  
14 as the validity study that they are supposed to study their standards to make sure they are  
15 valid and one of the issues was you know are these standards valid and specifically -- the  
16 length of the programs -- never mind I just found there were a lot of answers that had we  
17 are going to be doing this, we are going to be doing this and that was one that said we  
18 haven't done it and that concerned me that you know it's not been systematically  
19 reviewed and validated.

20           But I'm ready to make a recommendation.

21           MS. PHILLIPS: Okay we have the readers ready to make a motion.

22           MS. DERLIN: Bobbie -- thank you all very much for your work and for



1 being here and the commentators. I would like to make a motion to accept the staff  
2 recommendation and the motion would be as follows: Continue the Agency's  
3 recognition as a nationally recognized accrediting Agency at this time and require the  
4 Agency to come into compliance within 12 months with the criteria listed in the report  
5 and submit a compliance report due 30 days thereafter that demonstrates the Agency's  
6 compliance.

7 MS. PHILLIPS: Do I have a second?

8 MR. KEISER: I will second.

9 MS. PHILLIPS: And discussion? You can see the motion on the screen.  
10 Ralph?

11 MR. WOLFF: I'm a little flummoxed by the regulatory requirements and  
12 the general interest so I don't know that it is anything to put in the resolution but the  
13 compliance report is limited to some fairly documentary evidence most of which can  
14 already be established. I would be curious to know how the follow-up is going and  
15 what's been happening with the adoption of the standards for the Council delegates?

16 Whether or not how you are moving the same issue we have with the ABA  
17 to use the benchmarks that you have established to know when to trigger a timeframe? I  
18 don't see those as non-compliance issues but I am feeling that we are not going to be able  
19 -- or are we going to be able to talk about those things in 12 months or do we have to wait  
20 until the next comprehensive review?

21 MR. CURRIER: May I say we would be glad to file a memorandum that  
22 gets into some of the issues that you all for your information I mean -- we don't have

1 anything to hide and Lord knows when the newspapers -- often enough so it might be  
2 better for you to have information from the horse's mouth rather than period.

3 MS. PHILLIPS: I have got Jen, Hank and Art.

4 MS. HONG: So to be sure Ralph you are talking about like a  
5 supplementary report outside of the issues on the compliance report, a supplementary  
6 follow-up how is it going prior to their renewal recognition is that right?

7 MR. WOLFF: Well we're trying to -- we are doing these issues because  
8 they are characterized as non-compliance however one month to look at I mean -- but I'm  
9 really this is not a non-compliance issue. It's more informational and I don't know how  
10 within a regulatory structure we can do this without it becoming or appearing punitive or  
11 as some kind of negative finding.

12 And it is more than curiosity I see us raising this issue over and over again  
13 and we are -- I'm just saying where our best practice is and what can be done and how do  
14 we built our practice and I don't want to wait five years.

15 MS. PHILLIPS: So just a query and this may be a possible amendment  
16 might be simply to add a statement that says that the NACIQI would welcome an update  
17 on the issues that were discussed at this meeting, particularly progress in reviewing  
18 standards and student data perhaps.

19 MR. WOLFF: And the auditing process.

20 MS. PHILLIPS: And the auditing process.

21 MR. WOLFF: That was described so well.

22 MS. PHILLIPS: It's not a compliance issue, and it's not even a

1 requirement it is just that we would welcome an update.

2 MR. CURRIER: Excuse me the important issues around that job  
3 opportunities the auditing procedure I mean the issues that are very much on our minds  
4 and we want to make sure we are doing a good job on for our students and the profession  
5 as well as our schools so we would be glad to do that.

6 MS. PHILLIPS: I've got actually Art and Hank sorry to interrupt.

7 MR. KEISER: I did second the motion but I have a lot of concern. There  
8 has been a lot of discussion but a lot of will dos, a lot of we are thinking about it, the fact  
9 that within 5 years with all of the challenges their sector of education has had, not one  
10 probation and not one failed grant -- that's concerning me and especially in light of other  
11 agencies we are dealing with.

12 So I will be interested to see how we vote.

13 MS. PHILLIPS: Sorry Hank.

14 MR. BOEHME: Thank you. I find this question very difficult. The ABA  
15 is filled with publicly spirited people who work very hard, donate their time for great  
16 public service. We have had a very articulate and I think a very public spirited group  
17 represent the ABA today you have done an excellent job so I don't attribute to any evil  
18 motives to anyone.

19 But I am troubled that the ABA just simply isn't independent enough for  
20 this responsibility. You can't look at the costs of law school throughout this nation in the  
21 last decades and not be shocked by the fact that the cost is going up much more rapidly  
22 than the rate of inflation. It has gone up astronomically and in the spirit of quality the

1 ABA has come up with standards that have driven excuse me -- partially driven that cost.

2 And at least for me I find it very difficult to think that they are going to be  
3 objective enough to continue to carry out this responsibility and I reluctantly conclude  
4 that the ABA is not the appropriate accreditor for our law schools.

5 MS. PHILLIPS: Thank you other discussion, Simon?

6 MR. BOEHME: I will also not be supporting this motion for the  
7 comments that I have brought up and I think for many from Hank and I think for some of  
8 the responses I agree with the ABA on some things but the crushing debt load on  
9 thousands and thousands of students is too serious for us and I would encourage my  
10 Committee for us to just stand by and apply a stamp of approval to allow this cycle to  
11 continue.

