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6 INSTITUTIONAL QUALITY AND INTEGRITY
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1 PROCEEDINGS

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3 COMPLIANCE REPORT WESTERN ASSOCIATION FOR
4 SCHOOLS AND COLLEGES, ACCREDITING
5 COMMISSION FOR COMMUNITY AND JUNIOR
6 COLLEGES (ACCJC) (continued)

7 MR. KEISER: This is Day 2 of the National
8 Advisory Committee on Institutional Quality and Integrity. We
9 have a busy day. We will hopefully get through the day as
10 scheduled. We are starting off with the continuing discussion on
11 the Western Association Commission and we then will move to the
12 Podiatrist Recognition.

13 From there we will go to a discussion on policy and
14 then we will move to the Chiropractic Education Request. Who
15 are the Primary Readers -- that's right I can't even remember I'm
16 the Primary. Bobbie I'm going to ask you to make a Motion.

17 MS. DERLIN: I'd like to make a Motion and the
18 Motion is the staff recommendation to renew the accredited
19 Agency's recognition for 1 and ½ years and with the limitation
20 imposed in the April 5, 2016 decision letter.

21 Do I get to make a couple remarks?

22 MR. KEISER: Is there a second? Second Federico.

1 Discussion -- Susan?

2 MS. PHILLIPS: I just have a question and this is I
3 think for staff. I was just reading that California is proposing to
4 expand the number of Bachelor Degrees offered by community
5 colleges and I am wondering how that is impacted by the lift of
6 limitations section of the Motion, thank you.

7 MS. DAGGETT: Good morning. The lifting of the
8 limitation would allow -- I believe there were two remaining
9 schools that were part of the original pilot program that had not
10 received their approval.

11 As far as the additional Baccalaureate programs
12 beyond that as long as it is only one per institution then those
13 Baccalaureate Degrees would be covered by lifting this limitation.
14 If it were to add Baccalaureate Degrees to institutions that already
15 have an approved Baccalaureate Degree then those would be
16 affected because at this point it is only one Baccalaureate Degree
17 per institution that would be covered by the scope.

18 MS. PHILLIPS: So the limitation that was imposed
19 was to cease any of the one Baccalaureate petitions?

20 MS. DAGGETT: Yes.

21 MS. PHILLIPS: And if that is lifted then
22 institutions could apply for accreditation for a first Baccalaureate?

1 MS. DAGGETT: Correct.

2 MS. PHILLIPS: Then if more Baccalaureates are
3 added?

4 MS. DAGGETT: They would have to come back to
5 us for an expansion of scope which I would believe that they
6 would plan to do.

7 MS. PHILLIPS: Thank you.

8 MR. KEISER: Further discussion -- Jill?

9 MS. DERBY: Actually I was just going to clarify
10 that lifting the limitation meant that they would at best for the
11 maximum level approve two additional Bachelor's Degrees and
12 that is correct right?

13 MS. DAGGETT: As of what the California
14 legislature has approved -- currently approved yes.

15 MR. KEISER: No further discussion? You guys
16 got a good night's sleep. Sensing none we have a Motion on the
17 floor and a second. All in favor of the Motion signify by saying,
18 "Aye", raise your hand -- let's raise your hand. All opposed -- two
19 opposed and I am not voting I should not have raised my hand
20 sorry, did you get that?

21 The Motion passes move to the next.

22 **NACIQI RECOMMENDATON: To renew the**

1 **accredited Agency's recognition for 1 and ½ years and with the**
2 **limitation imposed in the April 5, 2016 decision letter.**

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1 **RENEWAL OF RECOGNITION AMERICAN PODIATRIC**
2 **MEDICAL ASSOCIATION, COUNCIL OF MEDICAL**
3 **EDUCATION (CPME)**

4 MR. KEISER: This is a Renewal of Recognition of
5 the American Podiatric Medical Association, Council on Podiatric
6 Medical Education.

7 Steve before you get started I would like to
8 recognize Claude Pressnell, welcome. Claude is our new member
9 from Tennessee if I am not mistaken, welcome.

10 MR. PORCELLI: Good morning. I am Steve
11 Porcelli of the Department's Accreditation Staff.

12 The staff recommendation to the senior Department
13 official regarding the Council of Podiatric Medical Education of
14 the American Podiatric Medical Association, or CPME is to renew
15 the Agency's recognition for a period of 5 years.

16 The staff recommendation is based on our review of
17 the Agency's Petition, supporting documentation and observation
18 of the Agency's Accreditation Committee meeting.

19 In addition, the Department received no complaints
20 or third party comments in connection with the Agency's Petition.
21 Our review found that the Agency is in compliance with the
22 criteria for recognition.

1 Therefore, as stated earlier, we are recommending
2 that the senior Department official renew the Agency's recognition
3 for a period of five years, thank you.

4 MR. KEISER: Primary readers would you like to
5 ask questions of Steve?

6 MR. LEBLANC: Steve I think in this instance only
7 one Title IV receiving institution under the Agency's purview?

8 MR. PORCELLI: Correct, Title IV through that
9 Agency yes.

10 MR. LEBLANC: That's right and I would just like
11 to remind everybody that they first -- 65 years ago they were on
12 the original list in 1952. It's about as clean a report as possible. I
13 want to avoid saying things like they have towed the line or
14 stepped up to the plate and all the others that I was promising. I
15 don't want to be a heel about this.

16 But I spent some time actually I would urge -- we
17 often talk about transparency and data reporting from the agencies
18 and I spent some time on each of their institutions taking a look at
19 what's there. It's a model for how to report on student outcomes.
20 I would comment the Agency actually. Rick and I talked about it,
21 it would be a very short discussion.

22 This is doing terrific work and in all the ways that

1 we frequently ask agencies to conduct their work.

2 MR. KEISER: Any other members of the
3 Committee have questions -- Mr. Porcelli? Sensing none thank
4 you Steve. We would like to call the Commission Representatives
5 Michael Trepal -- Dr. Michael Trepal, Dr. Kieran Mahan and Alan
6 Tinkleman.

7 MR. TREPAL: Good morning distinguished panel
8 members. My name is Dr. Michael Trepal from New York. I am
9 the current Vice Chair for the Council of Podiatric Medicine.

10 To my left is Dr. Kieran Mahan from Temple
11 University in Philadelphia. He is currently the chair of the
12 Accreditation Committee for the Council.

13 Mr. Alan Tinkleman who is our Director was
14 scheduled to be here but unfortunately he had a family emergency
15 with his father taking ill and he is up tending, caring for his father
16 in the hospital.

17 So we are very happy to be here. We appreciate
18 you making us as I said, "tow the line." We would like to say that
19 we are here to prevent the agony of defeat but no pun intended.
20 But on that note, excuse me, on that note we are happy to answer
21 whatever questions. We appreciate the recognition.

22 The Council spent no small amount of time on that

1 issue of transparency of outcomes. Not only in terms of
2 deliberating as to what outcomes which were selected because they
3 are consistent. They are standardized, validated by external
4 agencies as well in terms of national boards or that the data could
5 be verified. It is not simply institutionally reported so determining
6 those outcomes and then second, the format the chart.

7 And not only the format so that we could compare
8 apples to apples on the website but also the timing when that is to
9 be updated by each institution is July 1 of every year so we are
10 looking at the same timeframe for each individual.

11 So to the public or to any perspective students they
12 can indeed compare accurately institution to institution in terms of
13 their stated outcomes. So with that we are happy to answer any
14 questions that you may have.

15 MR. KEISER: Members of the Committee
16 questions for the representatives, Bobbie?

17 MS. DERLIN: Different people have different
18 perspectives about student learning outcomes. And there are some
19 who might suggest that the activities that are required of faculty to
20 gather information to evidence about the outcomes isn't always as
21 useful as it could be.

22 It appears that that is not true in your case and I am

1 wondering if you could tell me a little bit about how the work with
2 faculty have contributed to such a positive situation?

3 MR. MAHAN: So the published outcomes are not
4 so much a direct result of the faculty coming up with those
5 outcomes but in our documents the basic competencies that all of
6 our institutions must meet -- we are really produced by the Council
7 of Faculties of the American Association of Colleges and Podiatric
8 Medicine.

9 We are in the process currently of revising our
10 documents and once again the Council of Faculties has been
11 involved through the association of colleges in helping to assist us
12 to review those competencies for our document.

13 MS. DERLIN: Thank you.

14 MR. KEISER: Paul?

15 MR. LEBLANC: I just have one question, my sole
16 question -- sorry. I can't stop now I started. Could you just
17 describe to us when you have had an institution at risk of falling
18 out of compliance how you engage with them as an organization,
19 as an agency?

20 This is a question we have been asking as part of a
21 pilot program. You have a small number of institutions in the end
22 but could you just give us an example of that?

1 MR. MAHAN: So when an institution is -- has an
2 area of potential non-compliance they have an opportunity to
3 respond to that initially in writing. We do give them notice of
4 what the timeframe is for them to resolve that. There certainly
5 have been times when we have engaged directly with institutions
6 and I can think of one example in terms of developing assessment
7 plans where we help the institution really develop an appropriate
8 assessment plan so that it could come into compliance.

9 And of course all of the institutions after a site visit
10 have the opportunity to appear before the Accreditation Committee
11 and the full Council which most of them do submit progress
12 reports as might be appropriate and may continue to appear before
13 the Consulate -- Council at their request to engage in further
14 discussion.

15 MR. LEBLANC: Thank you.

16 MR. TREPAL: Just another area where I think the
17 Council has been helpful is several institutions in the past have
18 struggled in their strategic planning process that didn't really meet
19 Council standards as to the process and how it was developed,
20 implemented and monitored.

21 So what the Council did is certainly fulfilled his
22 regulatory role in requiring of our strategic process but also in a

1 consultative role helped those institutions by showing them with
2 permission from other colleges what we consider to be a model
3 strategic plan and help them through the process so that in the end
4 the deficiency was rectified.

5 MR. KEISER: Any further questions? Sensing
6 none thank you very much.

7 MR. TREPAL: Thank you for having us.

8 MR. KEISER: There are no third party commenters
9 on this particular agency. I would like to bring Steve Porcelli back
10 for any comments.

11 MR. PORCELLI: I have no additional comments
12 thank you.

13 MR. KEISER: Thank you oh I'm sorry Anne.

14 MS. NEAL: I assumed we were going to hear from
15 third parties today.

16 MR. KEISER: I'm not aware of any third parties
17 on this particular agency.

18 MS. NEAL: I'm just looking at the agenda.

19 MR. KEISER: That's chiropractors, these people
20 are okay it's the back guys that have all the challenges.

21 MR. LEBLANC: I would move endorsement of the
22 staff recommendation which is renewal for 5 years.

1 MR. KEISER: There's a Motion from Paul
2 LeBlanc, second from Richard O'Donnell. Any further
3 discussion? Sensing none all in favor of the Motion raise your
4 hand -- all opposed -- the Motion carries, thank you Steve. That
5 was fast.

6 **NACIQI RECOMMENDATION: Endorsement of the**
7 **staff recommendation for a renewal of 5 years.**

8 MR. KEISER: We are going to take a 10 minute
9 break to find our lost members and gather them up and we will be
10 back, let's make it 13 minutes, we will be back exactly at 9:00.

11 (BREAK 8:47 - 9:00)

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1 **NATIONAL COORDINATING CENTER**

2 **ACCREDITATION WORKGROUP**

3 MR. KEISER: We're going to have a presentation
4 now from the National Coordinating Center Accreditation Work
5 Group. Meg Grigal, Co-Director of Think College and Stephanie
6 Smith Lee the Workgroup Chair, come forward please. They are
7 not here. We may get to the Chiropractic School before lunch.
8 Okay I think we thought that one of the first discussion would last
9 a lot longer and we told people to come a little later my Vice Chair
10 was one of those.

11 Are these the people that I have already introduced?
12 Okay so you must be Meg and Stephanie, how are you? I'm really
13 glad you showed up this morning because it was going to be a long
14 hour for me. Okay the floor is yours.

15 MS. SMITH LEE: Thank you Mr. Chair and all of
16 you for having us here this morning. We do have a PowerPoint
17 can you see it behind me or just back here okay. My name is
18 Stephanie Smith Lee. I'm the Chair of the Accreditation
19 Workgroup and I represent the National Down Syndrome Congress
20 on that workgroup, an organization that works for children and
21 adults with Down syndrome in their families.

22 With me today is Dr. Meg Grigal who is the Senior

1 Research Fellow at the University of Massachusetts, Boston. She
2 is the Principal Investigator for Think College, the National
3 Coordinating Center.

4 We are here today to present a report on model
5 accreditation standards for higher education programs for students
6 with intellectual disabilities -- A Path to Education, Employment
7 and Community Living. And we named the report that because
8 these new opportunities for students with intellectual disabilities on
9 college campuses truly are a path to employment at real jobs, at
10 real pay in the community.

11 This morning we are going to be giving a little bit
12 of background about inclusive higher education. We know this is
13 probably a new topic to many of you and it is a relatively new
14 field.

15 We had a major improvement in this field with the
16 Higher Education Opportunity Act of 2008 and we will be
17 describing those provisions that impact students with intellectual
18 disabilities.

19 And we will then describe the purpose and the role
20 of the accreditation Workgroup, give you some brief information
21 about how we prepared the report and what was done and key
22 factors, what are next steps are in discussion.

1 About midway through we will stop for questions
2 and discussion and then we will again have questions and
3 discussion at the end. So I'll turn it over to Dr. Grigal.

4 MS. GRIGAL: Thanks Stephanie. Good morning
5 everybody. Nice to be here, sounds like the timing worked out just
6 right so we are happy to share some information with you and is
7 this the remote? Well, I don't usually get to touch that in my
8 house so yeah!

9 So we thought it might be helpful to just begin with
10 a definition of who are we talking about when we say students with
11 intellectual disability. The definition that is up on the screen right
12 now is from the Higher Education Opportunity Act of 2008 and it
13 provided the first time that the term intellectual disability was used
14 in higher education legislation.

15 While the definition we hope is helpful sometimes it
16 is more helpful to actually see the students. So here are some
17 pictures of students with intellectual disability who might have
18 disability labels such as Down syndrome.

19 They might have autism as well as an intellectual
20 disability so the disability label may be descriptive enough talking
21 about their path through high school they may or may not have
22 received a high school diploma. They have all received services

1 under IDEEA through an individual education plan.

2 They may be leaving high school with high school
3 certificate or an IEP diploma. So these are the students for whom
4 we are talking about these college programs. Why would we want
5 to send students with intellectual disability to college?

6 It doesn't seem like the path that those students
7 would be on would be to a college and yet what we found is the
8 path historically that they have travelled has not resulted in -- I
9 wouldn't say optimal outcomes, not even barely acceptable
10 outcomes.

11 Highly unemployed -- for those students who are
12 employed it is usually part-time often in a sheltered work setting
13 where they are receiving sub-minimum wage. So these are
14 students who have not been told that they have a future in
15 education and in fact they have almost been systematically
16 excluded from learning after they leave high school through
17 various systemic barriers.

18 Prior to 2008 there were a few higher education
19 programs that served students with intellectual disability around
20 the country but there was no guidance about what they should be
21 offered and there was no connection between them.

22 So in addition these students were not eligible for

1 federal financial aid because to receive federal financial aid you
2 have to have a high school diploma, pass an ability to benefit test
3 and be matriculating toward a degree. So they weren't able to
4 access existing resources through Title IV aid.

5 Then came the Higher Education Opportunities Act.
6 You can see that from the time we started collecting information --
7 I hope you can see behind me. I feel odd having people thinking
8 did I comb my hair -- the number of programs has grown
9 substantially since 2008.

10 And if you look and again this isn't -- these
11 numbers are from a database that we collect, it is a voluntary
12 database so there could be programs that aren't reflected in this
13 chart but right now there's about 246 programs.

14 I know it says 248 but honestly the program
15 numbers change by the week some are created and some are
16 eliminated and we try to keep up with that. But you can see the
17 numbers have grown substantially and that's based on need and
18 desire, parents, students, colleges, special education, general
19 education, teachers seeing that a higher education option should be
20 on the table for these individuals.

21 They shouldn't be excluded from wanting to learn
22 as adults because of a disability label. So this is affirming however

1 of the almost 250 programs that's only about 3% of the options
2 that students without intellectual disability or with other disabilities
3 have of the some odd 7200 Title IV schools that are in the United
4 States.

5 So we are looking at a much, much smaller field of
6 options for people with intellectual disability. So when the Higher
7 Education Opportunities Act passed it had very specific provisions
8 that created new access points for students with intellectual
9 disability recognizing their limited paths toward education.

10 It created three primary things that would in
11 describing this it provides you with some context for why we had
12 the accreditation workgroup and where we hope that it will be
13 applied.

14 The first provision was in the creation of Model
15 Demonstration Projects. They are called Transition and
16 Postsecondary Programs for Students with Intellectual Disability
17 or lovingly TPSIDS in a world of acronyms in education I can't
18 imagine you could come up with a worst one than TPSIDS but we
19 are trying, it's bad.

20 But the program is tremendous and it was to enable
21 institutions of higher education to create or expand high quality,
22 inclusive higher education programs for students with intellectual

1 disability.

2 In addition to the model demonstration projects the
3 Act funded a National Coordinating Center which is where I am
4 from at the University of Massachusetts Boston. We were
5 awarded the Coordinating Center in 2010 and we provide
6 coordination with and between the programs, we evaluate the
7 programs, we collect data on the student's course access,
8 employment and the student's outcomes.