12 And I think the debt load is not going to get better if we say yes to this  
13 motion.

14 MS. PHILLIPS: Jill?

15 MS. DERBY: It would be helpful to me to hear that those who are not  
16 supporting the motion have in mind as an alternative course of action for this panel.

17 MS. PHILLIPS: Simon? Hank?

18 MR. BROWN: That's a very good question unfortunately. If there's a  
19 villain here in my mind it is Congress to add the absolute death sentence to people who  
20 don't get accreditation through the loss of Title 4 money and other programs. My sense  
21 is that they would be much better off with an accreditation body that is independent  
22 perhaps appointed by the Secretary of Education but has the same -- the choices of the

1 people on it are guided by the normal conflict of interest rules that should guide other  
2 appointments.

3 I think that objectivity is important as you go through this process so I  
4 would think an independent body that does not have the conflict of interest that the ABA  
5 has.

6 MS. PHILLIPS: Cam?

7 MR. STAPLES: If you don't mind I hate to put you on the spot Hank but  
8 I think that's an interesting question. When I think of independence I think of  
9 independence of whom and of what and are we talking about a body -- our accrediting  
10 bodies are filled with members. They are filled with the institutions that they accredit  
11 that is their model that they are the experts and so it's a good question but then if you  
12 were to create a separate body you would not have representation from the law schools  
13 let's say or from the legal profession, I assume you would have a legal profession.

14 I don't know how you get independence on a model that is based on peer  
15 review. I mean so I guess I understand your concern and I am not sure how you construct  
16 such an entity unless it becomes much more of a compliance driven entity and that could  
17 be done by the U.S. Department of Education, but it would be a very different process  
18 and it would involve the people that are on the ground and in those institutions so I guess  
19 I don't know how you create independence and still have people who are in the field  
20 involved.

21 MS. PHILLIPS: I have Ralph?

22 MR. WOLFF: Well with due respect to those who are expressing concern

1 there is no legal or regulatory provision about cost nor is there about loan amounts. It's  
2 of concern -- both are of concern to me but in a sense it's not grounded in the regulatory  
3 framework that we are required to uphold.

4 We have in my opinion we have seen that the Agency well it may not have  
5 removed accreditation has fined I assume, more than one institution than just the  
6 University of Illinois, made that public which would be comparable and if not worse to a  
7 probation which has no cost associated or at least penalty associated.

8 It may have an effect on student enrollment but so to would disclosure  
9 having misrepresented data. So it does seem to me I would be far more concerned if  
10 there had been no action taken in response to findings but there appears to both have been  
11 individual actions to law schools and a responsible process to honor data and so I don't  
12 see frankly the legal basis or even the substantive basis to deny recognition of this  
13 agency.

14 In fact I would see the basis for a continuation and with encouragement to  
15 keep moving in the direction that it appears that the Agency is moving in.

16 MS. PHILLIPS: Further Committee discussion, Art?

17 MR. KEISER: I was not suggesting or even suggesting I would vote  
18 against the motion and I don't believe that withdrawal of recognition is in at least in my  
19 mind part of the discussion. I do believe that the -- I think it was Cam that made a  
20 suggestion that they come back and report on what all the promises they kind of made us  
21 today they were going to do this, it is great to collect data but they don't have any  
22 standard on placement. What's the point of collecting data if you can't you know use the

1 data to help the students and protect the students so I would suggest -- I would agree with  
2 the amendment was it you Ralph I'm sorry that they come back and address these issues  
3 and bring them up and we have another discussion hopefully shorter.

4           So I would accept that -- how about would you make a motion to accept  
5 that as an amendment?

6           MS. DERLIN: The maker of the motion accepts the amendments you  
7 propose requiring this update report.

8           MR. KEISER: I would accept that in the amendment.

9           MS. PHILLIPS: The amendment that I have proposed wasn't actually a  
10 requirement it was that NACIQI would welcome an update on the matters discussed at  
11 this meeting.

12           MS. DERLIN: I'm happy to welcome an update.

13           MS. PHILLIPS: Jen?

14           MS. HONG: You just specify what exactly you want included. I heard  
15 information about the audit process as well as the update on the standards is that right?

16           MS. DERLIN: Updating the standards, the audit process further  
17 information and analysis related to debt and cost, is that a fair -- Ralph has an addition.

18           MR. WOLFF: If I could add I hope I just didn't lose it. I consider this  
19 related to the discussion we had with the APA how the data is being used to establish a  
20 decision-making framework so the benchmarks that lead to a decision-making framework  
21 so in the same way we can raise the question when are triggers for actions taken for two  
22 years not on a specific data but how you are coming to judgment about that.

1                   MS. PHILLIPS: Okay so right now we have a motion as stated modified  
2 by something that is not up there but includes a statement about NACIQI being updated  
3 on the progress on the issues that we have just enumerated. Ready to call a question?

4                   MR. BOEHME: I just wanted to say Ralph and Art and Cam all bring up  
5 very important points and Jill you as always ask the tough questions and you ask the right  
6 questions that you know coming up with an alternative is tough. But I think it is  
7 important to remind the Committee that despite the New York Times inaccurately saying  
8 that we do make the final decision we only offer recommendation.

9                   And I think it is not honest and I think it is inaccurate for us to send a  
10 recommendation to a senior level official because I assume he or she does not read our  
11 transcripts. They do not sit through the --

12                   MS. PHILLIPS: They do.

13                   MR. BOEHME: So maybe they do have transcripts but I am sure many of  
14 them do not have the time to sit through and read through 8 hours of all of our comments.

15                   MS. PHILLIPS: They do.

16                   MR. BOEHME: So maybe they do. And maybe I'm wrong, it is not the  
17 first time that I will be wrong and certainly not the last but I think it is absolutely  
18 important again that we send a signal and this is not the first time that this Committee in  
19 this meeting and in the future is going to be asked to take on tough questions.

20                   And while it may be true that this senior level official sits through hours  
21 and hours of our transcripts and sees this debate I think that we have to at some point and  
22 I have said this over and over at this Committee we have to start making a stand and we



1 have to start doing something about this and again I am not going to be voting for this  
2 motion and maybe others will follow suit.

3 MS. PHILLIPS: Thank you Simon, Anne?

4 MS. NEAL: Just following up on that. I think a number of us have shared  
5 a dissatisfaction quite frankly with the staff report. It was a good report as far as it goes  
6 but it was really largely focused on minutia in many respects and did not really get to the  
7 issues of standards and student support services and other things that we are talking  
8 about.

9 So as I look at this motion satisfying the compliance report will not  
10 address my concerns about the ABA standards and their application nor will this  
11 additional update. So what it says to me regrettably is that the framework we have been  
12 given by Congress is really quite inadequate to deal with these issues and that it needs to  
13 be looked at systematically because we find ourselves almost frozen each time we face  
14 difficulties with accrediting bodies.

15 Just to throw in a little rock I will also suggest that the only other thing  
16 that really seems to be available to us other than the nuclear option is to put a limitation  
17 on accreditors that would not allow them to accredit any new institutions or programs  
18 pending their return to NACIQI. I raise that simply as one possible way of suggesting to  
19 the accreditors that we are really not happy we want you to take our recommendations  
20 seriously and not simply come back 6 years later or whatever saying we are going to  
21 think about it next time.

22 MS. PHILLIPS: Thank you Anne, other discussion on the motion that we

1 have before us, Jill?

2 MS. DERBY: Well I just wanted to follow up with Anne if she was  
3 considering offering that as a second amendment or just pointing out what was available  
4 to us which frankly I didn't realize to us. It's just I hate to sound like Frank Wu or I'm  
5 happy to sound like Frank Wu but once again we are limited by the options that we have  
6 and I think it is over and over and over again frustrating to us so to the degree where  
7 there are obviously out of this conversation you have heard the concerns that people  
8 have.

9 And Simon is right the sense of just rubber stamping a recommendation  
10 that sounds like that means we will look at it again in 5 years doesn't feel adequate to me  
11 or probably most of the people on this panel so you know looking for ways and I think  
12 that you called it welcoming that's a very friendly way of saying it -- a follow-up but you  
13 know I think I was looking for something that had a little bit more of a requirement to it.  
14 Maybe Anne suggested that.

15 MS. PHILLIPS: So I have Bobbie and Bill I do want to note that this  
16 motion either needs to be withdrawn or voted on before we take up a different motion. I  
17 don't think the one at the end suggested would be an amendment to this since it is counter  
18 to the continue. I have got Bobbie and Paul and then I have to call the question.

19 MS. DERLIN: Well to an extent Sue I think you sort of stole my thunder  
20 in that to welcome and update and make an amendment or we will freeze your ability to  
21 recognize new schools doesn't fit so I think we either have to defeat this or withdraw it or  
22 whatever.

1 MS. PHILLIPS: And Paul?

2 MR. LEBLANC: So I'm still new enough to want to be in that sort of sit  
3 and shut up and learn a lot more but I have to confess to you as Jill said echoing Frank's  
4 frustration earlier with APA and now this review. This feels like an Agency that is out of  
5 step with a crisis in its profession, out of step with the changes in higher Ed and out of  
6 step with the plight of the students that are going through the law schools.

7 And I wish we had something other than the nuclear option. I am inclined  
8 to support Anne's perspective on this if nothing more to signal that dissatisfaction and  
9 Jen if I want to as the language of the motion is actually I further move so is it not to be  
10 offered as an amendment or can one vote to support this motion and follow with the  
11 limitation motion? I'm just looking at the language you have -- you all have given us  
12 which says I further move not -- there's a distinction between actions that say I move and  
13 then actions which say I further move and I am not sure how they are intended.

14 MS. PHILLIPS: Sally?

15 MS. MORGAN: I think a limitation would be inconsistent with the  
16 motion that is up there.

17 MR. LEBLANC: How so one could say it would be approved that we are  
18 allowing your continuation but we are not allowing you any other new schools until our  
19 issues are addressed.

20 MS. MORGAN: If you want to put a limitation in there you should put it  
21 in there, what you said there is you are going to continue their recognition without stating  
22 a limitation.

1 MS. PHILLIPS: So we have as a possible amendment to add a limitation  
2 to that first statement at this time, and not allow additional new institutions to be  
3 accredited and then continue as is. I'm just framing the question that would still need to  
4 be considered as a friendly amendment to those who moved this.