9 The third major change was access to federal
10 student aid and the Higher Education Opportunity Act created a
11 new Title IV access point that allowed students with intellectual
12 disability access to certain forms of federal student aid.

13 I'm going to briefly give you a little bit of
14 information about those three provisions because this has changed
15 the culture and context of higher education access in our country
16 since 2008 until now so we are 9 years.

17 It has been significant both in terms of knowledge
18 and access, state engagement in support of developing these
19 programs and now looking to accountability and oversight.

20 So the Model Demonstration Funding was awarded
21 to 27 institutions of higher education in 23 states ultimately with
22 the primary campuses that received funds in the satellite campuses

1 that they collaborated with creating consortia.

2 They ended up providing services at 52 colleges and
3 universities and at the same time the coordinating center worked
4 with those programs between 2010 and 2015. In 2015 a new round
5 of model demonstration projects were competed and awarded to 25
6 institutions of higher education, 5 of which will also be consortia
7 so they will be working with between 5 and 7 programs in their
8 state.

9 We anticipate about 43 additional campuses will be
10 offering services to students with intellectual disability and once
11 again in the second cohort of TPSID grantees, U Mass Boston was
12 awarded the coordinating center. So we will continue to work with
13 both the previous grantees and the new grantees.

14 Here's where they are. I know those dots are little
15 and it is early so I'm sure we can make the PowerPoint available to
16 anybody who would be interested -- bless you. All of this
17 information is always available at ThinkCollege.net as are all of
18 the information that we share about the TIPSID.

19 So you can see a huge preponderance of programs
20 and services in the East Coast, fewer in the west. Many fewer in
21 the middle part of the country which is something that we still need
22 to work on.

1 Think College was not involved in the awarding of
2 the programs the model demonstration projects were awarded
3 through a competitive process through the Office of Post-
4 Secondary Education.

5 We do put together an annual report on all of the
6 activities of the TPSID -- campus engagement, funding, student
7 employment, course access, credential attainment and that's
8 provided in -- that's just a picture of the report we put one together
9 for every year, a significant amount of data on what is happening
10 for these students.

11 I think the exciting thing is for the first time in this
12 field we can say it's happening we know who is receiving these
13 services. We know what their experience looks like for 2,245
14 students and ideally another 2,000 students in the next five years.

15 And we can tell you it is working. The outcomes in
16 terms of access to education I think are significant so few of these
17 students had opportunities to seek higher education in the past.
18 Many of the students were attending the TPSID -- if they had not
19 gone to this higher education option they would be sitting in a day
20 habilitation center or they might be in a sheltered workshop doing
21 piece meal work receiving sub-minimum wage and somewhat
22 isolated from their community.

1 As you can see from these data, these same students
2 are taking classes, working -- in some cases working for minimum
3 wage, taking classes for credit in some cases and in other cases
4 they are auditing courses. But they are absolutely learning and
5 moving toward a better future. They are contributing to their
6 campus, they are changing the culture in response to learning
7 diversity and they are -- it has been wonderful to see how
8 welcoming these universities are and how affirmed they are in their
9 commitment to providing access services and better futures to
10 students within intellectual disability.

11 So that's the TPSIDS and the national coordinating
12 center. The financial aid access -- the other stipulation in the
13 Higher Education Act was in order to receive financial aid if you
14 are a student with an intellectual disability you had to meet the
15 definition, you had to have exited high school.

16 Now in some cases people with intellectual
17 disability remain in high school and receive special education
18 support until the age of 21 so it means they have exited, whether at
19 18, 19 or 21.

20 They are no longer receiving services under IDEA,
21 the Individuals with Disabilities Education Act. And they have to
22 be enrolled in a comprehensive transition for secondary program

1 for students with intellectual disability and they had to have filled
2 out the FAFSA.

3 Now to be enrolled in a comprehensive transition
4 program what does that mean? That was the term the legislation
5 used to describe programs that have met particular guidance.

6 Thank you Stephanie -- and the guidance is very clear that these
7 programs are designed to support students with intellectual
8 disability, to seek continued academic career and vocational and
9 independent living instruction.

10 They must meet various criteria about having a
11 satisfactory academic progress policy. They have to have certain
12 guidelines and we didn't put all of the regs in here because that's
13 not really what we are talking about.

14 But I think it is important for you to recognize that
15 now there are approved programs that students with intellectual
16 disability can go to and receive three forms of federal student aid.
17 So they cannot receive student loans but they can receive PELL
18 grants, supplemental education opportunity grants and work study
19 funds if they meet the criteria, both financial and disability and
20 they are attending a program that has been an approved CTP by the
21 Office of Federal Student Aid.

22 So why do we want to talk about program

1 accreditation? Well it was one of the charges that the National
2 Coordinating Center had was to do so so that's why we are here
3 and that's the report that Stephanie is going to share with you. But
4 it's truly important, nobody knows how important accountability
5 and outcomes for higher education and quality and continuous
6 improvement are for higher education.

7 And for people with intellectual disability those
8 hallmarks of quality are equally important. And currently aside
9 from the comprehensive transition program guidance, there isn't a
10 process for oversight for accountability, for continuous
11 improvement and it's essential.

12 We have to ensure that these students and their
13 families have the opportunity to feel confident and comfortable at
14 the institutions that they are attending, have a process in place to
15 ensure that they are receiving high quality instruction by fully
16 trained advisors and instructors and that there is a path to connect
17 to a higher learning to an outcome that meets their needs.

18 So that is why we are here. So just to briefly pause
19 because I just laid a whole lot of background out that may be new
20 to you. If you have any questions just about the students who are
21 being served and then we are going to transition into describing the
22 accreditation workgroup committee and the report creation. So I

1 just wanted to give you a chance.

2 MR. BOEHME: I'm just interested how do
3 students provide feedback to the institution that they attend and to
4 you as well?

5 MS. GRIGAL: Sure thank you. So many of the --
6 well I can only speak really for the TPSID because I'm working
7 directly with them. There are many programs that did not receive
8 TPSID funding that exist in the country.

9 Many of them use student surveys to -- now are you
10 talking about students who are receiving services through the
11 TPSIDS or their peers or both?

12 MR. BOEHME: Both.

13 MS. GRIGAL: Okay. It's interesting because we
14 have seen a new line of research go into ascertaining and
15 contextualizing both students learning experience through a
16 participatory action research, through some quantitative studies but
17 we have also seen research on the peer experience, both as a peer
18 learner but also as a peer mentor because many of these programs
19 create mentorship programs.

20 So I think there is significant attention to that from
21 the research side. On the evaluation side the programs do a variety
22 of things. Some will send out surveys, some will have informal

1 talking, you know, groups with students.

2 I don't know that there has been any required
3 student outreach in terms of quality so it is certainly self-generated.

4 MR. BOEHME: Thank you.

5 MR. KEISER: Federico?

6 MS. GRIGAL: Yeah sure, hi?

7 MR. ZARAGOZA: If I could follow-up on that
8 question I'm looking at the data issues, the data integrity and
9 obviously traditional data sources are not going to be readily
10 available to determine program effectiveness so how are you
11 addressing the issue of data integrity?

12 MS. GRIGAL: Well we have created an online data
13 system for -- are you talking about student input data or --

14 MR. ZARAGOZA: Outcome data.

15 MS. GRIGAL: Outcome data, okay. So that's a
16 great question. We have created an online database where all of
17 the information about the student when they come in, as they
18 progress through the program and up until 90 days post exist the
19 data is in an online secure OMV approved data system.

20 The first cohort of TPSID we were not allowed to
21 collect outcome data. It was prohibited. This current cohort of
22 TPSID we are allowed to collect outcome data but they are not

1 required to collect outcome data. So we are in the current situation
2 of trying to go to programs, some of whom have been previously
3 funded but are no longer funded and asking them would you please
4 collect these data even though nobody is telling you that you have
5 to. We are working on that.

6 MR. ZARAGOZA: The second part of the question
7 is are there embedded standards on outcomes that you all are
8 recommending?

9 MS. GRIGAL: Yeah there are and that's part of the
10 work of this second cohort and part of the National Coordinating
11 work. We have developed during the last cohort standards, quality
12 indicators and benchmarks that have been used in many ways to
13 guide the planning, the implementation and the evaluation of
14 programs.

15 Those standards, quality indicators and benchmarks
16 also were not required for the grantees. So while we suggest that
17 they are quality measures the funders are not requiring the grantees
18 to meet those measures.

19 But there is a potential since we are not just
20 evaluating the TPSID's we also are charged with providing
21 technical assistance, training, support -- so we are working with
22 them regularly to -- as a matter of fact at 3 o'clock I'm presenting

1 yet another webinar about using existing resources to support
2 students with diverse learning needs.

3 We do have the opportunity to work with them and
4 the people who are doing this work are so committed to serving
5 these students. So it is not a matter of people not being willing it is
6 about taking the time to create structure that will allow us for the
7 long-term to answer those big questions about outcomes.

8 MS. SMITH LEE: We also hope that this will be
9 addressed in the reauthorization of the Higher Education
10 Opportunity Act and some early drafts of that do have additional
11 requirements for outcome data.

12 MR. ZARAGOZA: Thank you.

13 MR. KEISER: Jill?

14 MS. DERBY: I might have missed that. But these
15 students are there certificates, Associate, Baccalaureate kind of
16 degrees associated? Are they the ones that the institutions that are
17 affiliated with give or are they separate? How does the curriculum
18 work?

19 MS. GRIGAL: That's a really good question.
20 Currently under the guidelines of the HOA each institution of
21 higher education that received funding was required to create a
22 meaningful credential.

1 How they create that meaningful credential varies
2 widely. In some cases students are accessing existing higher
3 education credentials not typically degrees, not typically
4 Associate's Degrees. I see in the long-run more students being
5 able to have that path but they may be getting existing vocational
6 certifications that that institution of higher education offers.

7 In other cases the Institution of Higher Education
8 has created a special kind of credential aligned with the program of
9 study. I think it's another area of growth because these are so new
10 as we move forward I truly hope that there is more clarity on what
11 should and could be offered as a credential and that those
12 credentials are ultimately recognized both within the institution
13 and other institutions and then by employers.

14 MS. SMITH LEE: And I would just add that part of
15 the work of the Accreditation Workgroup in the first five years was
16 to do some research in this area and come up with resources and
17 recommendations which are available on the Think College
18 website.

19 MR. KEISER: Any other questions?

20 MS. SMITH LEE: If there are no more questions
21 we will move on to the report itself. So just to sum up we talked
22 about what typically has been available for students with

1 intellectual disability and what is generally available now which is
2 to be in separate programs that head towards segregated
3 shouldered workshops, sometimes making pennies an hour.

4 And what we are finding with these programs is
5 students coming out of them able to live more independently and
6 to have real jobs and friends in the community. We are now going
7 to talk about the requirements in the Higher Education Act for the
8 accreditation workgroup.

9 And we have included the actual language from this
10 statute here. The National Coordinating Center was required to
11 convene a workgroup to develop model criteria, standards and
12 components of such programs that are appropriate for developing
13 accreditation standards.

14 And we are talking about model accreditation
15 standards. Of course there is no requirement that any agency use
16 these standards they are model standards. The requirements for
17 participation in the workgroup for an expert in higher education, an
18 expert in special education, a disability organization that represents
19 students with intellectual disability, a representative from NACIQI.

20 And we had Carolyn Williams a former NACIQI
21 member was a member and a representative of a regional or a
22 national accrediting agency.

1 Now we had all of this expertise except we were not
2 able to find a member of a national and regional accrediting
3 agency and we are hoping there may be some in the audience today
4 who might be willing to volunteer for the next group. The role of
5 the workgroup is also outlined in the statute.

6 The workgroup is required to develop
7 recommendations for the components of such programs including
8 academic, vocational, social and independent living skills, how to
9 evaluate student progress, program administration and evaluation
10 and student eligibility.

11 The workgroup is required to prepare and transmit a
12 report at the end of 5 years, that is the report we are discussing
13 today and the report must go to the Secretary of Education, the
14 education Congressional committees and to NACIQI.

15 This is a copy of the report I believe you have a
16 printed copy in your materials. We are printing up some nicer
17 copies and would be happy to share the bound ones with you when
18 they are available.

19 And I am going to talk briefly about how we went
20 about this. This was kind of an unusual responsibility. There
21 hadn't been something quite like this before. After appointing the
22 15 workgroup members with diverse experience the group started

1 meeting on at least a quarterly basis by teleconference and an
2 annual in-person meeting and the first thing we did was to seek
3 expertise on this topic.

4 We had top experts in the field in the group and
5 some of them had been through accreditation as part of their
6 college or university work but there really was no expert on
7 accreditation on students with intellectual disability.

8 So we meet with representatives from the
9 Department of Education including Dr. Hong and Kay Heelstru
10 who was then in charge of accreditation, Ann Foss from the
11 Federal Student Aid Office. We also had a representative from
12 CHIA helping us sort out what does accreditation mean for
13 program standards, for students with intellectual disability.

14 And we looked at everything that we heard and
15 analyzed what does this mean compared to existing laws and
16 regulations. One of the recommendations that we heard from each
17 of the experts that we spoke with was that we align the model
18 standards with the U.S. Department of Education accreditation
19 regulations with which you are well familiar.

20 So a decision was made to draft standards in each
21 one of those areas which of course include mission, student
22 achievement, curriculum, faculty, facility equipment and supply.

1 Administrative and physical capacity, student services and so on.

2 We also had someone from the Commission on

3 English Language Programs Accreditation meet with our group

4 and she was very helpful in explaining what that organization had

5 done to develop accrediting standards. So we looked at the U.S.

6 Department of Education accreditation regulations, the

7 Commission on English Language Programs Regulations, the

8 Think College standards of quality indicators and benchmarks that

9 Dr. Grigal mentioned and the requirements in the Higher

10 Education Opportunity Act for comprehensive transition programs,

11 both the statute and the regulations and the FSA approval process.

12 And in the appendix of the report there's a 3 or a 5

13 column chart that compares line by line each of those things.

14 So once we developed draft standards using all of

15 these laws and guidelines and so on to look at, we developed a

16 comprehensive plan for seeking public input. We wanted to make

17 sure that we got a wide variety of stakeholders from various parts

18 of the country, people who were involved in higher education,

19 special education, parents and students giving us input on these

20 draft standards.

21 We had 5 key questions that we used whether it was

22 with webinars or presentations or a survey. Are the standards

1 clear? Should anything be changed? Have we missed anything?
2 Do they reflect an acceptable level of quality and what should be
3 included in accompanying guidance?

4 So we identified what are the key national
5 conferences where we would be likely to be able to get public
6 input. We prepared presentations and had input sessions where
7 people could discuss among themselves and with us what they
8 thought about each standard.

9 We developed webinars and held a couple of
10 webinars which were then available by recording and developed a
11 survey that had those questions about each standard and also an
12 opportunity to write in comments.

13 We had 207 respondents to the survey and they
14 were from a wide variety of respondents and in total we received
15 public comments from 912 people.

16 The response that we got was that in general the
17 standards were considered clear and sufficient. There were
18 recommendations for specific word changes to enhance clarity.
19 For instance in the fiscal section we put something about
20 sustainability and some people thought we were talking about
21 environmental sustainability which totally threw me off but we put
22 in the word fiscal. We wanted to make sure that this was very

1 clear.

2 We also received recommendations on information
3 that should be put into guidance that accompanies each standard
4 and there were a number of respondents who suggested that we
5 take the actual language in the Higher Education Opportunity Act
6 regarding comprehensive transition programs and regulations and
7 actually put that in the standards because there wasn't always a
8 clear understanding of things like admissions and eligibility and so
9 on.

10 One of the federal laws that has helped move this
11 field forward is the passage of the Work Force Innovation and
12 Opportunity Act, WIOA. That is moving us away from sheltered
13 work and towards preparing people to have real jobs in the
14 community at real pay.

15 And competitive integrated employment is defined
16 and it was suggested that we use that term instead of gainful
17 employment which is the wording in the statute. The Department
18 of Education no longer considers these programs gainful
19 employment programs and we are now using competitive,
20 integrated employment.

21 Many families expressed strong opinions about the
22 standards, especially the importance of inclusion on college

1 campuses and traditional college campuses, the need for family
2 engagement and that students needed advice and support in
3 academic advising and also advising about career and work
4 campus life and housing and so on.

5 So we took all of this feedback and put together the
6 survey results on each standard and any other comments from all
7 of the other input and the group then went over all of that very
8 carefully and came up with final standards.

9 And many of the standards also have
10 recommendations for next steps or a discussion section with
11 background about it or recommendations for guidance. In a few
12 cases we reached out to experts in the field to get additional
13 information.

14 So the model standards were developed in each of
15 the areas covered by the U.S. accreditation regulations. The
16 specific standards are in the current report -- we are not going to
17 take your time up to go through each of them but they are available
18 there.

19 And we wanted to share with you what the next
20 steps are so now there is a new workgroup, it's the next 5 year
21 period, there's a new grant, we have a new workgroup that has
22 been appointed. We do still need a NACIQI representative and an

1 accrediting agency representative as I mentioned.

2 And the responsibilities for the new work group will
3 be first to transmit the report and broadly disseminate it at
4 conferences, meetings on the Think College website, and so on.
5 And to conduct outreach to accrediting agencies, to share the
6 report and hopefully engender some interest in using the model
7 accreditation standards.

8 We also will be developing a technical guidance
9 document to support implementation of the model accreditation
10 standards.

11 One of the important steps is to develop and
12 implement a plan to work with the field to do something like field
13 testing where we actually work with a community college, college,
14 university and say, "Here are the standards, how would you
15 respond to these? What kind of data do we need to be getting?"
16 And we will be using that information to fine tune these standards
17 in the next report.