5 MR. KEISER: I would prefer that we go to the vote, we defeat the vote  
6 and then we go to a new motion.

7 MS. PHILLIPS: That means it is not considered friendly.

8 MR. KEISER: That's it -- I want to be friendly.

9 MS. PHILLIPS: He's also called the question I think I am going to go  
10 with up or down on this as it exists on the screen right now. Okay a show of hands those  
11 in favor of the motion as shown on the screen? Six for -- those against -- seven, the  
12 motion is defeated.

13 Now we can introduce a different motion anybody who would like to offer  
14 one? Kathleen?

15 MS. ALIOTO: Without offering a motion I'm wondering if there could be  
16 some kind of an angle here for to encourage more innovating thinking on the part of the  
17 Bureau in terms of the regulations in regard to distance education among other things and  
18 the just to think of it more creatively about how to respond to the crisis in this industry?  
19 I don't know how exactly I'm not one of the lawyers.

20 MS. PHILLIPS: And we don't have the bar available to content with we  
21 do have the accreditors so you might be able to address it to there but we are looking for -  
22 - would you have a motion for us?

1 MS. ALIOTO: No.

2 MR. WOLFF: I'm glad we separated the motions out because they are  
3 fundamentally opposed to one another. The motion we just defeated was that the Agency  
4 is in compliance. In order to create a limitation the Agency needs to be found in non-  
5 compliance. Given that the staff has not found that there is an area of significant non-  
6 compliance I would like to know other than general disrespect for -- dissatisfaction I  
7 think is a better term with the ABA accrediting process -- where is it in non-compliance  
8 because any limitation has to be grounded and a specific finding of a regulatory section.

9 Because they have standards -- we may not like the standards, the issues of  
10 cost and debt are not in the regulatory framework so I say if anyone wishes to make a  
11 motion I would need to know where have you found that this Agency is not non-  
12 compliant and that it would withstand appropriate review.

13 MS. PHILLIPS: Jill?

14 MS. DERBY: Well I would like to hear the legal opinion from our legal  
15 counsel regarding that. Is that the case that in order to put that limitation into a motion  
16 that we would have to have found it in non-compliance is that the case?

17 MS. PHILLIPS: Sally?

18 MS. MORGAN: Yes so there are some areas the staff has found them not  
19 in compliant with but those are -- those are areas that are quickly remedied with a  
20 compliance report. If there's -- to justify a limitation you need to identify some violation  
21 that would support it.

22 MS. PHILLIPS: Anne, motion perhaps?

1 MS. NEAL: No a question actually. I know things have changed over the  
2 last few years. In the old days there used to be something that allowed a -- required a  
3 new petition in 12 months is that an option that still exists or not?

4 MS. MORGAN: Certainly if you wanted to grant them for example a one  
5 year period of recognition and then require them to come back and file a compliance  
6 report and a renewal petition you could do that.

7 MS. PHILLIPS: And would that have to be based on an out of  
8 compliance finding?

9 MS. MORGAN: No you could grant them a one year period of  
10 recognition.

11 MS. PHILLIPS: Cam?

12 MR. STAPLES: I am just trying to understand what that does. So that  
13 means they would come in and we would ask them to come in and for a whole new cycle  
14 of recognition starting in a year wherever they are in the process now and where are they  
15 in the process now, how many years are there left in their recognition?

16 MS. PHILLIPS: I've got Jen and --

17 MS. HONG: So effectively what they have is they have a year to come  
18 back and respond to the non-compliance issues but we are asking instead of having them  
19 come back and respond to the non-compliance issues have them submit a whole new  
20 renewal recognition.

21 MS. NEAL: I mean I'm looking at the various options that were presented  
22 to us some years ago as available to us and I am wondering if this is one that we could do

1 so that they could respond to the compliance report but I think our dissatisfaction here is  
2 that responding to the compliance report doesn't deal with the broader issues that we are  
3 very much concerned about and potentially if a new petition is filed they will have to  
4 address those standards again more fully and we will have an opportunity within the  
5 system and with an appropriate procedure to address these concerns that we are raising.

6 What I am asking is that in fact true?

7 MS. PHILLIPS: I have got just a comment to make and then Nicole to  
8 speak. I am having trouble understanding how a new application speaking to the  
9 regulations which is what the applications do would speak any differently than they have  
10 currently spoken to which we can't find them out of compliance so I am wondering if it is  
11 just an exercise in repetition given that the issue that is troublesome to people, issues that  
12 are troublesome to people don't seem to be reachable through the regulations that we  
13 have to work with.

14 Ms. Neal: I guess this goes to a broader question. When we look at the  
15 particular report before us as I say it deals with documentation and very ministerial  
16 matters. In others before us we are being asked to look at how verification of placement  
17 rates are done, how do they deal with fraud and abuse, what are they doing with student  
18 debt -- a very different context being presented in the staff report and so this then  
19 becomes a challenge for me as a member of NACIQI because it is inconsistent emphases  
20 and treatments of the various applicants so that I'm not dealing with apples and apples  
21 necessarily when I am dealing with each one of these staff reports and recommendations.

22 MS. PHILLIPS: Nicole you wanted to say something?

1 MS. HARRIS: Oh I think you covered it I was just trying to see how the  
2 review of the standards would be different. I understand your dismay with the report but  
3 it went along with the criteria that was presented and the evidence that was reviewed.

4 MS. PHILLIPS: So Art a motion perhaps?

5 MR. KEISER: I think Anne made a very important point and we heard a  
6 lot of things that were presented by the representatives of the Commission that brought  
7 up a whole lot of questions and I think those questions were not there and not evident in  
8 the report.

9 The question about the University of Illinois, a \$250,000 fine which is the  
10 first I have heard of in an accrediting action, a lack of institutions placed on probation  
11 even though there have been misrepresentations and misrepresentations is a real big issue  
12 today with the Department of Education, falsification of data, I mean there are a lot of  
13 issues that were brought up.

14 Much more so than I was aware of by reading the report so there may be  
15 value in addressing some of those issues in a petition that maybe we reviewed in a little  
16 more in a different light is that where you were going Anne?

17 MS. PHILLIPS: I have Jen and Herman.

18 MS. HONG: If we could just articulate those issues it sounds like you  
19 have some basis regarding the discussion that happened around the table. Instead of  
20 going the progress report route which we have withdrawn if there is a section of the  
21 criteria that you want to challenge in terms of challenge the staff report and find the non-  
22 compliance based on the discussion at this table you are more than welcome to do that.



1                   MR. BOUNDS: Yeah I would just say that you know when we are aware  
2 of additional information we try to include that in a report with several of the other  
3 agencies that are here today a lot of information was in the public and we had that  
4 information to look at and review.

5                   When we don't know of those issues of course the staff report reflects the  
6 information that we have and of course we review the Agency based on requirements of  
7 the regulations, specifically the requirements of the regulations and that is how we make  
8 our determinations so.

9                   MS. PHILLIPS: Excuse me I have Ralph, Hank and Bobbie and I am ever  
10 hopeful for a motion.

11                  MR. WOLFF: If I understand -- I want to make a motion. We do  
12 something here. While I supported the last one I appreciate we are very split. I am trying  
13 to find the right number but I believe it would be 602.19 is the monitoring and 602.20 is  
14 enforcement am I correct?

15                  And if that is the case then I think the way forward would be rather than a  
16 full new petition would be to say that with apart from the other documentary and I would  
17 say rather non-substantive areas about compliance which could be included that we were  
18 to find that the agency is non-compliant with 602.19 and 602.20 and that they come back  
19 in one year with further response to how they would proceed.

20                  That's really where we are putting our focus. I am less interested in  
21 whether there are 21 members of the Council or 19 or whatever but it does seem to be  
22 that we really want to know in those areas that within our regulatory framework is the

1 agency setting appropriate standards of performance enacting them.

2           And then I believe enforcement would also include and help me if it  
3 would include whether or not sanctions were imposed or criteria for sanctions were  
4 created. I believe that's embedded within the enforcement section of 20. I am trying to  
5 find the actual regulatory language but I believe that would cover our areas of interest  
6 and then there would be a report, they would come back in one year based on those  
7 findings of non-compliance.

8           MR. KEISER: I would second that.

9           MS. PHILLIPS: So just to be clear I think I have a motion. I'm very  
10 excited. The motion is to continue recognition?

11           MR. WOLFF: Yes.

12           MS. PHILLIPS: For a period of --

13           MR. WOLFF: Well because of the findings of non-compliance it would  
14 be to continue the recognition as a nationally recognized accrediting agency at this time  
15 based on findings of non-compliance in addition to those found in the staff report I  
16 believe it is 602.19 and 20B and then to come back within a year.

17           MS. PHILLIPS: Okay is that the motion that you seconded of course.  
18 Now discussion I have Hank, Hank withdraws, Bobbie then Paul, sorry.

19           MS. DERLIN: I'm sorry I got sidetracked with Ralph's motion it was so  
20 exciting. And actually I like this. I wanted to make certain that on 602.20 you included  
21 A and B because I think we heard things about time lines as well as affective enforcement  
22 actions but let me just ask can we like just add these things without creating any kind of

1 bureaucratic havoc?

2 MS. PHILLIPS: Sally?

3 MS. MORGAN: The implication of NACIQI adding suggested new  
4 findings is that the Agency would have an opportunity in the comments that they file  
5 within 10 days after the meeting to present new evidence on those to the senior  
6 Department official.

7 MS. DERLIN: Then my comments are moot at this point?

8 MS. PHILLIPS: Paul?

9 MR. LEBLANC: Would 602.16 also apply? We have talked a lot about  
10 the effectiveness of the standards and there is language there about a reasonable basis for  
11 concluding the standards and effective measure of quality of instructional programmatic  
12 characteristics addresses and I think there are a number of us who are calling into  
13 question the efficacy of standards, that's in 602.16 if I am reading this correctly.

14 MS. PHILLIPS: If I could just clarify which part 16 is a big one.

15 MR. LEBLANC: 602.16 is general guidance.

16 MS. PHILLIPS: Yes 602.16 has many parts to it.

17 MR. LEBLANC: It does so it is on page 29 the guidelines.

18 MS. PHILLIPS: While we are waiting Jennifer?

19 MS. HONG: Paul are you looking at student achievement under 602.16 in  
20 the context of this conversation?

21 MR. LEBLANC: Accreditation and pre-accreditation standards.

22 MS. HONG: Right and then it lists out a bunch of standards.

1                   MR. LEBLANC: Under general guidance it says an assessment in this  
2 area -- this is about the rigorous measurements and the quality of educational institutions  
3 so it is the first section on there.

4                   MS. HONG: Yeah and it leads into a list of standards to include student  
5 achievement which I know there was some discussion here about the effectiveness of the  
6 Agency's vetting of data, et cetera and I'm not sure if that's what you were honing in on.  
7 I don't want to lead you in that direction if you are not.