18 We also will be researching and considering the
19 feasibility of creating a new accrediting agency. This is not our
20 goal. Our goal would be to find existing accrediting agencies that
21 would be willing to be involved and then we will be updating
22 recommendations for model standards if needed, due to the work

1 we are doing with the field.

2 There is discussion that the Higher Education Act
3 may be reauthorized this year in which case there may be some
4 changes needed or if there is changes in WIOA or the Individuals
5 with Disabilities Education Act.

6 We have a few recommendations for the
7 Department of Education. The Federal Student Aid Office has
8 developed an approval process for the comprehensive transition
9 programs. That's not something that was in the statute, that's
10 something they decided to do.

11 As the field moves along one of the things they will
12 want to think about is if they feel that it is necessary to continue
13 that. We also are recommending that they provide guidance to
14 school districts, two comprehensive transition programs and
15 families about the term "intellectual disability", what that means
16 and the financial aid requirements.

17 The information is in the HEO Title IV regulations
18 but to my surprise people don't seem to read those all the time.
19 We also hope that they will support collaboration and channels of
20 communication with various agencies and we are recommending
21 that they fund the development and dissemination of resources and
22 strategies to use in assessing student progress in traditional

1 courses.

2 Some of the specific standards we need to do some
3 further work on. One of the areas is to develop guidance regarding
4 situations in which staff worked for an outside entity, sometimes a
5 non-profit organization might be running a program. Further
6 research is needed on the impact of student status.

7 Some of these students are considered continuing
8 education students -- there are various types of student statuses and
9 how that impacts their ability to use the library or sports or you
10 know, other things like that is something we need to do further
11 work on.

12 Also to develop guidance for advisory group
13 membership and to develop informational materials and strategies
14 to support the development of fiscal sustainability plans which is
15 something that is very important.

16 Part of the requirements for these TPSID model
17 demos is that they be sustainable after 5 years. Additional work
18 that we will be doing is addressing what period of time should be
19 considered reasonable to retain records, developing
20 recommendations about academic and non-academic advising and
21 seeking clarification on the role of guardianship with respect to the
22 Family Education Rights and Privacy Act or FERPA.

1 Some of these students have guardians and there are
2 questions about what that means in terms of various aspects.

3 So some of the challenges that we are facing as we
4 move forward as I said is to encourage one or more accrediting
5 agencies to use the standards and there is no one logical program
6 accreditor for the comprehensive transition programs because they
7 are located in different places within a college or university.

8 They might be in a general education or special
9 education department. They might be run by the Disabilities
10 Services Office, the Continuing Education Department or
11 University Centers for Excellence in Developmental Disabilities or
12 UCEDD.

13 And as I said some of our experts have
14 recommended starting a new agency which is potentially an
15 expensive and complex process. So that's a brief rundown on the
16 report and we would welcome any suggestions or
17 recommendations or questions that you have, either now or later.

18 Our email address is here.

19 MR. KEISER: Ralph?

20 MR. WOLFF: Thank you for your presentation and
21 for the work you are doing. A couple -- both a suggestion and a
22 comment -- as I look at your standards there's nothing on

1 outcomes as Federico was saying earlier which all of the
2 accrediting agencies focus on or on issues of completion.

3 You know I think we would really want to be --
4 anyone would want to know students who are in the program,
5 what's the retention and completion for those students and are the
6 support services adequate.

7 And then how do you measure learning outcomes?
8 Are they in the mainstream programs or in special programs but
9 this is not only an issue for a traditional higher ed or institutions
10 but I think the one that would require special attention as you work
11 on this.

12 And when I look at your standards around
13 curriculum and what you call student achievement they don't
14 address either of these issues so I would certainly encourage you to
15 address them. And that's also the way certainly the regionals and
16 many other agencies address the federal recognition criteria on
17 student academic achievement.

18 A separate issue is that I would think it would be
19 very challenging for an accrediting agency to adopt somebody
20 else's standards, particularly around such a specialized area or
21 program and so I am wondering is the intent at some point, given
22 that there is federal financial aid to seek your own recognition to

1 do this or have you found any consideration by other agencies?

2 Having run an agency I'm not sure how we could
3 have incorporated it without A -- the approval of our constituency
4 for the standards meeting federal recognition criteria for how the
5 standards got adopted, which your process would not suffice for an
6 agency that is separately recognized.

7 But also it would be very hard for an accrediting
8 agency to apply those standards for these separate types of
9 programs, for an institutional accrediting body.

10 MS. SMITH LEE: Right.

11 MR. WOLFF: So I'm just saying there is a
12 challenge and I am wondering if you have maybe could do it in
13 tandem or as some other kind of joint process that maybe a pilot, a
14 joint review with an accrediting agency just to see how that might
15 work but with the consent of the institution.

16 But I just would say it would be a challenge to
17 adopt the standards wholesale.

18 MS. SMITH LEE: Well thank you, that's very
19 helpful. We are having our first in-person meeting at the end of
20 March and we will raise these issues with the group.

21 MR. KEISER: Jennifer?

22 MS. HONG: I think for those reasons I just want to

1 support Stephanie's plea for folks out there in the audience, if there
2 are any representatives from a national or regional accrediting
3 agency -- that's why that kind of feedback is really critical. So if
4 you can lend a staff member to be part of the work group I think
5 that kind of feedback is really helpful for them.

6 MS. SMITH LEE: Thank you.

7 MR. KEISER: Well thank you very much for
8 coming. We appreciate your report and we look forward to seeing
9 you in the future, it looks like we will.

10 Jennifer asked me and my first official duty is to
11 appoint Bobbie as a member of their committee.

12 MS. DERLIN: Yeah.

13 MR. KEISER: I did something right that's good.

14 MS. DERLIN: That's wonderful we look forward
15 to working with you.

16 MS. SMITH LEE: Thank you Mr. Chair.

17 MR. KEISER: Thank you very much.

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1 **INTRODUCTIONS**

2 Okay we are going to again re-start Day 2 and first I
3 would like to have each of the members of the Commission
4 introduce themselves to the audience. Simon would you start?

5 MR. BOEHME: Simon Boehme, Student Member.

6 MS. PHILLIPS: Susan Phillips, State University of
7 New York at Albany.

8 MR. JONES: Brian Jones, Strayer University

9 MR. WOLFF: Ralph Wolff, Quality Assurance
10 Commons

11 MR. AUDLE: Steve Van Ausdle, President
12 Emeritus, Walla Walla Community College.

13 MR. LEBLANC: Paul LeBlanc, Southern New
14 Hampshire University.

15 Dr. Kathleen Sullivan Alioto, Strategic Advisor,
16 Fundraiser, and Consultant.

17 MR. ROTHKOPF: Arthur Rothkopf, President
18 Emeritus, Lafayette College.

19 MR. WU: Frank Wu, Professor, University of
20 California, Hastings College of Law.

21 MR. KEISER: Arthur Keiser, Chancellor, Keiser
22 University.

1 MR. PRESSNELL: Claude Pressnell with the
2 Tennessee Independent Colleges and Universities.

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

5 MR. FRENCH: George French, Miles College.

6 MR. ZARAGOZA: Federico Zaragoza, Alamo
7 Colleges.

8 MS. DERBY: Jill Derby, Association of Governing
9 Boards of the Universities and Colleges.

10 MS. DERLIN: Bobbie Derlin, Associate Provost
11 Emeritus, New Mexico State University.

12 MR. O'DONNELL: Rick O'Donnell, CEO, Skills
13 Fund.

14 MR. KEISER: Thank you very much everybody. I
15 am going to go over the basic process that we do in evaluating
16 agencies. First is that the Primary Readers. Actually the first is
17 the staff makes the presentation regarding the institution then the
18 staff, then the committee interviews and provides questions to the
19 staff member.

20 And then other questions by fellow members of the
21 NACIQI to the staff and then third party comments. Then the
22 agency gets a chance to respond to the third party comments. The

1 Department staff then responds to the agency and third party
2 comment. There is a discussion and vote and we are currently
3 involved in a pilot program which provides a series of questions in
4 which we will ask some final questions of the members of the
5 Agency.

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1 **RENEWAL OF RECOGNITION**
2 **COUNCIL ON CHIROPRACTICE EDUCATION**
3 **(CCE)**

4 MR. KEISER: The next agency is the Council on
5 Chiropractic Education. The Primary Readers are Ralph Wolff,
6 Federico Zaragoza and the Department Staff is Rachael Shultz. I
7 am going to recuse myself from this particular Agency and turn the
8 gavel over to Frank Wu and I will see you after lunch.

9 MR. WU: Let me start by asking if there are any
10 other recusals at the table? Okay, terrific so we will go ahead and
11 get started. We have the staff report.

12 MS. SHULTZ: Will we be having the Readers do a
13 preliminary introduction of the Agency?

14 MR. WU: I was going to do that after staff. I
15 forget do we do the Primary Readers first, okay, my apologies, so
16 Primary Readers. We have Wolff and Zaragoza, who will be
17 reading, yes.

18 MR. ZARAGOZA: Good morning everyone. The
19 Council on Chiropractic Education also known as CCE is
20 recognized as a specialized accreditor. It currently accredits 15
21 Doctorate of Chiropractic programs at 18 sites and 13 states.

22 Of these programs CCE accredits one program that

1 is offered to a single purpose chiropractic institution. That
2 program uses the Agency's accreditation to participate in the Title
3 IV programs. Accreditation by CCE also allows its 15 programs to
4 participate in non-Title IV programs offered to the Department of
5 Health and Human Service.

6 CCE was recognized by the Commissioner of
7 Education in 1974 and has received periodic renewals and
8 recognition since that time. The Agency was last reviewed for
9 continued recognition at the fall 2011 NACIQI meeting.

10 At that time it received continued recognition and
11 was requested to submit a compliance report on several areas of
12 the criteria. The Agency's compliance report was reviewed at the
13 fall 2013 NACIQI meeting and the Agency's recognition was
14 continued for a period of 3 years.

15 This is the Agency's next regularly scheduled
16 Petition for Continued Recognition and is the subject of the current
17 staff analysis. No complaints or third party comments for the
18 Agency were received thus far to the Agency's review however I
19 understand that there may be comments submitted thereafter.

20 Mr. Chairman that constitutes my introduction and I
21 will defer to staff for their report.

22 MR. WU: Okay and now staff.

1 MS. SHULTZ: Thank you. Good morning my
2 name is Rachael Shultz and I will be providing information
3 regarding the staff recommendation for the Council on
4 Chiropractic Education or CCE.

5 The staff recommendation to the senior Department
6 official is to continue the Agency's current recognition and require
7 the Agency to come into compliance within 12 months and submit
8 a compliance report 30 days after the 12 month period that
9 demonstrates the Agency's compliance with the issue identified
10 below.

11 The staff recommendation is based upon its review
12 of the Agency's Petition and supporting documentation as well as
13 its observation of a CCE Council meeting in Phoenix, Arizona in
14 January, 2017.

15 The Agency has one finding related to enforcement
16 timelines. This finding was not included in the draft staff analysis,
17 but was added to the final staff analysis based upon the staff's
18 observation of the Agency's Council meeting after the draft staff
19 analysis had been sent and the Agency's response had been
20 received.

21 At the January Council meeting, staff became aware
22 that the Agency is using confidential warnings to alert programs of

1 the need to address specific Council concerns related to
2 accreditation. Such warnings may be issued when the Council
3 finds that a program is in non-compliance and determines that the
4 deficiencies can be corrected in a short period of time which is
5 defined as continuing for up to 12 months.

6 Staff has two concerns related to this policy. First,
7 that because the warning is issued confidentially rather than being
8 noted publically it might not be counted against the 12-18-24
9 month time limits that are specified under 602.20A and second,
10 that a 12 month warning period is too long to be considered a short
11 period of time.

12 As a result of the staff concerns, the Agency is
13 requested to revise its policies related to its 12-month confidential
14 warning to ensure that such a warning is for a much shorter period
15 of time, is made public, and is included in the 12-18-24 month time
16 limit specified in this section.

17 The Agency currently accredits 15 Doctor of
18 Chiropractic programs at 18 sites and 13 states but has had no
19 complaints lodged against it during the current accreditation cycle.

20 No written third party comments were submitted to
21 the accreditation group regarding the Agency's Petition.
22 Comments submitted to NACIQI have not been reviewed by the

1 staff and were not incorporated into the staff analysis.

2 In closing, as I stated previously, the staff
3 recommendation to the senior Department official is to continue
4 the Agency's current recognition and require the Agency to come
5 into compliance within 12-months and submit a compliance report
6 30 days after the 12-month period that demonstrates the Agency's
7 compliance with the issue identified.

8 There are Agency representatives present today and
9 we will be happy to answer the Committee's questions thank you.

10 MR. WU: And now we turn to the Agency
11 representatives -- is that right or do we do staff questions? I'm
12 sorry Primary Reader questions of the Agency. I will get the hang
13 of this. Alright Primary Readers -- Ralph?

14 MR. WOLFF: I have a question Rachael of you -- I
15 just realized that I am looking at this. The recommendation is -- I
16 want to hear how the Agency responds but I want to make sure --
17 the Agency's request that you revise its policy to make it shorter
18 and then it is to make it public and it is included in the 12-18
19 month time limit.

20 And I'm just trying to ask if they made it shorter
21 would it be considered not part -- I mean is the way the staff -- is
22 there a way for it not to be included in the 2-year time frame and

1 all of their programs that are recognized for longer than 2 years. I
2 am just trying to understand your recommendation so that I can
3 evaluate their response. So is there a way for them to say it is a
4 separate kind of issue or that it has to be included in the 2 year
5 time clock?

6 MS. SHULTZ: Well I think that the Agency and I
7 are both at somewhat at a disadvantage in that they have not had a
8 chance to respond to this yet since that was included in the final
9 staff analysis but not the draft.

10 So I would ask for Herman's input on this but I
11 would think that if the Agency could give us a deeper explanation
12 of why they are using this confidential warning and kind of give us
13 some of their thinking on what's required that, you know, we
14 might be able to work with them on what we are asking them to
15 do, Herman?

16 MR. BOUNDS: Yeah that's right and many times,
17 you know, an Agency will look at an institution and they may find
18 a deficiency that the institution can fix in, you know, a month or so
19 and that's part of our consideration.

20 But here we just thought that the confidential
21 warning not being public in this case could have been a serious
22 issue and that we are really saying that the 12-month time was

1 pretty lengthy and we want to make sure that it meets the 12-18-24
2 month time limit.

3 So it is more or less having some discussions with
4 the Agency to see how, you know, see how they are going to
5 determine, you know, the out of compliance situation and when
6 that is going to take place within the institution.

7 MR. WOLFF: Yeah I just might have more
8 comments after we hear from the Agency and how they respond to
9 it so I thank you.

10 MS. SHULTZ: If I could follow-up on that. I
11 wrote the analysis. I did not observe the Council meeting another
12 staff member did. It is my understanding that at the Council
13 meeting issues came up -- I think there were 7 or 8 issues and that
14 there was some debate as to whether the program would be given
15 this confidential warning or be put on probation.

16 In looking at their definition of the confidential
17 warning in their published materials I am not getting a clear
18 understanding of what would constitute, what would justify
19 confidential warning as opposed to what would be a compliance
20 issue and would result in probation.

21 So I would like some -- when they come to the table
22 some clarification there. I have a concern that this is being done

1 confidentially and the Department is not being notified of this so if
2 it turns out to be compliance related I don't understand why we are
3 not being notified.

4 And then if it does end up being compliance related
5 and it is confidential, how are we assured that this is then starting
6 the clock ticking on the 12-18-24 month rule. Their Doctoral
7 programs are long enough that they would have the 24 month
8 requirement so they would have the longer time limit but even so
9 giving a program 12 months to come into compliance would be
10 half of the maximum period that they would be allowed.

11 So I have several concerns about this whole set-up
12 and would be interested in hearing more from the Agency about it.

13 MR. WU: Okay and Federico and did I see another
14 hand and then Bobbie.

15 MR. ZARAGOZA: I just want to confirm that
16 nowhere in policies, the procedures or their manual is the
17 confidential warning category defined.

18 MS. SHULTZ: It's listed but I would not say that it
19 is very clearly defined.

20 MR. WU: And Bobbie?

21 MS. DERLIN: I just have a quick question about
22 the written statements. Rachael you mentioned that these were not

1 included in your review and I am assuming that's just a timing
2 issue, am I correct about this?

3 MS. SHULTZ: We have started issuing separate
4 federal registered notices and NACIQI is issuing a notice and the
5 accreditation group is issuing a notice. I believe that both solicit
6 comments. Our notice did not result in any third party comments
7 that were incorporated into the analysis but I know that comments
8 were submitted in response to the NACIQI notice and so you have
9 received written comments that we did not receive so you have
10 seen comments that we have not seen.

11 And because we did not receive them they were not
12 listed in our e-recognition system and were not incorporated into
13 the staff analysis. And then in addition to the written comments I
14 believe there are oral commenters present today.

15 MS. DERLIN: Got it, thank you.

16 MS. HONG: Just wanting to add to that -- so on a
17 going forward basis this is kind of something new, we will solicit
18 comment, oral and written comment, under the Federal Advisory
19 Committee Act from the public and those written statements are
20 directly to the Advisory Committee, directly to NACIQI and those
21 will be posted on the website.

22 Previously we collapsed the federal register notice

1 on to one notice and we solicited that comment period much earlier
2 in the process. But just to clarify the process the staff is required
3 under the HEA to solicit comment for its analysis. So just to
4 clarify that better we separated out, you know when the staff
5 solicits comments for the analysis and when we go out and solicit
6 comment for the meeting.