8                   MR. LEBLANC: No it wasn't there was simply I'm trying to find the  
9 language it had to do with. Ah yes standards, due to evidence that your standards are the  
10 right standards so this is the language of what you produced. I can show it to you if you  
11 like. Tell me if I am looking at the wrong thing.

12                  MS. PHILLIPS: Sally?

13                  MS. MORGAN: I think the language which you are referring to Paul is  
14 the stem of A and if you note it then goes on the Agency meets this requirement if and so  
15 if the Agency meets those requirements 1 and 2 then it per se meets the stem.

16                  MS. PHILLIPS: Okay right now we have the motion as stated here which  
17 focuses on the criteria that were listed in the staff report as well as 602.19B and 602.20  
18 any further discussion? Bobbie?

19                  MS. DERLIN: I just have a question about this. If what we are intending  
20 to accomplish here is message sending then does our tweaking and I am not suggesting it  
21 is minor tweaking but does our tweaking with the report findings in saying that 602.19B  
22 and 602.20 are now also not in compliance?

1                   Is that really sending the message or is it just tweaking? Now it seems  
2 rather odd to say this since you all are sitting here and you are hearing that we would like  
3 to send you a message loud and clear but I am thinking in terms of a longer term strategy.  
4 I mean if I understood Sally correctly she said well they can't be in compliance for us to  
5 take a not nuclear but bold step of saying what was your choice Anne that you found  
6 making a limitation on provisional schools -- that's a bolder step than this and I am not  
7 certain this -- that we have to do this to take that step.

8                   I'm having trouble expressing this hopefully somebody gets what I mean.

9                   MS. PHILLIPS: Cam?

10                  MR. STAPLES: It seems to me more than a statement. I mean it seems to  
11 me that we are directing -- we are saying they are out of compliance and so they have to  
12 respond to those two issues or provisions in their compliance report but the only concern  
13 I have is in contrast to the agency's findings which are very specific those are not so  
14 specific, those are sections so I guess my only concern is that we are being clear enough.  
15 I think they have to respond and they will have to look at the transcript and remember  
16 what we said but we are not being that direct and I guess the one question I have for the  
17 staff is does that -- would that be in any way construed to not be sufficient to process for  
18 us to say you are out of compliance without giving them more specific direction in how  
19 they can become compliant, I guess that's a question for Sally or for Jennifer or Herman.

20                  MR. BOUNDS: I guess I will start and Sally can chime in. The only  
21 concern or issue that I would have is that the 602.20A and B comes into play when the  
22 Agency determines that one of their institutions or programs are out of compliance with

1 their stated standard.

2 So their student achievement measure right now is the bar exam pass rate.

3 That is their only measure so when they respond it would be to demonstrate that they take  
4 the appropriate action when one of their institutions does not meet their bar exam pass  
5 rate standard. It would not include some of the other things that are outside of those  
6 parameters that you guys have talked about.

7 It would not include those issues. It would be strictly related to their  
8 student achievement measure and that is the one that they have.

9 MS. PHILLIPS: To clarify I think and I am not positive I am correct  
10 about this. The monitoring process that the Agency described is not restricted to the bar  
11 passing rate so that they have a process that is and would that be included in the  
12 monitoring?

13 MR. BOUNDS: Right but I think the ones you listed was 602.20A and B  
14 or did I miss?

15 MS. PHILLIPS: 601.19 the monitoring one.

16 MR. BOUNDS: Alright I wasn't understanding -- so they do have to have  
17 practice for monitoring but their monitoring has got to include you know that standard or  
18 that criteria, their annual report criteria has got to include that information but I was more  
19 looking at the 602.20A and B which folks were talking about and that would be  
20 specifically related to their student achievement standard.

21 MS. PHILLIPS: I have got Jen and Sally.

22 MS. HONG: So throughout the discussion one thing that came up was

1 this thread of conversation with Simon about at what point does the concerns from the  
2 Agency become public right so that -- at what point does the Agency enforce the  
3 standards and what is the timeframe so I think 602.20 applies here given that thread of  
4 conversation and also 19B speaks to the set of monitoring and evaluation approaches the  
5 data that the agency uses, how would that fit and how it incorporates in its review and  
6 decision-making process and that was made very explicit today.

7 So I am comfortable with you know with the support that we have in the  
8 transcript for citing those sections.

9 MS. PHILLIPS: Sally?

10 MS. MORGAN: My concern listening to this I actually -- my personal  
11 vote if I had one would be more along the lines of what Anne was talking about. If you  
12 load too many criteria in here how are they going to have time to respond in 10 days in a  
13 complete manner especially since the transcript isn't even available before 10 days?

14 MS. PHILLIPS: Just a reminder to those who may not be aware our  
15 hearing all the proceedings are recorded verbatim and made available 10-15 days after  
16 the meeting so every word that you say and that I say is recorded, Anne?

17 MS. NEAL: I'm going to address what Sally just said but I attended an  
18 ABA accredited law school so here goes. It seems to me that we are ready to go forward  
19 with this and Sally has just raised some interesting issues. Why could it not be conjoined  
20 with a limitation on accreditation during the period of 12 months when they come back to  
21 us.