7 Granted there may be some overlap there so there
8 may be written comments submitted to the staff and incorporated
9 in the staff analysis that may be redundant to comments that you
10 all see but that's not always the case.

11 So please on a going forward basis, please ensure
12 that you look at the written comments that are part of the record for
13 this committee's deliberations.

14 MR. WU: Any other NACIQI members with
15 questions at this point for staff? Okay now we turn to the Agency
16 representatives. Thank you to staff. We have Dr. Little, Dr.
17 Bennett and Dr. Goulard.

18 MR. LITTLE: Good morning and thank you Dr.
19 Wu. I'll start with introductions. I'm Craig Little. I'm President
20 of the Council on Chiropractic Education. To my left is Mr. Ray
21 Bennett who serves as Vice President of Accreditation and
22 Operations.

1 I am here today with Dr. Elizabeth Goulard, the
2 Chair of the Council. She is new to the Agency since we were last
3 here and she is actually a public member of the Council. She's a
4 consumer, she's a chiropractic patient and she serves currently as
5 our Chair.

6 As a public member of the Council her professional
7 experience is in higher education administration and she has
8 previously served as a Commissioner on a regional accreditation
9 agency.

10 It is a pleasure for us to be here with you today to
11 discuss our Petition for Renewal of Recognition. I would first like
12 to express appreciation to Dr. Bounds, Dr. Hong and the
13 accreditation group.

14 I would also like to offer our sincere thanks to Dr.
15 Rachael Shultz for her expertise and her assistance in reviewing
16 our compliance report. We also appreciate Ms. Valerie Lefor for
17 her attention and collegiality at our recent meeting in January.

18 We appreciate the efforts of all staff and they have
19 always exhibited the highest degree of professionalism at all times
20 in our experience. We accredit Doctor of Chiropractic programs
21 here in the United States. We only provide accreditation to one
22 solitary purpose chiropractic institution that currently maintains a

1 candidacy status with a regional accreditor.

2 We envision serving exclusively as a programmatic
3 accreditor in the very near future. As many of you in this body
4 that have been here for some time are aware, there are distinctly
5 different world views in the chiropractic profession.

6 The CCE values educational freedom and
7 institutional autonomy and our standards specify core educational
8 requirements but do not otherwise limit the educational process,
9 program or curricular content or topics of study.

10 We respect the differing world views that exist
11 within the profession. Many of you know that we had some
12 challenges when we were here before you the last time. Over the
13 last two years the Council has been involved in a strategic thinking
14 and strategic planning process and has done a tremendous amount
15 of work to address those challenges.

16 First it began with a survey process and getting
17 together over 150 individuals from every chiropractic program,
18 trade organization and students. We had students from every
19 chiropractic program involved in the strategic thinking and
20 planning process.

21 Through that process we actually had a survey
22 process where we have got the thoughts on the Agency's strengths

1 and weaknesses and opportunities. And it was helpful to the
2 Council and helped the Council in a continual cultural change but
3 it also helped the groups that are involved in the process because
4 they were able to see how their views matched with other's views.

5 So their comments on where they felt severely at
6 odds were able to be viewed in context because we reflected back
7 all of that data and all of that information to the different
8 constituencies.

9 We tried to model this Agency -- if any of you had
10 the opportunity to listen to Dr. Phillips in her presentation before
11 the Global Forum last year, our Agency does not pull the
12 profession and there are restraining forces on both ends.

13 And we have done a tremendous amount of work to
14 try to position the Agency directly in that center. And some of the
15 work that we have done over the last two years are well over 30
16 presentations to professional groups, research forums, board of
17 trustees of chiropractic programs on both spectrums of our
18 institutions.

19 We've presented to every group that has asked us
20 and we have forced ourselves to present to groups that have not
21 asked us. And so that's really the work that we have done over the
22 last two years to deal with those concerns.

1 The one area that I would like to draw your
2 attention to is the finding surrounding CCE's use of warning. I do
3 believe that there is some opportunity for us to reflect on this and
4 come to a better understanding because the USDE staff reports
5 indicate that the 12 month confidential warning is for a much
6 shorter period of time and be made public.

7 And we do not, as has been mentioned earlier -- all
8 of our programs are Doctoral programs and we are not subject to
9 that 12 and 18 time limit. First, our standard which have been in
10 the exhibits on pages 6 and 7 and policies mirror -- it's not unique
11 language it actually mirrors 602.20A.

12 Our Agency either takes immediate adverse action
13 or allows the program up to 24 months to come into compliance as
14 all of the programs that we accredit exceed 2 years of the longest
15 program offered.

16 It is clearly stated in our standards that the clock
17 starts when the institution is notified by the Agency that there is a
18 weakness or out of compliance and that is Exhibit 98 if you would
19 like to refer to that.

20 Second, there is some confusion surrounding the
21 terminology warning. The CCE defines warning -- again it is in
22 our standards on page 8 as a procedural action, not an adverse

1 action and uses the term if we conclude that a program could be in
2 non-compliance if future steps are not taken or have -- or cannot be
3 corrected in a short period of time.

4 We don't define warning as an adverse action per
5 the requirements of 602.20 B3.

6 Third, we have defined probation as a significant
7 non-compliance with one or more eligibility accreditation or CCE
8 policy requirements. There was some discussion earlier with staff
9 at the last meeting and there was discussion around that.

10 At the end of the day the decision of the Council
11 was for probation because of the fact that in our definition it is
12 significant non-compliance. That's the difference between
13 warning and probation. Warning would reflect something that if
14 we observed maybe some perhaps some institution that is not
15 closing the loop with their feedback processes and assessment and
16 we are observing a downward trend in their outcome measures,
17 that's a warning.

18 Because we are seeing something -- there's actually
19 a disconnect, and they could be out of compliance in the future.

20 Fourth, the November 17th clarification letter that
21 we received that if warning status is defined or applied by the
22 Agency -- and again this is the letter that we received from the

1 Department, is less severe than probation agencies are not required
2 but highly encouraged to report such actions.

3 CCE's use of warning is not -- again is not for
4 significant non-compliance as defined by our current standards.
5 Our warning status is not an adverse action and is less severe than
6 probation and our Agency is not required to report warning for the
7 written definition of 602.26 B3 and notification of accrediting
8 decisions is defined by the Agency according to the November 17th
9 letter which states:

10 "Such reporting is voluntary and failure by the
11 agencies to provide it warrants no negative action by the
12 Department. Accordingly we respectfully request re-consideration
13 and removal of this issue in our Renewal of Recognition with the
14 Department."

15 Again we would like to acknowledge and I would
16 like to sincerely thank staff for their very comprehensive review
17 and we are grateful for their findings and the opportunity to discuss
18 their concern regarding warning and any other issue you would
19 like to discuss.

20 We are here today to answer any questions that you
21 have with regards to our Petition and it is a pleasure to be here.

22 MR. WU: Are any of the other Agency reps

1 speaking at this time?

2 MS. GOULARD: Not unless you have specific
3 questions for us. I think Dr. Little summarized the robust dialogue
4 at our last Council meeting and also the very clear definitions that
5 exist within our standards which the Council did follow.

6 MR. WU: Great, Primary Readers?

7 MR. WOLFF: Thank you. I would like to first
8 focus on this issue of the 12 month confidential warning. I do have
9 some other questions that relate to the pilot and let's focus on that.
10 First, I want to acknowledge that you received notice of this
11 without the opportunity to dialogue further with the staff and I do
12 think that needs to be undertaken.

13 I would note and maybe you could respond to this.
14 Let me find it here -- in your manual you site on page 8 the section
15 is called Non-compliance Decisions and Actions/Appeals. And
16 then you site sub-paragraph C on page 9 is warning.

17 And so as I understand your argument or your
18 position is that there is a difference between non-compliance and
19 significant non-compliance and that a warning is still non-
20 compliance. I mean it seems to me there are multiple issues here,
21 let's separate the public issue whether it should be made public.

22 As I understand it it seems to me A: Is there a clear

1 definition and distinction between a warning and probation or clear
2 enough that one could draw a distinction between non-compliance
3 and significant non-compliance and does it trigger the 2 year
4 clock? I think that's the concern of this staff is that technically an
5 institution could have more than 2 years if the warning were
6 considered to be part of -- should be a trigger for the 2 year clock.

7 But as I understand your argument you are saying
8 that your definition of probation which does mention significant
9 non-compliance but your definition of warning says that it may
10 decide to issue if the Council concludes that an institution number
11 one -- is in non-compliance.

12 So maybe you could say what's the difference
13 between non-compliance and significant non-compliance? I mean
14 it goes on to say and it can be remedied within a short period of
15 time. But I think partly the issue is the law states that when there
16 is non-compliance with the standard you are required to take
17 action.

18 So categorizing this as non-compliance maybe you
19 could respond to that.

20 MR. LITTLE: Certainly it really reflects on again
21 and that definition is not unique to us because that's actually the
22 definition that comes out of the criteria but the significant as we

1 have defined -- as actually the Council has defined, surrounds the
2 fact of that the number again -- if a program has one weakness, you
3 know, again it depends upon the significance of that.

4 If it were a weakness that were in not having the
5 institution did not have its mission statement signed off or going
6 through the appropriate processes to do that is completely different
7 than if there were financial metrics that were weakness in the
8 institutions not able to, you know, showing a downward trend
9 which would be something that the warning would really again --
10 there may be the fact that they are exhibiting weakness of that but
11 it actually has not gotten to a threshold where it would be so
12 significant that there would be the sanction of probation, it's a
13 graduated --

14 MS. GOULARD: Let me just try an example for
15 you. I don't think we are unique in struggling with programs to
16 refine and perfect student, you know assessment systems for the
17 purpose of program improvement and quality assurance and
18 effectiveness.

19 And so if we had a program that had a system in
20 place and they might be in the process of closing the loop on that
21 so they might have assessment measures that they have not
22 analyzed and provided evidence of program improvement as a

1 result of the analysis of those measures, we might say that they are
2 not, you know, their report might indicate that they are planning to
3 do that in May.

4 We are meeting in January -- I'm just trying to give
5 you an example of something that we know is in process but we
6 haven't seen evidence of yet. We want them to meet the letter of
7 the law with regard to that element of program planning and
8 assessment.

9 So that could be something where we would warn
10 them, they would provide a report, we would see it at the next
11 Council meeting which would be July and then make a
12 determination.

13 Now if they came in with corrupt data or they failed
14 to follow through or there is some other attendant issue we might
15 progress with them then. I am just trying to give you a common
16 example which relates to assessment and the relative completeness
17 of that system, the software that underlies when the data is, you
18 know, produced the judgments that are made and what happens
19 with regard to strategic planning or budgetary allocations, those
20 kinds of things.

21 MR. WOLFF: And of the 15 institutions how
22 frequently or how many institutions currently are on confidential

1 warning or on probation or maybe over the last couple of years
2 how frequently is this used?

3 MR. LITTLE: I have that data for you. I thought
4 that would be coming up in the pilot questions so let me just refer
5 to that. I can tell you that there is the sanction of probation -- it
6 would be one.

7 And the warning has been -- pardon me -- exactly.
8 And you are just asking over the last few years I'm assuming. I
9 would say confidential warning has been used on probably 2 to 3
10 programs.

11 MR. WOLFF: And in each case were they able to
12 fulfill their response within the 12 month periods so that they -- or
13 did they move into probation or did they resolve the issues?

14 MR. LITTLE: In this case they resolved the issue,
15 in these cases.

16 MR. WOLFF: So what I understand -- I mean I
17 have had to deal with these similar issues in my own career as an
18 accreditor so as I understand what you are saying is that there may
19 be issues of non-compliance that do not rise yet to being a non-
20 compliance with the standard but with areas or sub-parts which if
21 uncorrected would lead to a finding of non-compliance with the
22 standard?

1 MR. LITTLE: Yes, it is the Council's mechanism
2 to use bold italic and underline to get the program's attention with
3 a weakness that could essentially they could be out of compliance.

4 MR. WOLFF: And the issue of 12 months is -- I'm
5 just trying to think in a 12 month cycle after the institution receives
6 your letter they would need to file a report presumably within 8 or
7 9 months so it would then go before them?

8 I mean what's the cycle of the 12 month actually
9 look like?

10 MR. LITTLE: Just to make sure -- the language
11 doesn't say 12 months it says up to. Our Agency meets every 6
12 months so I think in one case there probably was one that was 6
13 months. Again, it could be up to 1 year it doesn't mean it will be 1
14 year.

15 MS. GOULARD: The reason -- I mean among the
16 reasons that we provide that flexibility in time is recognition of
17 academic rhythms. When certain actions take place within
18 strategic planning cycle, budget allocation cycle, faculty
19 assessment of you know, course completion and the academic year
20 and so we try to be sensitive to institution's plans for that.

21 If there are no plan I mean if it was a blank hole and
22 there wasn't anything evident, that would not be compliance.

1 MR. LITTLE: That would not be a warning.

2 MS. GOULARD: We have tried to take into
3 consideration the rhythm and cycle that the institution has in place
4 so that they have that attended period to report.

5 MR. WOLFF: It may be that the way to resolve this
6 is a clear definition of the warning rather -- or to put some framing
7 in there that limits the application of it and that gives you the
8 flexibility that addresses if it doesn't rise to a full finding or a
9 finding of a full non-compliance with the standard that may resolve
10 the issue.

11 I think it would be the question as to whether that
12 would suffice to address the concerns of the staff. I think the
13 primary issue is one of definition. Is it a trigger for the 12 month
14 period rather than the length of time.

15 I have some -- I'm satisfied on that issue until we
16 you know, maybe hear from staff on that but I have a couple of
17 other questions if I may proceed.

18 I noted that you have set benchmarks -- I mean you
19 are prepared for the pilot question to I'll kind of lead in to that.
20 But you said if I have it correct that completion rate is 70% and a
21 pass rate of 80% and I wonder how long has that been in place and
22 what's your basis for setting those benchmarks and how frequently

1 do you review it?

2 But in looking at your -- some of the data on your
3 website in the exhibits, I guess it was -- not every institution has
4 the 80% mark for example on the licensure pass rate. So I am
5 curious to know how those numbers got set and how you applied
6 them.

7 MR. LITTLE: We assign a task force to review that
8 and we have done that on 6 occasions over the last 10 years. We
9 charge the task force to review the national licensing performance
10 data and provide an analysis to the decision-making body of the
11 Council on whether the threshold should remain as is, to what
12 percentage to be decreased, the percentage and the rationale for the
13 recommendations.

14 They consider a number of items including a review
15 of the current accreditation standards for other disciplines related
16 to board exam performance disclosure, thresholds and outcomes,
17 review of individual state regulations, they do a survey of the Chief
18 Academic Officers for their designee of every chiropractic
19 program including stakeholder perceptions for current CCE policy.

20 We also include an open-ended questionnaire
21 regarding other performance measures that are currently utilized
22 within the various chiropractic programs that may be appropriate

1 for demonstrating student performance and success in addition to
2 the national board pass rates.

3 We perform a literature review with databases using
4 pertinent keywords. We hold meetings with members of
5 institutions to discuss data collection to see what can be done in
6 order to have a consensus on a recommendation.

7 And in our last meeting of this was within the last 2
8 years.

9 MS. GOULARD: Then the benefit of having that
10 occur frequently is that we have made adjustments to the form that
11 everyone uses so it is a standardized process form, alignment of
12 timing for when those measures are, you know, written in and it
13 has been good for the Council and the membership to make sure
14 that all of those processes are aligned so the data is comparable,
15 institution to institution and that it is clear how the forms are filling
16 out so that when things are posted we have every confidence.

17 MR. WOLFF: And what happens, I notice there
18 was an institution and its pass rate was below the 80% and I'm just
19 wondering do you then, does that trigger a confidential warning, or
20 a follow-up or how do you proceed?

21 It could be, you know, the idiosyncrasy of who took
22 the exam that year or it could be a curricular defect and I notice

1 that you have many other assessment criteria than those that are
2 applied by the team but that seems to be a very important
3 benchmark that you use.

4 MR. LITTLE: The clock starts. A concern is given
5 that 2 year clock starts immediately. It also provides for a deeper
6 reflection because as I am sure everyone here can appreciate a dip
7 in national board scores typically isn't a quick fix.

8 It usually reflects a systemic problem somewhere in
9 the institution whether it is in you know program effectiveness so
10 we monitor this with every program not just when they come for
11 initial affirmation. We do this -- they report to us within every 2
12 years we monitor those board scores.

13 So even if a program is not up for review we are
14 monitoring and if it is an annual report we see that dip below
15 threshold clock starts then and they are put for a progress report on
16 that immediately and so we are sending teams in also to verify that
17 data.

18 MR. WOLFF: Thank you. I notice also you require
19 that all 15 of your institutions post their board scores.

20 MR. LITTLE: Yes and that has been a challenge
21 that we have had to use enforcement measures when we found
22 programs reporting that data not per policy and we again, with

1 every site team that we send in we actually have hands on the data
2 and eyes and ears on the data to verify that.

3 And so we do require that reporting and it is
4 monitored. We do the monitoring of their websites every year.

5 MR. WOLFF: Thank you. I think that's good. I
6 am also curious if the 5 year program as I recall for chiropractic --
7 students mainly take out loans to, I mean I assume they are
8 supported largely by subsidized loans and I just wonder if you
9 have an idea of what the average loan is.

10 There is this whole issue of, you know, what it costs
11 for the education and then what do chiropractors actually make and
12 do you track how many go into group practice, private practice and
13 what happens to them after graduation?