22 MS. PHILLIPS: So would that be offered as a friendly amendment?

1 MS. NEAL: Simply seeking clarification at this point.

2 MS. PHILLIPS: Could it be done, Sally?

3 MS. MORGAN: I guess what you are saying is you would like to  
4 recommend that the Department find them out of compliance regarding monitoring and  
5 enforcement and on that basis could you then recommend a limitation as well also for  
6 example what I have heard is they couldn't accredit any new schools I don't know  
7 whatever else you might have had in mind.

8 If so that's certainly within your purview to recommend.

9 MS. PHILLIPS: Is that something you want to propose as a friendly  
10 amendment?

11 MS. NEAL: Yes, yes I will.

12 UNIDENTIFIED SPEAKER: I'll second that.

13 MS. PHILLIPS: Okay amender the proposer, the original proposer is that  
14 friendly?

15 MR. WOLFF: I would rather separate votes so no.

16 MS. PHILLIPS: Okay.

17 MR. WOLFF: I mean it would be possible to vote on this and to take that  
18 as a separate motion would it not in which case I think they are separable matters because  
19 I have questions about what the implications are of that motion to the ABA to law  
20 schools and I would just assume get one thing out of the way and then really focus on the  
21 other.

22 MS. PHILLIPS: Call a question, okay. We are going to vote on this



1 motion that is described on the screen. A show of hands those in favor -- those opposed  
2 let's just do that one more time, those in favor --

3 MR. STAPLES: Can I ask a question I'm sorry I'm confused I didn't  
4 expect there to be any difference of opinion. This isn't consistent with the follow-up  
5 motion, okay you can vote for both motions and this becomes modified when -- why  
6 wouldn't we just amend this?

7 MS. PHILLIPS: It wasn't taken as a friendly amendment.

8 MR. STAPLES: I mean even if it is unfriendly it is an amendment. Why  
9 wouldn't there just be an amendment proposed and seconded, what's that? Well okay I  
10 don't see why you would have to defeat it just modify the language to say -- okay well it  
11 doesn't matter what he wants. I mean with all due respect amendments get offered and  
12 voted on regardless of what the maker of the motion wants right? No, never mind I'll  
13 wait but it seems that this is not inconsistent you can support this and the follow-up.

14 MS. PHILLIPS: So can we just do that vote one more time to make sure  
15 that we have those in favor of the motion as stated we have changed our votes, yeah --  
16 and those opposed -- okay that motion does not carry. I'm back in search of a motion.

17 You can propose a new motion that does so.

18 MR. ZARAGOZA: I'd move that we keep that but infuse and so I suggest  
19 --

20 MS. PHILLIPS: So this motion would say continue the Agency's  
21 recognition as a nationally recognized accrediting agency at this time, limit their ability to  
22 recognize any new institutions and require the Agency duh, duh, duh-duh is that correct?

1 Is that what you had in mind?

2 MR. ZARAGOZA: That works.

3 MS. PHILLIPS: Second?

4 UNIDENTIFIED SPEAKER: Second.

5 MS. PHILLIPS: Alright discussion Ralph?

6 MR. WOLFF: My question is what is the implication of this -- in terms of  
7 it's a programmatic agency so it is not an institutional accrediting body any substantive  
8 changes are they permitted? Any new degrees or actions from existing accredited  
9 institutions or is it only new law schools?

10 No I want to be clear it's not that I don't want to hear what Sally says not  
11 what any one of us says but I know what this limitation means, that's my first question  
12 and my second question is I hear many of you are unhappy with the ABA. I'd go back to  
13 Paul's earlier comment about it's the standards that we don't like that would be the basis  
14 of saying why continue to apply those standards? I mean I'm in a sense are we saying we  
15 just don't like what you are doing and therefore we want you to redo it which is going to  
16 take multiple years.

17 Or are we saying that among what you are doing there are issues around  
18 what your benchmarks are and how you are addressing the issues that are within our legal  
19 warrant. So I am not quite sure how does an Agency respond to not being able to  
20 accredit new programs, new law schools based on 602-19 and 20 which doesn't get at the  
21 issue of what I'm hearing is we don't like the way in which you go about your entire  
22 crediting business.

1                   That's why to me they are separable issues and I would like more bases  
2 for that kind of a limitation. It's more than sending a signal. I mean I don't even know if  
3 there are any new law schools coming before the Agency but to me that's less relevant  
4 than the question that this doesn't get at the deeper dissatisfaction that I hear many of you  
5 saying and one year isn't going to get at that and it seems to be the wrong remedy for  
6 what is -- I'd rather get more clear about the problem and put 602-16 and take out the  
7 limitation or really have them respond to the broader issue than punish people that have  
8 been working on the existing process and going through it.

9                   It just seems to be a punitive remedy rather than one that is really going to  
10 get at the issue that is most important.

11                   MS. PHILLIPS: I have Jill and Anne?

12                   MS. NEAL: I'm not disagreeing with that. I guess going back to our first  
13 or one of our earlier deliberations in terms of requesting a new petition. I think we are  
14 trying to get at these broader issues as Ralph has just said. What is the way to have the  
15 ABA come back to us looking at these broader issues of standards as to whether or not  
16 they are doing what we believe they should be doing for purposes of educational quality  
17 and protecting the taxpayer and student?

18                   What is the way to get to that end point is our question and is the new  
19 petition the best way to do that?