14 MR. LITTLE: The vast majority -- well over 80
15 probably around 85% go as sole proprietors. So it becomes as our
16 task force noted that is a challenge for other metrics that we have
17 earnestly looked at including, you know, employment.

18 We know that the average student is spending about
19 \$140,000 in the chiropractic program. Salary.com notes that I
20 think that the average reimbursement is -- or the average salary is
21 well above that. I have that data here and I can look it up but it is
22 somewhere over \$150,000 - \$160,000 per year.

1 But again it's the 85% that become sole proprietors
2 and the ability for programs to get verifiable data regarding those
3 actual -- that actual data is a challenge.

4 MR. WOLFF: If they make over \$150,000 I would
5 say that is a lot of adjustments to be undertaken. I just think it is
6 useful to know but it hard to track.

7 MR. LITTLE: It is.

8 MR. WOLFF: In private practice. One of the
9 questions in the pilot is risk assessment and what does that mean in
10 your context given the way in which you focus on your outcomes
11 data, your benchmark data?

12 MR. LITTLE: Well I mean risk assessment really -
13 - we have almost discussed a bit of that but the risk assessment that
14 we really look at is the, you know, it is really kind of three tiers.
15 You know the required follow-up that we require programs to do,
16 you know, again the use of looking at the thresholds that programs
17 need to complete.

18 And the tools that we use are using really those
19 student achievement thresholds to evaluate at risk status. We use a
20 database similar to what USDE uses to track and monitor history
21 and continuity until the, you know, achievement is achieved.

22 That actually was present in one of our exhibits. So

1 we monitor those student achievement thresholds and program
2 characteristics. The tools that we use, you know, are really
3 working with continuous quality improvement of our programs
4 even when there is not a weakness but we end up finding those
5 through, you know, through our monitoring processes.

6 We actually have -- can you explain the PCR
7 pairing interim reports in the cycles that we do?

8 MR. BENNETT: In a normal accreditation cycle of
9 8 years we have an interim site visit at the 4 year point and then in
10 between those 4 year point we have a program characteristics
11 report which talks about planning and finances, student
12 achievement -- we look at those benchmarks, thresholds that Dr.
13 Little was talking about.

14 So it is every 2 years that we are actually
15 monitoring the program in that aspect plus the review of the by
16 policy 56 our annual reporting of the benchmark thresholds and
17 then also we have an annual report that takes care of admissions
18 and some other program assessment data.

19 So it is an ongoing process each year and every 2
20 years and then 2 years after that at an interim and then on and on.

21 MR. WOLFF: I couldn't find -- what's the total
22 enrollment of the 15 schools? And maybe you could address --

1 I'm just curious about a balance -- gender balance, diversity for the
2 profession itself and what these schools, what the demographic
3 distribution of enrollments of the schools would be.

4 MR. LITTLE: That's a good question. We -- our
5 programs maintain somewhere around 10,500 and we see, you
6 know, obviously there are some periods of up and some periods of
7 slightly down but it hovers around that.

8 We have observed the trend of, you know, of
9 matriculants changing and it's consistent with the change that I
10 think a lot of higher institutions in health care see. We are seeing
11 the gender come actually very, very close to 50/50 ratio right now.
12 10 years ago that was not the case.

13 We are seeing -- so we are seeing an improvement
14 in the diversity of matriculants coming forward to become
15 healthcare providers.

16 MR. WOLFF: And racial and ethnic diversity in
17 terms of again, terms of Hispanic, African American, Native
18 American chiropractors in the profession?

19 MR. LITTLE: You know I don't know if there is a
20 benchmark I don't think that our educational programs are there
21 yet. We don't have a standard for that. We don't obtain that data
22 per se but we do evaluate programs that have admission policies

1 and procedures and make sure that they are consistent with that.

2 MS. GOULARD: I might just comment that my
3 background is nursing and part of my professional progression
4 involved supervision of a large number of healthcare programs.
5 Back when I was Dean of instruction and I think it is a challenge
6 for our healthcare programs in general to diversify.

7 MR. WOLFF: Just as an advice -- I mean I think it
8 would be worthwhile to track the data. I would assume it is
9 available given the relatively small numbers of schools and
10 students who would be required to fill out that information for
11 federal financial aid purposes and other purposes.

12 Just so you can see where trend lines are and service
13 to the multiple communities that chiropractors serve. So thank
14 you.

15 MR. WU: Shall we turn to the other Primary
16 Reader Federico?

17 MR. ZARAGOZA: I have no more comments.

18 MR. WU: And I will open the floor now to
19 NACIQI members. I'll ask two questions. Both of these are
20 neutral questions, they are only questions. I had the pleasure of
21 being one of the Primary Readers the last time you came here and
22 there is quite a change.

1 You mentioned that when you opened and as I
2 recall last time there were two big issues and I wanted to offer you
3 an opportunity just to expand on what you said about having the
4 meetings and the planning and reaching out.

5 As I recall the two big issues were number one:
6 Controversy between as I understand it, in your profession what
7 are called “straights” and “mixers” that is those who have a very
8 traditional view of chiropractic and those who want to blend it with
9 other healthcare fields.

10 So I wonder if first you could just talk a little bit
11 about how you resolved that and brought folks together. And
12 second -- there was quite a bit of testimony from third parties about
13 your accrediting of one particular school and a concern about a
14 glut of people coming in or too many or that sort of thing.

15 I wonder if you could speak a little bit about that.

16 MR. LITTLE: I'd be happy to. First of all there is
17 the world view issue in the chiropractic profession is not --
18 probably not going to change within our lifetime and that's okay.
19 Because what we have learned through this process is that the
20 culture of our organization and the role of accreditation is to make
21 sure that we are really -- I hate to use the example, but it is the
22 example that Dr. Phillips provided on where the Agency is.

1 And that it is not, you know, that it monitors those
2 forces and that we actually go through the process of having --
3 making sure that we understand what the role of accreditation is,
4 that we don't exceed those boundaries and we help others
5 understand what the role of accreditation is.

6 So it is a lot of outreach. It is a lot of really -- it's a
7 lot of face to face communication it's a lot of white papers on what
8 the role of this Agency is and what the role of this Agency isn't.

9 We went through a recent standards review process
10 where we asked for input before we even began the process which
11 has never been done in the Agency's history and we asked for
12 input at the front end.

13 We made sure that after we got each piece of public
14 information we consolidated, considered everything and then made
15 sure we posted to our website if we did not make a change that was
16 suggested by a number of parties -- why we didn't.

17 And to make sure that they understood that the
18 rationale was because what the role of an accreditor is and so
19 having that information I think was very helpful. We have
20 changed our governance to some respect where we have -- we
21 changed it to where the number of individuals elected on the
22 Council are half by the educational programs and half by the

1 Council.

2 That was appreciated by the stakeholder
3 community. And again it is the outreach. It is not -- first of all in
4 this profession you can't agree with everyone. So it is most
5 important that everyone understands the reason why decisions are
6 made and why standards are.

7 And we have done the best we can to try to make
8 sure we explain them on the front end.

9 Oh and the second question was criticisms
10 regarding a chiropractic program. I don't know -- we haven't
11 received any complaints.

12 MR. WU: Actually I take back my second
13 question. I'm confusing you with the vets who had that issue.

14 MR. LITTLE: We are the pain in the neck group.

15 MR. WU: I understand. Okay any further
16 questions, yes Ralph?

17 MR. WOLFF: It's not a question but I believe there
18 are going to be some oral comments and just reserve the right to
19 say your response to those when they are given.

20 MR. LITTLE: We did not request oral comments,
21 it has been -- but again it is my understanding that there are some.

22 MR. WU: Yes I think agencies often don't request

1 third party comments but they do occur. Simon?

2 MR. BOEHME: I was wondering if you could just
3 briefly mention how you engage students into your strategic plan?

4 MR. LITTLE: I would be happy to. And that's
5 where we probably did the biggest amount of learning as an
6 organization. So what we made sure is we had male and female
7 representatives from every chiropractic program involved in our
8 process.

9 They were present in the -- and to go through the
10 process they had everyone involved including our decision-makers,
11 including members of trade organizations, including students had
12 to take a brief little online educational program as what
13 accreditation is.

14 We used the Association of Specialized and
15 Professional Accreditors website to have them watch a video on
16 what the role of accreditation is to make sure that everyone was on
17 the same page. We collected data from them. It was very
18 interesting because there was a stark revelation that the students
19 really didn't understand accreditation.

20 They didn't understand the role. They were
21 appreciative to be involved in the process and we learned and we
22 developed action plans to make sure we engage students more and

1 we are doing that more by engaging with them in groups and we
2 are trying to come up with communication pieces that we can offer
3 students to download off of our website and present to them as
4 they enter chiropractic programs.

5 MR. BOEHME: I think that's really great thank
6 you.

7 MR. LITTLE: It was a learning process for us.

8 MR. WU: Any other questions from NACIQI
9 members, yes Kathleen?

10 MS. SULLIVAN ALIOTO: To piggyback on
11 Simon's question and Ralph's -- what was -- was there any
12 diversity in the students that you worked with?

13 MR. LITTLE: I'm sorry I didn't hear your
14 questions.

15 MS. SULLIVAN ALIOTO: What was the diversity
16 with the students that you worked with?

17 MR. LITTLE: Well first of all we asked for the
18 programs to bring the students themselves. We didn't select the
19 students. And we asked for -- we asked for as much diversity from
20 the programs as possible but we left it in the hands of our
21 educational programs to bring students forward.

22 We did not want to -- for lack of a better term,

1 cherry pick students. We wanted the students that were probably
2 the more engaged, the more -- maybe the students that had
3 concerns and so we allowed our educational programs to bring
4 those names forward to us and we accepted every one that they
5 brought forward.

6 MS. SULLIVAN ALIOTO: And what was the
7 diversity of them?

8 MR. LITTLE: You know it was -- I believe it was
9 more men than women and I'm sorry it's been a little bit of a --

10 MS. GOULARD: I wanted to ask you because your
11 outreach efforts have been strong maybe comment also on the
12 meetings that you have attended with student groups.

13 MR. LITTLE: I attend every student group that
14 meets in the United States. It is part of our outreach. We do the
15 best -- and the diversity that I know is what I see in those groups. I
16 can't give you numbers from our last process I just don't recall but
17 it was a wide diversity that our program offered up.

18 But again the diversity of what we see in programs
19 is very pleasing to me but I haven't done a quantitative analysis of
20 that.

21 MR. WU: Yes Ralph?

22 MR. WOLFF: A quick question of Jenn, CCE is

1 not in the database we received and I just wonder is there a reason
2 why it is not or can we get it in the future included so that we can
3 compared it to others, I didn't see it.

4 MS. HONG: So there's no --

5 MR. WOLFF: No podiatric oh only the one
6 program but podiatric was in.

7 MS. HONG: There's no currently participating
8 Title IV schools that's why.

9 MR. WOLFF: Only just the one?

10 MR. WU: And that brings to mind a question.
11 Maybe just to clarify for Ralph's benefit and all of us -- could you
12 talk about the one program and transitioning away from being the
13 Title IV gatekeeper?

14 I assume or I infer from what you are saying this is
15 positive and you would be pleased by that change?

16 MR. LITTLE: Yes we would. I'm sorry I took it as
17 a simple question.

18 MR. WU: Feel free to expand. What's the timeline
19 do you think for this to occur?

20 MR. LITTLE: Well they are going through the
21 process with a regional accreditor. They have gone through
22 substantial process. I don't know if it would be -- I mean that

1 regional accreditor's process is on the website. As soon as they
2 receive regional accreditation it is my understanding from talking
3 to leaders in the program that they will no longer seek institutional
4 accreditation with our Agency.

5 MR. WU: Yes Jennifer?

6 MR. HONG: That brings me to another question as
7 to whether you have or any other institutions are in the que to seek
8 federal student aid because that is your link?

9 MR. LITTLE: As solitary purpose chiropractic
10 institutions or other institutions programmatically?

11 MR. WU: Right, no, no I think the question is after
12 the one institution you don't intend to get back into the business of
13 being the Title IV gatekeeper?

14 MR. LITTLE: You are correct.

15 MS. PHILLIPS: Clarify if I saw the staff report
16 there is another federal link, it is not the Title IV but it is the other
17 funds according to the staff report.

18 MS. HONG: Right but the Agency would need to
19 clarify that at some point if it ceases to pursue a Title IV reg.

20 MR. LITTLE: Trust me we will.

21 MR. BENNETT: We are just not there yet and they
22 haven't official gave up anything yet so we are acting as we were

1 today as we were last year as we will move on until that changes.

2 MS. HONG: Thank you.

3 MR. WU: Great and it is good to have that clarity
4 and wonderful that you will be doing the business that you want to
5 be doing. Alright with that we have third party commentators. I
6 do want to acknowledge 8 written comments were submitted so the
7 Agency reps do feel free to leave the table.

8 We will be recalling you for your comments on the
9 third party comments in a moment. We have 5 third party oral
10 commentators who had signed up earlier and a 6th who is here.
11 Each will receive 3 minutes. The light system is working here so
12 for third party commentators you do have a very strict 3 minute
13 time limit so I would encourage you to just be mindful of that and
14 go ahead and just get started, okay.

15 We have Dr. is it Guinosso? Hold on we have a
16 technical issue. Okay we will see if we can work this and thank
17 you to staff, thank you. Feel free to start.

18 MR. GUINOSSO: Hi, thank you for the
19 opportunity to speak today. My name is Michael Guinosso, Doctor
20 of Chiropractic I'm practicing now going on my 17th year. I am
21 speaking today on behalf of the Da Vinci Group.

22 Essentially I have listed four different concerns

1 specifically siting the criteria for recognition. The first is lack of
2 rigor around mission statements. In the standards what we have
3 seen is a change from a definition of chiropractic within the
4 standards to the absence of that and now the schools are being
5 solely evaluated on their mission statements.

6 And so I know that the criteria for recognition value
7 the diversity of mission statements -- but our concern is the widely
8 accepted unique identity of chiropractic is not represented by these
9 mission statements and so if we have only a mission statement
10 guiding the curricular values of the school -- to say only of course
11 there are other measures but we have the mission statements
12 guiding the value of schools we can come up with schools with
13 widely disparaging ideas about what chiropractic is.

14 And you know, we joked around about straights and
15 mixers before. I long for the days where we were arguing about
16 straights and mixers. Really now we have straights, and hold the
17 chiropractic's okay.

18 That means that -- so going back to the mission
19 statements a mission statement that simply says we aim to be the
20 best at graduating chiropractic physicians with no context for what
21 that means then the school can provide whatever it wants.

22 You know, of course within certain restraints -- so

1 that is our main concern lack of rigor around mission statements
2 and constitutes a failure of wide acceptance of the profession.

3 Secondly I'll move on there is a marriage of the
4 term subluxation and segmental dysfunction. This is not widely
5 accepted by the profession. The third party payer Medicare only
6 pays for the adjustment of vertebral subluxation as a payment or as
7 a procedure code and failure to train chiropractors in vertebral
8 subluxation is a failure to meet the -- I'll call it Medicare employer
9 because they pay chiropractors.

10 There is also a failure if those same students are not
11 trained in vertebral subluxation they cannot -- they are not
12 sufficiently trained to be employed by the wide majority of offices
13 that value vertebral subluxation as a main focus of their practices.

14 So that speaks to not only wide acceptance but a
15 failure in rigor and also I have a list here I will have to go through
16 it.

17 MR. WU: I'm sorry your time is up but I will help
18 you out with a couple of questions. First is you said there is a new
19 controversy that has replaced the straights versus mixers, I didn't
20 catch the term that you used.

21 MR. GUINOSSO: I said hold the chiropractic.

22 MR. WU: Would you take one minute to explain

1 for our benefit what is this controversy that's the first question and
2 the second is because not everyone at the table may know the term
3 subluxation would you take just one minute to explain that.

4 MR. GUINOSSO: So vertebral subluxation is
5 widely accepted as the -- we will call it chiropractic lesion. So in
6 dentistry we have cavities I think everybody could agree on that.
7 Of course dentists do other things but the main focus is dental
8 hygiene and the prevention of cavities.

9 So in chiropractic it is vertebral subluxation,
10 misalignment of spine that puts pressure on the nerves and stops
11 the correct functioning of those nerves that surround the spine.

12 MR. WU: And your concern -- you said is about
13 the Medicaid billing code? In just one minute how does that relate
14 to the Agency and its standards?

15 MR. GUINOSSO: Well if schools are allowed -- so
16 I mentioned the marriage of the two terms segmental dysfunction
17 and vertebral subluxation -- it's actually subluxation in the
18 standards. The slash between those two terms marries those two
19 terms together as if they are the same thing.

20 That is not widely accepted by the profession. They
21 are two separate things. So when a school teaches segmental
22 dysfunction in lieu of vertebral subluxation they are failing to meet

1 the requirements that the chiropractic address vertebral subluxation
2 so they are not doing that. That's my concern. We have
3 chiropractors out there -- it's like dentists not being able to fill a
4 cavity.

5 MR. WU: Okay so your concern is that some
6 chiropractors are straying from --

7 MR. GUINOSSO: The schools.

8 MR. WU: Working on the spine?

9 MR. GUINOSSO: No, the spine is not an issue.
10 All of the schools are going to require that chiropractors pay
11 attention to the spine. It is whether or not they are addressing the
12 classic and widely accepted lesion of the chiropractor which is a
13 specific part and problem of the spine, not the spine as a whole.

14 MR. WU: Got it okay great. Any other questions
15 from NACIQI members? Okay -- yes Ralph our Primary Reader?

16 MR. WOLFF: I just had a question. We heard that
17 there was an extensive process before the standards were revised.
18 Were you able or did you provide your comments regarding these
19 issues on the mission?

20 MR. GUINOSSO: I wasn't aware of the pre-
21 advisory period. I did participate in the commentary on the drafts
22 as they came out in several draft forms and I am basically

1 repeating -- this is a way abridged version of my concerns
2 regarding the language in the standards.

3 MR. WU: Thank you. Our next third party
4 commentator is Dr. Overland.

5 MR. OVERLAND: Good morning.

6 MR. WU: Give me one moment, I've reset this
7 here we go, okay feel free to start.

8 MR. OVERLAND: Good morning Mr. Chairman
9 and NACIQI panel. My name is Keith Overland I am here today
10 as the Doctor of Chiropractic for 36 years. I am a representative of
11 the American Chiropractic Association.

12 The Association appreciates the opportunity to
13 address NACIQI regarding our support for continuing recognition
14 of the CCE and the accrediting agency for all chiropractic
15 programs.

16 I am both a past regulator for the state of
17 Connecticut and past President of the ACA, the country's largest
18 professional society representing over 14,000 Doctors of
19 Chiropractic, chiropractic students and chiropractic assistants.

20 I am here to share with you today that the CCE is
21 widely accepted by the chiropractic profession including the ACA,
22 all 50 state licensing boards, our national testing agency the

1 National Board of Chiropractic Examiners and by virtually all
2 chiropractic colleges and universities in the United States.

3 Perhaps, most importantly though, it is accepted by
4 the vast majority of current chiropractic students. In fact with
5 more than 5,000 student members the ACA has not receive a single
6 complaint about CCE from any of them.

7 ACA is well informed about the processes that are
8 used by CCE and the positive results of its work throughout the
9 United States during its most recent period of recognition.

10 We believe the CCE is employing procedures that
11 have conformed to criteria for recognition CFR 602.13.

12 Communications have been comprehensive, they have occurred at
13 regular intervals, they are relevant to the constituencies and they
14 offer a meaningful opportunity for input.

15 Moreover, CCE decision-making bodies represent a
16 wide range of professional and public interests as well as including
17 representatives with varied clinical and philosophical positions. In
18 fact it is due to this wide ranging participation that when one
19 reviews the CCE standards of recognition, terminology is seem
20 throughout that is broad and inclusive enough to encompass the
21 spectrum of approaches necessary to graduate from all -- and meet
22 licensure requirements for all 50 states.

1 In regulatory community words always matter.

2 However, in preparing to thrive in a contemporary healthcare
3 practice, chiropractic students must be fully prepared to enter into
4 a world of collaboration, integration and patient-centered care.

5 Some of the complaints you may hear today and
6 you heard by the previous speaker is how the phrase pharmacology
7 or toxicology or in some circumstances the interchange of words
8 such as subluxation or segmental dysfunction are in the standards
9 and it is a failure to comply.

10 However, as a doctor in current practice it is my
11 strong opinion that this concern has no merit. In fact it is quite the
12 contrary. For example as a Medicare provider which I am, I can
13 tell you that the newly enacted Medicare quality standards, we are
14 required to comply with certain documentation criteria.

15 And in the criteria these are established through
16 literature, peer reviewed literature from all providers and all
17 different academic communities.

18 Among the highest priority --

19 MR. WU: Sorry but your time is up and I promised
20 to enforce the 3 minute rule fairly and evenly.

21 MR. OVERLAND: Thank you very much.

22 MR. WU: Let me ask any questions from NACIQI

1 members? I'll ask one very simple question for just a short answer.
2 The Agency represented that they have engaged in efforts to
3 address this divide and it does appear that the volume of third party
4 comment as decreased significantly.

5 Would it be your impression that the Agency has
6 reached out?

7 MR. OVERLAND: Yes, actually my last sentence
8 which I was getting to was exactly that. The Agency has gone, I
9 think, above and beyond in these past several years in reaching out
10 in almost every forum that I am at traveling around the country.

11 The representatives of the CCE are making full
12 opportunity for open dialogue with every stakeholder in the
13 profession.

14 MR. WU: Thank you.

15 MR. OVERLAND: Thank you.

16 MR. WU: Our next third party commentator is Dr.
17 Sigafoose-Jackson, do I have that name correct?

18 MS. SIGAFOOSE-JACKSON: Yes you did great.
19 I'm going to have to learn to speed talk for 3 minutes.

20 MR. WU: Feel free to start.

21 MS. SIGAFOOSE-JACKSON: Thank you
22 members. Selina Sigafoose-Jackson and I am representing the

1 International Chiropractic Association known as ICA. It is now in
2 its 91st year of service and we represent chiropractors from all over
3 the world as well as student members.

4 Regarding the status and perception of the CCE
5 within the chiropractic profession today and the all-important
6 criteria of acceptance within the chiropractic professional
7 community ICA sees some positive signs of progress in closing
8 what was a very wide acceptance and credibility gap for the CCE
9 among a large segment of the profession.

10 We are, for example, encouraged to see that the
11 analysis of the vertebral subluxation is within the standards just
12 recently released to the public. The ISA affirms that the vertebral
13 subluxation analysis detection and correction rightfully belongs at
14 the core of any chiropractic educational program as it represents a
15 unique service only to the chiropractic profession.

16 I am going to skip through some of this because I
17 don't want to miss some things. The ICA would also like to
18 commend the CCE for implementing a chiropractic adjustment that
19 a competency is a part of the educational standards.

20 We feel that this addition is long overdue. The
21 specific scientific chiropractic adjustment is an essential patient
22 procedure that is unique and central to the practice of chiropractic.

1 It is also the only reimbursable procedure in the
2 Fedacare/Medicare law -- federal Medicare law. Again I am going
3 to continue in skipping.

4 We acknowledge and are encouraged by CCE's
5 response to date of our requests of improvement for governance
6 and are optimistic that additional changes will be forthcoming in
7 the near future.

8 It is our expectation that all chiropractic programs,
9 conservative, moderate and liberal, as a result of such reforms be
10 fairly represented at all levels of the CCE on an equal basis.

11 Finally, ICA would like to express concerns over
12 the addition to the new standards of pharmacology requirement. It
13 is no secret that some of the chiropractic institutions are trying to
14 incorporate pharmaceuticals into their educational curriculum with
15 the hopes that it could lead to an expanded scope of practice where
16 doctors of chiropractic would be writing prescriptions for
17 pharmaceutical products including dangerous and controlled
18 substance.

19 The ICA and members we represent are opposed to
20 any such change in the educational process that would lead to
21 changing the chiropractic profession from a drugless healing art.
22 We take this position for reasons of public safety, professional

1 clarity and educational quality and integrity.

2 The ICA acknowledges the need for a responsible
3 accrediting agency for the chiropractic colleges, an agency that
4 commands the support of the united chiropractic profession. ICA
5 takes its responsibilities to the chiropractic profession very
6 seriously and we understand how profound education either
7 supports and promotes the unique science and practice of
8 chiropractic or undermines those fundamental principles.

9 It is our hope that the CCE will continue to bring
10 the accreditation process and standards on which it is based back to
11 the central position and regain the trust and support of a deeply
12 concerned profession. It is our desire --

13 MR. WU: Okay I'm sorry, you are out of time but I
14 will also ask you just one very simple question calling for a brief
15 answer.

16 MS. SIGAFOOSE-JACKSON: Okay.

17 MR. WU: I understand you to be opposed to the
18 introduction of drugs?

19 MS. SIGAFOOSE-JACKSON: Correct.

20 MR. WU: And let me make sure I hear your
21 concern. Your concern is that the accrediting agency now allows
22 and tolerates chiropractic schools in introducing some educational

1 content about drugs?

2 MS. SIGAFOOSE-JACKSON: Correct.

3 MR. WU: Okay great, thank you. Any other
4 questions? Thank you.

5 MS. SIGAFOOSE-JACKSON: Thank you.

6 MR. WU: Our next third party commentator is Dr.
7 Matlock, is there a Dr. Matlock in the room? No -- alright Dr.
8 Lewin? Keri Lewin? No -- okay. Finally we have a Dr. O'Bryon
9 -- feel free to start when you are ready.

10 MR. O'BRYON: Thank you very much. I thank
11 the Committee and all of your service that you do on these things.
12 I know it is above and beyond the call, the number of hours that
13 you all do.

14 I'm David O'Bryon. I am the President of the
15 Association of Chiropractic Colleges. I represent all the accredited
16 colleges in the United States so when I am speaking up here on
17 behalf of the continuation of CCE's recognition I am speaking on
18 behalf of all of our members, D'Youville College, New York
19 Chiropractic College, University of Bridgeport, Life, Sherman,
20 National, Palmer, Northwestern, Cleveland, Logan, Texas
21 Chiropractic College, Parker, Southern California, University of
22 Health Sciences, Palmer West, the University of Western States.

1 Obviously you hear today education has the
2 capacity to energize, inspire and motivate people to come in which
3 is a wonderful part of the chiropractic profession the zest for
4 providing care to people.

5 I want to recognize the amount of work that CCE
6 has done over the last several years to reach out to all of the
7 associations and the professions to be there, to assume and listen to
8 the profession as they prepared and updated their standards for you
9 all and the Committee.

10 My schools obviously individually reserve the right
11 to talk about individual issues that they might have on one segment
12 or another of the policies and they reserve that right. But the
13 Association has voted that ACC would be representing them on the
14 educational issues and speaking on their behalf and I do so today
15 with that caveat.

16 We have a number of schools and I expect maybe
17 perhaps one or two more accredited schools to come into the
18 Association in the next year or two. And I just wanted to share
19 that the broad scope of the profession -- one of the wonders of the
20 profession is the ability to have such a large capacity and range of
21 people with a variety of backgrounds and beliefs in their approach
22 to conservative healthcare.

1 And that's been one of the wonders and the things
2 that bring to the patient their care. So I will yield back the balance
3 of my time, I have made my point. We are here to represent and
4 be a positive reaffirmation of CCE's recommendations.

5 If you have any questions I can't say to Ralph who
6 has one question for me that he hasn't thought of yet. I do have
7 some stats on the growth of the profession in terms of it used to be
8 70/30 representation male/female.

9 In our incoming enrollment kinds of things I see
10 that growing in the inquiry pool to 50/50 and I see other regions so
11 anticipation of that. There are some -- everybody in the health
12 professions is reaching out to a diverse group to serve the next
13 generation of patients out there.

14 And it is a challenge for all of us and those in the
15 accrediting body help us get there. Any questions?

16 MR. WU: Great, questions? Just one question.
17 You listed a number of schools?

18 MR. O'BRYON: Yes.

19 MR. WU: Are those all of the schools or are there
20 some schools that are not part of your group?

21 MR. O'BRYON: 100% of the U.S. schools
22 currently providing chiropractic are accredited except for 1 that is

1 in -- on the track it will be in the next year or two. So I represent
2 100% of the institutions that are accredited in the country. I do
3 represent 4 institutions that are outside the U.S. as well.

4 MR. WU: Thank you. Alright I think we have no
5 other questions so we will invite the Agency reps back to the table.

6 And we will start with the Agency reps and then
7 any response they might have to the third party comments before
8 we turn to the Primary Readers and the remainder of our panel.

9 MR. LITTLE: We are very appreciative of all the
10 public's comments. There were issues mentioned today that we
11 have thoroughly reflected on. One of those issues regarding the
12 terminology -- that actually, terminology in the chiropractic
13 profession and its effect on leadership is part of my Doctoral study
14 currently.

15 And there are currently almost 300 synonyms in the
16 chiropractic literature that describe the lesion that chiropractors
17 treat. It's a challenge to narrow it to just two. The reason is is that
18 we want to be respectful of the mission and vision of every
19 program that we accredit.

20 It's not the role of an accreditor to set the mission
21 for educational programs. We don't view that and we don't
22 believe the criteria reflect that. And again, I would be happy to

1 have our Chair speak to the aspect on how we deal with the
2 valuation of missions but that's never been an issue -- it's never
3 been a complaint by any program.

4 In reflecting on the terminology the reason that the
5 Council has taken use of certain terminology -- what was
6 complained about in public comment we actually received 2,000
7 contrary to the position that was given.

8 So we have taken steps to try to integrate that
9 because it doesn't have an effect on student learning. The
10 outcomes that are required -- those outcomes, those student
11 learning outcomes are robust and they are well accepted by all
12 state licensing authorities.

13 But we try to make sure that the terminology that is
14 used by the program is applicable. We actually have one program
15 that is currently new and is going through and it does not use either
16 of those terms.

17 But the fact is that that program -- that synonym
18 will be acceptable to the Agency as we evaluate their compliance
19 with the core educational requirements. So it's a challenge and we
20 do the best that we can and we do it by reflecting on the input that
21 we have received and making sure that we communicate to the
22 audience why the decision -- why every decision was made.

1 I would like to sum up again with warning and
2 again please have you looked at our standards to note that that 2
3 year clock starts as soon as we evaluate that program and discover
4 any weakness, that clock starts.

5 And again warning is not -- and please look at the
6 definition of probation and the definition is very specific. It
7 involves any significant non-compliance with any of our standards,
8 any of our policies, accreditation requirements.

9 If you are below that threshold, that's the defining
10 threshold that is actually -- again it is not new to us, it is something
11 that we have observed in criteria and tried to utilize effectively.

12 By way of practice I believe we have used the
13 practice of warning very responsibly with programs to try to get
14 them on track to make sure that they don't have a weakness that
15 falls into that area.

16 We have to have something. I don't think we have
17 to have something. If we didn't have warning -- it is not required
18 for us to have warning. If we didn't have warning sometimes that
19 is our attention getter with programs.

20 And we try to use that responsibly and with the data
21 that I talked about on how often we use it I think -- I hope you can
22 appreciate that. I would be happy to answer any other questions.

1 MR. WU: Let me start with Ralph and -- oh I'm
2 sorry we do have a question, Anne? I was going to start with the
3 two Primary Readers, Ralph? None from Ralph?

4 MR. WOLFF: I don't have any questions of the
5 Agency.

6 MR. WU: Federico is our other Primary Reader?

7 MR. ZARAGOZA: Yeah I just want to go back
8 and again commend you in terms of the progress you have made
9 towards the acceptance certainly in the community even though
10 there are still some philosophical issues out there. Certainly that
11 speaks well to the work that you have done.

12 Going back and looking at the transcript the last
13 time you were here many of the third party commenters mentioned
14 what they kind of termed as a Board of Directors, that kind of
15 seems to be very stagnant and a Boys Club was kind of used to
16 describe the leadership at that time.

17 You did present and my understanding is that
18 during a 2 year period you appointed 11 new members and so my
19 question is since that time has there continued to be an evolving
20 leadership?

21 MR. LITTLE: Yes we have strict term limits.
22 Those term limits are a maximum of three three-year terms. As

1 you have noted we have a big influx and we continue to have even
2 more influx because of the fact of term limitations expiring. We
3 have done -- we have a lot of processes in place for Council
4 development.

5 We are creating basically a Commissioner job
6 description. We actually have them rate themselves. We have
7 used AGB as a model on governing board effectiveness tools. We
8 have used their webinars -- it's a lot of work with the governing
9 board because of the fact that we have a culture and to change
10 culture takes some time.

11 And to make sure that others appreciate that culture
12 on the Council. Some of the third party comments you note were
13 referencing up to 2012. We are not the same agency that we were
14 in 2012 and I could let our Chair here probably describe.

15 MS. GOULARD: Since I think my tenure with the
16 Council corresponds roughly to just after the last meeting that you
17 had to the present day and since that time we have hired a new
18 CEO who has been tasked with some specific annual goals and has
19 tirelessly provided outreach to all of the stakeholders.

20 We conducted an administrative and governance
21 task force review of our operation including our Council and the
22 relationship between staff and Council. We adopted a partnership

1 model of governance. We conducted a Council self-assessment
2 effort which we are reprising as we speak and we have had a
3 number of Council retreats we have conducted comprehensive
4 strategic planning effort which Dr. Little outlined.

5 And we have a strategic plan in place that I think
6 will really move us forward. So just big picture stuff, it's been --
7 we have done a lot of -- we have had a lot of movement.

8 MR. ZARAGOZA: My second -- just a follow-up
9 question, the earlier discussions on confidential warning -- you
10 mentioned how it is used so has it evolved as a practice? And if it
11 is a practice would it not be somewhere defined in your manual
12 and your policies and your procedures?

13 MR. LITTLE: I believe it is. There are specific --
14 there is the definition, there are specific examples.

15 MR. ZARAGOZA: Can you reference me to that
16 because I have been looking for that for 2 days.

17 MR. LITTLE: I would reference Exhibit 98. Again
18 it is on our standards on page -- beginning on page 6.

19 MR. BENNETT: It is under the non-compliance
20 area that Dr. Wolff was talking about earlier and I want to make a
21 point. The one thing that was in the -- again this is the first time
22 we have been able to speak about it as Dr. Schultz alluded to, but

1 the staff mentioned that warning period might not be counted.

2 There isn't any place in our standards that allows
3 for a warning period not to be counted. As a matter of fact in
4 every area under that Section 4 Required Follow-up, Warning,
5 Probation et cetera, et cetera the clock starts initially right there.

6 It says it right in our standards that when there is a
7 concern the clock starts. It is pretty well stated.

8 MR. ZARAGOZA: It related parts of that so was a
9 definition of short amount of time and what that could mean.

10 MR. LITTLE: A short amount of time it cannot
11 exceed a year. It could be up to a year but it could be essentially
12 getting a program to get information and get back to us so that we
13 can make a decision at the next meeting which is within 6 months.