20                   MS. HONG: I mean I think the issue that Susan raised about requiring a  
21 new petition is that you are going to have -- I mean they just submitted a petition so there  
22 are if you require them to do the same thing within a year we don't really anticipate any

1 changes on the staff analysis anyway if there has been no change in the Agency's practice  
2 right.

3 So it is just like reviewing them again and ending with the same result.

4 MS. NEAL: That gets back to standardization of staff analysis because if  
5 each of these reports came to us analyzing the same issues so that we would be able to  
6 look and see how this operates and how this one operates and we are looking at the same  
7 criteria and the same standards that's what we are seeking to have happen.

8 What you are saying is that there must not be or let me ask this question is  
9 there some sort of standardization process so that we have that ability or is this something  
10 that needs to be implemented so that we don't feel that we have got one that is being  
11 scrutinized 200% and another that is being scrutinized 40%?

12 MR. BOUNDS: I think we tried to standardize our reviews. I think again  
13 the difference with I think maybe the Agency that you are eluding to is there was a lot of  
14 information out there about the Agency that we could use that was relevant to a specific  
15 criteria.

16 Again when we review the ABA review based on the standards, their  
17 documentation of what they provided and they really address the other issues that we  
18 didn't find based on the criteria. That's how we look at each agency, we try to look at  
19 them all the same way but again we have additional information we have other  
20 information that we can rely on then we will always include that in the review.

21 And that's how we try to conduct -- yeah that's how we try to look at all  
22 agencies we try to look at everybody equally based on what we have.

1 MS. PHILLIPS: Jill and then we will do the question.

2 MS. DERBY: Well why I feel I can support the motion is that I agree  
3 with Ralph that it is probably not the right remedy but it is the right signal and I think  
4 what we really want them to come back in a year and talk to us about what they have  
5 done in terms of the concerns that the Committee has raised today.

6 And in truth that remedy doesn't seem very punitive to me. It's a year's  
7 time, how many programs are likely to come before them it doesn't seem like a very  
8 punitive sort of restriction to put in in order to lend some really seriousness to the request  
9 of the panel that they be back in a year and address these issues that we are concerned  
10 about that I think are legitimately addressed under 602.19B and 602.20.

11 And I'll be voting in favor of it.

12 MS. PHILLIPS: If the question has been called at this point so the motion  
13 that is on the screen is the one that we are voting on here. There is some counsel  
14 comment.

15 MS. MORGAN: Yeah this is just a technical problem that technically  
16 speaking we can't tell a recognized agency not to accredit new institutions and programs.  
17 What we would say is limit the scope of recognition of the agency to exclude any new  
18 institutions or programs.

19 MS. PHILLIPS: Is that correct as there or does it need to have the whole  
20 first clause taken out?

21 Are you calling the question or are you asking the question I can't tell  
22 from here. I need to have a clear motion on the screen to vote on and there has just been

1 a counsel recommendation to modify it so that's where I am right now. So is that  
2 acceptable?

3 **Okay the question is those in favor of the motion as shown on the**  
4 **screen now hands -- I'm only seeing six. Kathleen are you yes or no -- I'm sorry**  
5 **Paul is hiding your hand thank you very much. Those opposed – four.**

6 **NACIQI RECOMMENDATION:**

7 **The motion carries as is.** Just to close out this part of the process we thank our  
8 colleagues from Council of the Section of Legal Education and Admissions to the Bar for  
9 their time here.

10 We would ordinarily post the fourth set of questions which talks about  
11 yes, but is there a question we have not asked yet which inquiries about efforts helping  
12 programs for institutions improve -- I actually think you have already included a good  
13 deal with that in your commentary already, thank you.

14 We look forward to hearing more about it, thank you very much. For the  
15 larger -- yes Ralph?

16 MR. WOLFF: Can I just ask one question, what does a year mean  
17 because you know we voted so that's done but just what the exclusions or limitation  
18 means? They are not going to come back to us a year from now so they will need to go  
19 to these designated senior officials, there will need to be action so it will be 12 months  
20 from the final action which could be a year and a half to two years from now is that  
21 correct?

22 So I will say that the limitation is longer than 12 months.

1 MS. PHILLIPS: From this moment yes correct.

2 MR. WOLFF: But couldn't there then can I just say from the Agency's  
3 standpoint until the senior Department official acts it is the Agency is able to continue all  
4 of its accrediting actions so in a sense this is only a recommendation. I'm just trying to  
5 understand how this all fits in and so the Agency can continue to accredit programs, new  
6 programs and institutions up until the point that they receive the letter from the  
7 designated senior official.

8 MS. PHILLIPS: Telling them that they can't.

9 MR. WOLFF: Pardon me?

10 MS. PHILLIPS: Telling them that they can't.

11 MR. WOLFF: And in which case then there could be further appeal?

12 MS. PHILLIPS: Correct.

13 MR. WOLFF: Which could stay that action as well and extend the time  
14 before they will come before us, thank you.

15 MS. PHILLIPS: Okay done with the ABA for now we are now 20  
16 minutes past, we are right on time for our 6:49 closing time. We have two agencies that  
17 we have not yet reviewed and I am not going to put them into this particular time interval  
18 but we will apologize to the Accrediting Bureau of Health Education Schools and the  
19 Commission on Accrediting Association of Theological Schools and welcome them back  
20 tomorrow.

21 It is unlikely that we would be able to take up those agencies first or  
22 second thing but we would do it immediately thereafter so we apologize for the delay but





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