14 MR. BENNETT: And I want to be clear. You
15 know I think there may be a misconception that 12 months is the
16 maximum -- 24 months is the maximum for our Agency because
17 all of our programs are 4 years or longer. There seemed to be
18 some confusion with staff when we were talking.

19 I'm not sure if staff knew that all of our programs
20 were 4 years so we fall under the 24 month window. So the
21 warning piece is just half of that for example what Dr. Little was
22 talking about earlier -- you had warning for the up to 12 then guess

1 what if you haven't fixed it. You aren't going backwards you are
2 going to be placed on probation or worse up to 12 months.

3 MR. WOLFF: I'm confused. The staff indicate
4 that a warning does not trigger the 12 months.

5 MR. LITTLE: That is incorrect.

6 MR. WOLFF: I don't know where that is in the
7 standards but it is pretty clearly alluded to in Section 4? I mean I
8 am looking at Exhibit 98 with the highlighted section and it is not
9 here but I want to clarify. What you are saying is if an institution
10 is put on confidential warning whether it has 6 months, 12 months,
11 that is against a 2 year period?

12 MR. LITTLE: If you look at the top of page 7 in
13 our institutional -- in regards to our standards -- require the
14 program or institution to take appropriate action to bring itself into
15 compliance with the standards within a timeframe that must not
16 exceed 2 years.

17 MR. WOLFF: And that includes --

18 MR. LITTLE: That includes everything below, yes
19 everything.

20 MR. WOLFF: Everything that is in that section on
21 non-compliance?

22 MR. LITTLE: Yes, that's a hard time line. That's

1 stone.

2 MR. WOLFF: Thank you for the clarification.

3 MR. WU: Okay Anne?

4 MS. NEAL: Again thank you for being here. I just
5 wanted to follow-up briefly on the toxicology pharmacology issue
6 because we have heard from at least one oral commentator as well
7 as some of the written that this inclusion of pharmacology was at
8 the last minute without making it available for review or comment.

9 And that the suggestion that it was a small tweak
10 would be inappropriate in the view of these commentators since it
11 very much modifies the practice of chiropractic which is one
12 without drugs.

13 So I would like you to address that question and
14 then the broader question that we all know where the money is,
15 there goes the profession so the allegation that by including this
16 educational standard as you have in your standards that you or the
17 accreditor will essentially be transforming the professional from a
18 non-drug to a drug one, what is your answer to that?

19 MR. LITTLE: Thank you that's a very good
20 question. And the question first of all our standards revision
21 process is a 5 year process. And at the -- in the fall of 2016 we
22 received a substantial amount of public commentary from the

1 profession regarding the terminology.

2 We received concerns from chiropractic programs,
3 from state licensing authorities regarding -- and it wasn't with
4 respect to the scope of the practice for the profession but the need
5 for a practitioner to appreciate -- again all patients that come to us
6 typically are under some form of medical management or some
7 type of prescription medication.

8 There is a necessity for the practitioner to know
9 which of those medications may serve as an absolute or a relative
10 contra-indication to any chiropractic treatment. And so our
11 competencies, our student learning outcomes reflect that need.

12 The terminology of pharmacology has been present
13 in the CCE standards dating way back. I'm talking about before --
14 probably back into the 1980's. During the last set of standards we
15 tried to soften that term for a little bit more acceptance to be
16 described as toxicology.

17 You can't -- and it's solely not a curricular
18 requirement, it is a content area. Just what do we term a subject
19 matter -- it's a subject matter for any initial program. So that
20 subject matter -- in order to be able to understand toxicology you
21 need to know, you have to know some pharmacology it is mutually
22 exclusive.

1 So we actually -- CCE staff did an analysis of all of
2 our currently accredited chiropractic programs. We found that all -
3 - that 10 of our 15 programs actually had courses for
4 pharmacology. 10 of the 15 and all 15 had the subject matter of
5 pharmacology in there.

6 It's not a game changer for the institutions. It is a
7 term of art that sometimes causes fear. And I completely
8 understand what that fear is because I know the difference in the
9 world view.

10 But the only necessity for subject matter of
11 pharmacology is for the chiropractic practitioner to know the
12 effects of medications on patients that is presenting to their office.

13 I will state it here for the record you can put it on
14 warning. **Bold, capital underlined** -- it is not to have an effect on
15 changing the scope of chiropractic practice. It is only for the best
16 treatment of patients that present to chiropractic offices and
17 knowing the effects of opioids and knowing the effects of a patient
18 that is on a blood thinning medication that may have an adverse
19 effect to some kind of manual therapy and you are causing an
20 adverse bruising or bleeding.

21 It may be you are treating the patient nutritionally
22 but they are on some diabetic medication to know what those

1 effects are. There is a need for the graduate to be a safe, effective
2 and ethical provider and to do that the Council felt and again the
3 licensing boards felt that there needed to be some exposure to that
4 subject matter.

5 MR. WU: Other questions? Let me ask a question.
6 I'm going to make two statements that I think describe the world
7 and I invite you to tell me if these statements are true or false or if
8 you take issue at all.

9 The first statement is my understanding is that some
10 chiropractors are unhappy about other chiropractors prescribing
11 drugs. That you have looked at this issue and that you allow and
12 tolerate your institutions to include pharmacology and drugs as
13 part of the program? Would that be accurate or not accurate?

14 MR. LITTLE: I don't believe that is accurate. We
15 did a review and we don't limit curricular you know, it's not a
16 limitation. We review what programs are already teaching.

17 MR. WU: Right, right what I am saying is you are
18 not -- I'm trying to say what you are saying. You do not tell your
19 schools don't teach pharmacology?

20 MR. LITTLE: Correct.

21 MR. WU: And some chiropractors want you to tell
22 schools don't teach pharmacology?

1 MR. LITTLE: Correct and it would be the same for
2 others. There are some that would want us to say to every
3 educational program teach subluxation.

4 MR. WU: That was going to be --

5 MR. LITTLE: And there are some chiropractic
6 programs -- we have done an analysis and we know where that
7 term is used and there are some programs that do not use that
8 terminology, they use other terminology.

9 And we have done our best to describe appropriate
10 student learning outcomes that aren't centric to a specific synonym
11 and tried to embrace the practice of chiropractic. And we did that
12 by including members of every organization that had concerns in
13 reflecting that.

14 One of the organizations that testified here was a
15 part of that -- of what we call the Medi-competency Advisory
16 Committee that came up with that language of
17 subluxation/intersegmental dysfunction.

18 It was the Vice President of one of the agencies that
19 stated that. So we understand that but we have done the best that
20 we can in order to be a collective repository for all of accredited
21 programs.

22 MR. WU: Great and that was actually my second

1 statement that I was going to make. Some chiropractors want you
2 to restrict the schools and say only use the term vertebral
3 subluxation?

4 MR. LITTLE: That is correct.

5 MR. WU: And you have not done that. You do not
6 say to schools teach only vertebral subluxation?

7 MR. LITTLE: Our standards -- again we have been
8 inclusive as you remember because you were here the last time, the
9 attempt of the Agency prior was to not use any term of art but that
10 was met with great resistance because that terminology was not
11 included.

12 So now it is included so we can have both
13 spectrums be able to appreciate what is the actual work of a
14 chiropractor and what is -- and again we believe that that outcome
15 has been widely accepted with the exception there are some that
16 don't like a slash and being able to use other synonyms.

17 MR. WU: Great okay. Any other questions?

18 Alright I think we will excuse the Agency representatives and we
19 have the Department staff who will come back before us. Thank
20 you so much.

21 MS. SCHULTZ: Okay as far as the third party
22 comments are concerned I would like to note for Committee

1 members who haven't been here for an entire cycle that we had a
2 huge number of oral commenters and written commenters at the
3 time of the Agency's last review that were opposed to the
4 Agency's continued recognition.

5 And I think the fact that we have a relatively small
6 number on this cycle speaks a good deal to the efforts that the
7 Agency has made to listen to all viewpoints and accommodate the
8 various philosophies.

9 In the profession as Dr. Little has said, they are
10 probably not going to come to a meeting of the minds but I feel
11 that the straights are perhaps feeling more included and feeling like
12 they have more input than they have in the past so I think that's a
13 good thing.

14 Now as for the staff recommendation -- having
15 heard the Agency's discussion I still have concerns. As I said I
16 wasn't at the Council meeting but the staff member who was said
17 that there was ongoing discussion for one institutional program
18 that maybe 7 or 8 issues.

19 And whether this would constitute the warning or
20 the probation -- so I question that a decision to go in one direction
21 or the other is as clear cut as we might like for it to be -- so I do
22 have a concern about the use of the confidential warning and

1 assurances that it does not rise to the level of non-compliance with
2 the standards.

3 We also had a concern about whether the 12 month
4 period would be counted against the 24 month period which I did
5 note that the length of programs with this Agency since they are
6 Doctoral programs it is the 24 month time limit that is applicable to
7 this Agency.

8 Mr. Bennett said that the 12 months was just half of
9 the 24 month time limit and I think that half is not just half. I think
10 that half of the 24 month time limit is significant. He said that the
11 12 months would count against the 24 month time limit.

12 So you still have the potential of the Agency being
13 ultimately found out of compliance after the 12 months and that
14 should have been reported to the Department because it is counting
15 against the 24 month time limit but we are not going to be notified
16 of it presumably until half of the 24 month time limit has passed.

17 So in consultation with our Director we do stand by
18 the original staff recommendation.

19 MR. WU: Herman?

20 MR. BOUNDS: Yes I think Rachael said it a lot
21 better than I could. But I would also like to talk about the other
22 issue in relationship, you know, to reporting. You know over in

1 the reporting criteria where we talk about actions that should be
2 reported to the Department. We use the term probation or
3 equivalent status.

4 Now when you look at whether this compliance
5 warning is non-compliant with an Agency standard and you also
6 look at probation being a situation -- a condition excuse me which
7 is non-compliant with an Agency standard it is hard for us to
8 distinguish the two.

9 So I think there are some issues with clarity in the
10 Agency's policy and that's what we look for is clarity. You know,
11 when I am looking under their definition of a warning it talks about
12 could be non-compliance in the future, the Council determined that
13 it is non-compliance.

14 When you look at the enforcement time lines I think
15 as Rachael has pointed out and even the Agency has pointed out
16 the language is pretty clear. If you are not compliant with the
17 Agency standards that kicks in a time line and we just want to be
18 clear that we can distinguish what those time lines are and when
19 they, you know, when they start.

20 So as Rachael said we still have some concerns with
21 clarity. There are many agencies who again, they use the
22 warnings, you know, well before an Agency is going to be non-

1 compliant with an area. Hey you are going to get into a situation
2 where you are in trouble but then when they initiate that non-
3 compliance action it is clear. There is a clear separation between
4 those two and here we just don't have it.

5 I think there could be some confusion or there could
6 be some issues with how we calculate those time lines, that's just
7 our concern. I think it could be cleaned up but I think there are
8 some issues.

9 MR. WU: Ralph?

10 MR. WOLFF: I have a question but first what is the
11 regulatory citation around the public notice? I'm not quite sure
12 when is an agency required to provide the Department notice of
13 actions?

14 MR. BOUNDS: Yeah and that's what we say we
15 use the term probation or equivalent status and that kicks in the
16 notifications. Again for us when you have two statuses that are
17 similar in their definition of a non-compliance determination that's
18 what causes the muddiness when we want to see those
19 notifications.

20 But if an institution is going to be out of compliance
21 for up to 12 months we would expect a notice at that time. You
22 know you have to look at these things in a common sense way. Do

1 you not share that information and in 12 months the program is
2 really in trouble and the notification has come that much later? I
3 don't think that's a good practice to notify students or to notify the
4 community that there's an issue with that institution that hasn't
5 been reported.

6 MR. WOLFF: So if I let me see if I understand
7 how this might be resolved assuming we support this finding. It
8 seems to me on the one hand either to strike confidential, call it an
9 area of non-compliance, provide -- so it's not because the
10 Department would be notified and it is a finding of non-
11 compliance that could lead to probation, show cause or
12 termination.

13 So that would be one way which I believe would
14 fulfill what you are saying that it would be public and that it would
15 be considered as an equivalent to probation.

16 Or it seems to me another approach might be to say
17 it is not yet non-compliance, it is moved out of the section of non-
18 compliance and it is where failure to respond would lead to a
19 finding of non-compliance.

20 I mean I think the issue is that what I think the staff
21 judgment is that it is listed in a category and it is a finding of non-
22 compliance which trigger and they are saying it triggers the 2 year

1 rule.

2 So I am just trying to say this is -- it seems to me
3 that those would be the alternative ways of addressing this, does
4 that makes sense, thank you.

5 MR. BOUNDS: That's what I said it could be
6 addressed easily by providing some more separation between the
7 warning and it is a non-compliance issue but you need to fix this
8 and when they cross that line and it is now a serious non-
9 compliance issue that may take you some time to -- it make take an
10 institution some time to correct, an institutional program.

11 MR. WU: Let me ask the Primary Readers. Do we
12 need to hear more from the Agency about this specific issue? It is
13 up to you. If you think we need to delve into it more fine -- no.

14 MR. WOLFF: I don't think so. I mean I think they
15 are clear on what it is. I think the issue is for me it is in a section
16 called non-compliance and what I hear is either it is non-
17 compliance or it is about to be non-compliance.

18 And so it needs to be resolved that it stays in that
19 section and that it meets the staff recommendation or they revise it
20 and move it out of that section and call it what it is but preliminary
21 to a finding of non-compliance.

22 So I think it needs to be worked out which would

1 lead me to support the staff recommendation. I want to make sure
2 about the warning about how it gets resolved.

3 MR. WU: Okay. Steve?

4 MR. VAN AUSSDLE: Well I think that resolves
5 some of my -- I was looking at the section and it talks about the
6 confidential warning to ensure that such a warning is for a much
7 shorter period of time, is made public, and then talks about the 12-
8 18-24 so I was trying to in my mind, sort carefully through what's
9 confidential here, for how long and then the requirement for public
10 and maybe that's what you were clarifying Frank to a degree.

11 But the public -- it does become public after a
12 period of time -- confidential and public in the same sentence.

13 MR. BOUNDS: Yeah the explanation Ralph gave
14 earlier would address the issue about becoming public. When we
15 say public notification is for those conditions where there is a non-
16 compliant issue, you know, the agency states that it could be as
17 long as 12 months.

18 We would expect that to be a public notification it is
19 a non-compliance issue which apparently is not minor if it takes
20 that long to fix it. So making those corrections would address the
21 issue of notification to the public if it is not in that non-compliant
22 area. That's okay sir you're okay.

1 MR. WU: Yes Ralph?

2 MR. WOLFF: I'm prepared to make a Motion.

3 MR. WU: Okay, let me just see any further
4 questions, comments by NACIQI members? Okay we are ready
5 for a Motion.

6 MR. WOLFF: This is an Application for
7 Continued Recognition so my recommendation would be that the
8 Agency be requested to be given 12 months --

9 MR. VAN AUSSLE: Can you speak up I'm having
10 trouble hearing.

11 MR. WOLFF: That's alright I'm having trouble
12 formulating. I just want to make sure of the right language but the
13 point would be to request a report within 12 months to renew their
14 recognition with the report within 12 months to address the
15 resolution of the 602.20 with respect to the confidential warning.

16 MR. ZARAGOZA: I would second that.

17 MR. WOLFF: And I would just say my hope
18 would be that they resolve the issue around either the way -- if I
19 may say one other thing. It seems to me it can be resolved by not
20 making it a non-compliance finding which I said earlier.

21 Or in dealing with it as a non-compliance if it is
22 made public I don't have the same concern about 12 months being

1 not a short period of time, that's irrelevant to me because it is
2 public and it is part of the 2 year rule. So it seems to me that
3 would be notice to both the institution and to the Department and it
4 fits within the 2 year time frame.

5 So I just think they need to work out is it non-
6 compliance or pre-non-compliance and where it gets located in
7 their enforcement section.

8 MR. WU: Okay we have Federico and Bobbie.

9 MR. ZARAGOZA: I actually second the Motion.

10 MR. WU: Okay Bobbie?

11 MS. DERLIN: I don't understand why the Motion
12 isn't just to accept the staff recommendation.

13 MR. WOLFF: The staff and the institution -- the
14 Agency did not have a chance to interact on this recommendation
15 and I am not prepared to say that the finding -- I think had there
16 been an opportunity I don't know if it could have been resolved so
17 I am just trying to create a vehicle for the staff and the Agency to
18 work this out.

19 Right now it would be that it is an area of non-
20 compliance that they are being found non-compliant with 602.20
21 and I am not sure I am prepared to go that far given the confusion
22 around their understanding and there was no dialogue about it.

1 MS. DERLIN: I get it.

2 MR. WU: And Herman?

3 MR. BOUNDS: Yeah and I think Sally can correct
4 me if I misspeak here but since this was a renewal petition for the
5 Agency the recommendation regardless of what that would be is a
6 deficiency that would have to be -- it would have to use the
7 language of allowing the Agency 12 months to demonstrate
8 compliance with the issue.

9 That issue can be worked out when they submit
10 their Petition but the language would have to be they would be
11 non-compliant. Then they would have 12 months to come into
12 compliance and just submit the report 30 days thereafter.

13 MR. WU: And Jennifer?

14 MS. HONG: So then based on that guidance you
15 are effectively moving the staff recommendation. In other words,
16 yes.

17 MR. BOUNDS: Yes.

18 MR. WOLFF: Given what Herman just said that's
19 the only basis on which the 12 month report would be required yes.

20 MR. WU: So I'm sorry your Motion is now?

21 MR. WOLFF: The Motion has been revised to
22 move the staff recommendation.

1 MR. WU: Okay any further discussion? Okay
2 Motion having been duly made and seconded it is ready for a vote.
3 Please signify by raising your hand all right so in favor,
4 1,2,3,4,5,6,7,8,9,10,11,12,13,14 any opposed -- okay the Motion
5 carries, 14 to 0 as acting Chair I did not vote and our Chair is
6 recused.

7 **NACIQI RECOMMENDATION:**
8 **Recommendation is to move the Staff Recommendation.**

9 MR. WU: I think that concludes our discussion of
10 this Agency, thank you to everyone. Let me ask Jennifer is this is
11 a good time for us to take our break and it would probably be a
12 good time to break for lunch so an early lunch break if we could
13 return here at 1 in the afternoon so you have 1 hour and 15
14 minutes, so 1 o'clock in the afternoon, thank you.

15 (BREAK 11:45 - 1:02)

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RENEWAL OF RECOGNITION

3

COMMISSION ON ENGLISH LANGUAGE

4

PROGRAM ACCREDITATION (CEA)

5

MR. KEISER: If we could have everybody's

6

attention we will get ready to reconvene. I hope everybody had a

7

good lunch. We are about to look at the Renewal or Recognition

8

for the Commission on English Language Program Accreditation.

9

The Primary Readers are Susan Phillips and Arthur

10

Rothkopf, the Department Staff is Valerie Lefor and the Agency

11

Representatives I'm told there are three instead of the original 5

12

listed, Mary Reeves, PhD, Heidi Vellenga, PhD and Nicole

13

Martello, Accreditation Review Manager and Engin Ayvaz,

14

Commission Chair.

15

If I could have the Readers make an introduction.

16

MR. ROTHKOPF: I'll start off -- Susan and I are

17

doing it. I'll give you the general information about the Agency.

18

It's the Commission on English Language Program Accreditation.

19

It's a national programmatic and institutional accreditor that has

20

been accrediting post-secondary non-Degree granting English

21

language programs and institutions in the U.S. since 1999.

22

It focuses on those institutions and programs that

1 serve international students who need to improve their English
2 language skills before beginning their studies and/or professional
3 activities in the United States.

4 The primary program offered by colleges,
5 universities and independent schools is commonly known as an
6 IEP an Intensive English Program. It's a little unusual for NACIQI
7 so let me tell you a little bit more about them.

8 It accredits 127 programs and 170 institutions.
9 They have 297 sites in the 40 states and the District of Columbia.
10 It is the free-standing English language institution participation in
11 the Department of Homeland Security, the Immigration and
12 Citizenship Program that CEA cites as its federal link for purposes
13 of the Secretary's recognition process.

14 So its activities go to the Department of Homeland
15 Security. It does not accredit institutions for purpose of the
16 Department's HEA or Title IV programs.

17 A couple of words on their recognition history --
18 first review for recognition 14 years ago when the Secretary
19 granted initial recognition for 2 years -- the last full review of the
20 Agency was conducted at the NACIQI meeting of 2011.

21 At that time the Agencies recognition was
22 continued. It had to submit a compliance report which they did in

1 2013. In 2016 is the Agency submission for recognition. There
2 was one complaint at one point which I assume will be discussed.

3 That's the background Mr. Chairman.

4 MR. KEISER: Thank you Arthur, Valerie?

5 MS. LEFOR: Good afternoon Mr. Chair and
6 members of the Committee. For the record my name is Valerie
7 Lefor and I will be presenting a summary of the Petition for
8 Continued Recognition submitted by the Commission on English
9 Language Program Accreditation referred to as CEA or the
10 Agency.

11 The staff recommendation to the senior Department
12 official for the Agency is to continue the Agency's current
13 recognition and require the Agency to come into compliance
14 within 12 months and to submit a compliance report 30 days after
15 the 12 month period.

16 Based on review of the information in the Agency's
17 Petition supporting documentation and an observation of a site
18 visit on October, 2016 and a Commission meeting in December,
19 2016 Department staff found that CEA is largely in compliance
20 with the Secretary's criteria for recognition.

21 There is one remaining issue in the Agency's
22 Petition regarding the establishment and implementation of a

1 policy for proper use of extensions for a good cause that meets the
2 requirements of the Secretary's criteria for recognition.

3 The Department did not receive any written third
4 party comments and has received one complaint during this review
5 cycle regarding the Agency. Therefore the staff recommendation
6 again to the senior Department official for the Agency is to
7 continue the Agency's current recognition and require the Agency
8 to come into compliance within 12 months and to submit a
9 compliance report 30 days after the 12 month period.

10 There are representatives here from the Agency and
11 I am happy to answer any questions that you may have. This
12 concludes my report. Thank you.

13 MR. KEISER: Are there any questions of staff,
14 Susan you are one of the readers?

15 MS. PHILLIPS: Valerie could you tell us a little bit
16 about the complaint that was received?

17 MS. LEFOR: Definitely. So the complaint was
18 from a perspective group had come to CEA wishing to gain
19 accreditation recognition so they had gone through the process
20 with CEA and ultimately ended up not getting that recognition and
21 they felt that due to due process that they hadn't been given all of
22 the full rights that they should have been given in that process.

1 So we conducted a very thorough review -- it was a
2 fairly large complaint, a lot of documentation, exhibits. We looked
3 at CEA's policies and we found out that they had, you know,
4 policies that were in compliance with the Secretary's criteria for
5 recognition and that there weren't any additional issues that we
6 could identify based on that.

7 MR. KEISER: Any further questions? Seeing none,
8 thank you very much. Will the members of the Agency please
9 come forward and introduce yourselves.

10 MR. AYVAZ: Good afternoon members of the
11 Committee. My name is Engin Ayvaz and I am the 2017 Chair of
12 the Commission on English Language Program Accreditation,
13 CEA.

14 I want to start by thanking the Department staff for
15 their accessibility and responsiveness throughout CA's petition and
16 related through your activities. CEA has used the recognition
17 process to review and test its own policies, procedures and
18 program and institution outcomes.

19 As analyst Valerie Lefor has described, CEA is
20 recognized by the Secretary to accredited programs within
21 accredited institutions and free-standing institutions within our
22 specialized scope of English language teaching and learning in

1 poor secondary settings.

2 Of CEA's currently accredited 325 sites, 55% are
3 institutions, 35% are programs and about 10% are what we call a
4 general status comprised of international programs that meet
5 CEA's eligibility criteria.

6 I am the Director of School of Foreign Languages at
7 Yas ar University in Izmir, Turkey one of CEA's international
8 programs. Dr. Mary Reeves, CEA's Executive Director and Dr.
9 Heidi Vellenga, CEA's Associate Director accompany me today
10 and we look forward to responding to your questions.

11 Mary will now briefly comment on the
12 Department's findings, thank you.

13 MS. REEVES: Yes thank you Engin and good
14 afternoon Chairman Keiser, members of the Committee. I too
15 want to begin by thanking the Department Staff for their
16 accessibility, responsiveness and thorough review. This helps
17 agencies like ours maintain compliance and we do have these
18 conversations with Department staff throughout the term of our
19 recognition and not only at the time of the Petition. So thanks very
20 much to all of you who have interacted with us so effectively.

21 As you know the Petition requires at least a year's
22 worth of work by the Agency and in that connection I would like

1 to thank the work of my staff, the CEA staff and the good work of
2 our elected Commissioners represented by Engin here today.

3 All of us have worked together to ensure that we
4 remain -- are in compliance and remain in compliance over time
5 with the criteria, the Department's criteria.

6 As Engin has mentioned we do approach the overall
7 recognition process as an opportunity to review and improve our
8 policies, procedures and practices and we welcome the many
9 affirmative findings in the staff report.

10 However, we do acknowledge the deficiency in our
11 compliance with 602.20B as stated in Valerie's report. The
12 Commission has already established a working group to address
13 this matter as we learned of it at the time of the draft staff report
14 we received in October.

15 So at our December Commission meeting we were
16 able to begin to take action to bring ourselves into compliance.
17 We intend to be in compliance within the year. So as Valerie
18 noted -- as Dr. Rothkopf noted we are unique -- CEA is unique
19 among recognized agencies in that we are -- that are federal link is
20 through the Department of Homeland Security.

21 In particular, through the Student and Exchange
22 Visitor Program regulations, SEVP, we may be using that acronym

1 in today's conversation so I want you to know that. And of course
2 as mentioned we accredit no program or institution, have no role
3 relative to Title IV or other federal student aid programs.

4 So I will be happy to answer any questions you
5 have about these or other matters regarding our Petition or any
6 other matter and my colleague, Dr. Vellenga will also be
7 responding at certain times.

8 MR. KEISER: Are there questions from the
9 Primary Readers? Susan?

10 MS. PHILLIPS: Yes just to get a feel for the kinds
11 of decisions that your Agency has made across its decision-making
12 activities in the last year or two.

13 MS. REEVES: Yes, our Petition references the
14 Accreditation Act of 2010. That was the piece of stand-alone
15 federal legislation that President Obama signed that required all
16 English language teaching schools in higher education settings to
17 be accredited by a nationally recognized accreditor within a given
18 period of time.

19 The window of time that was open to these
20 programs and institutions was until December, 2013. Our last
21 recognition cycle as noted concluded about that time and so our
22 Agency actions since our last recognition review, coincides with

1 the implementation of this piece of legislation and quite informs
2 the nature of the decisions that we have been making.

3 So since our last full review we have taken about
4 280 accreditation decisions, initial decisions because of the influx
5 of programs and institutions as a result of the Accreditation Act
6 and about 80 reaccreditation actions.

7 Of those 32 were denial actions about a 9% denial
8 rate. We are proud of that but it does mean that some of the sites
9 that came before us in the push after the Accreditation Act were
10 not ready for accreditation.

11 We review some sites one year later. We do grant
12 one year accreditation or 5 year accreditation and those that receive
13 one year come back before the Commission, not to the compliance
14 committee but before the Commission for an accreditation decision
15 one year.

16 And at that time we denied continued accreditation
17 or withdrew accreditation from an additional 7 sites, about a 3%
18 withdrawal rate. The other programs and institutions continue in
19 accredited status and so that's our track record. I hope I have
20 responded to your question.

21 MS. PHILLIPS: Yes thank you.

22 MR. KEISER: Arthur?

1 MR. ROTHKOPF: What's the main focus of the
2 schools that you accredit and how do you judge outcomes? I mean
3 some of them -- situations where you have foreign international
4 students who want to be prepared for study at U.S. colleges and
5 universities.

6 And the other seems to be your relationship with
7 Homeland Security where are they tested by Homeland Security
8 and I guess my question is how do you -- divide up or the two
9 functions if they are separate?

10 And then how do you judge the outcomes of these
11 two functions?

12 MS. REEVES: Okay so if I may I'll address your
13 question about our relationship with DHS first. All of the students
14 -- the vast majority of the students in our accredited programs and
15 institutions are in the United States on non-immigrant student
16 Visas. So their relationship and ours to SEVP this program within
17 the Department of Homeland Security is restricted to our ensuring
18 that the student -- the institutions and program require their
19 students to stay in compliance with their immigration regulations.

20 There are some pieces of those regulations that have
21 to do with the student making normal and satisfactory progress in
22 the full course of study and so forth but otherwise the SEVP, the

1 program that oversees these international students plays no role
2 whatsoever in setting outcomes.

3 They do, as I say, require students to have the
4 physical presence in the school in which they are enrolled and that
5 they be making normal and satisfactory progress in their full
6 course of study. So that's one part of my response.

7 Those of you who have studied foreign languages
8 know that you may have chosen to do so for a wide variety of
9 reasons. That's true for the sorts of students that enroll in the
10 programs and institutions we accredit.

11 We do like most creditors require sites to declare
12 their mission and as part of their statement of mission we require
13 them to document the type -- the profile of student they seek to
14 enroll and for which they have developed curricular and student
15 learning outcomes.

16 So the programs and institutions run the gamut from
17 those which provide a curriculum to prepare students to enter
18 academic institutions, you know, the prototypic international
19 student that is going to go on to a university -- right over to the
20 programs that have a declared mission to provide language support
21 for conversational fluency for those that are studying as a mode of
22 travel.

1 We do accredit sites that have missions that are
2 solely devoted to English for special purposes -- you know
3 educating international students in aviation, in business and so
4 forth. So in each of those cases we require the programmer
5 institution to define -- assess the known student needs of the
6 profile of the student population they seek to enroll, that they build
7 a curriculum that is documentably associated with that mission.

8 And we require as a functional matter that a
9 curriculum include student learning outcomes as part of the
10 curricular document and that the outcomes be observable and
11 measureable and expressed in terms of what students could do with
12 language.

13 And so through that alignment over to student
14 achievement then we require the programs and institutions to
15 assess those outcomes as they are expressed in the curricular
16 document. I hope I have answered your question.

17 MR. ROTHKOPF: Yeah well in part -- do these
18 international students who are trying to improve their English
19 language skills -- are they required by the institutions they would
20 like to go to for their substantive work, do they take the TOEFL
21 exam? Is that the gold standard/silver standard? What do they do
22 to establish that they can do the work that they have applied to do

1 at whatever level they may be at this college or university?

2 MS. REEVES: Thank you for that question. I think
3 the TOEFL exam which is the test of English as a Foreign
4 Language it's an internationally normed exam that is a proficiency
5 exam.

6 It used to be the gold standard. I think its own
7 internal integrity is still the gold standard but it has some strong
8 competitors these days for establishing proficiency for academic
9 study.

10 For programs which prepare students for further
11 academic study the university to which the student may transfer
12 after English sets those admissions requirements and they will set
13 the proficiency indicators that they require.

14 Some do require a TOEFL score, there are as I said
15 other products. Some schools establish their own rubrics and
16 systems of determining these things. When a program is serving
17 an institution they know what the admissions' requirements are
18 then it is quite likely that their mission will be to lead students to
19 achieving that threshold of proficiency.

20 More commonly students will take something like a
21 TOEFL to just show their own proficiency gains but we don't
22 require sites to use those -- that sort of standardized testing as a

1 matter of course to assess outcomes within the curriculum.

2 MR. ROTHKOPF: Thank you.

3 MR. KEISER: Questions from the other members?

4 Kathleen then Frank --

5 MS. SULLIVAN ALIOTO: I'm interested in the
6 colleges and universities that you work with. How many of your
7 sites are at colleges or universities?

8 MS. REEVES: As Engin's members showed it's
9 about one-third of the sites we accredit are programs within
10 accredited institutions.

11 MS. SULLIVAN ALIOTO: And how does that
12 work? Do you accredit them and then another agency accredits
13 them as well?

14 MS. REEVES: We are a specialized accreditor so
15 programmatic accreditation is optional. We often describe the
16 intense uptake of CEA accreditation by programs that do so
17 voluntarily as an indicator of support for quality assurance in our
18 field.

19 MS. SULLIVAN ALIOTO: And it was indicated
20 that it is not a Title IV how have the students paid?

21 MS. REEVES: International students as a condition
22 of their Visa's must meet four tests and one of those is evidence

1 that they can afford to go to school without working. Some
2 universities do have scholarship programs but very few.

3 So insuring the students have sufficient financial
4 support to attend the school for the full course of study is a
5 condition of their receiving their Visas.

6 MS. SULLIVAN ALIOTO: So immigrants coming
7 have to have money?

8 MS. REEVES: All international students are on
9 non-immigrant Visas.

10 MS. SULLIVAN ALIOTO: Wow.

11 MS. REEVES: They have to document that they
12 intend to return home after the course of study. They may not
13 work during the course of study and there are some exceptions in
14 certain kinds of cases but no English language students are
15 permitted to work if they are in the F1 or non-immigrant
16 international student Visa category.

17 MS. SULLIVAN ALIOTO: Thank you.

18 MR. KEISER: Frank?

19 MR. WU: Just a question about everything that is
20 in the news these days. Are your programs being adversely
21 affected or do you think there are issues that fall within our
22 purview at all related to interest in learning English, coming to the

1 United States, studying here and so on?

2 MS. REEVES: Enrollments in English language
3 programs and institutions is down about 40%. I take that number
4 from our sustaining fees, documents that we receive along with our
5 annual reports. We have known that because the membership
6 associations in the field also collect a large amount of data about in
7 real time.

8 English language programs are affected -- ours is a
9 volatile field more so than the overall international student field
10 where students make plans to go to a 4 year university or for
11 Master's or Doctorial work, whatever.

12 But for English language students they can pivot on
13 a dime and decide to not take their 6 weeks of study in the U.S.
14 and instead will go to Malta or Canada or Ireland or the U.K. or
15 Australia or New Zealand.

16 And so students are choosing to do that at this time.
17 I don't want to use our time here to speculate on all of the reasons
18 for that but one factor is clearly the sentiment that the United
19 States is not outward looking and supporting global perspective.

20 International students don't feel safe coming here
21 when they could go spend their money and time somewhere else.

22 MR. KEISER: Other questions? Sensing none

1 there are no public comments. Thank you we will have you back -
2 - well I guess we won't have you back but thank you very much.

3 MS. REEVES: Thank you.

4 MR. KEISER: We will have the staff member back
5 Valerie if you would join us. Does anybody have any questions
6 for our staff? Do you have any comments?

7 MS. LEFOR: I have nothing additional.

8 MR. KEISER: Thank you very much. I think we
9 can go -- sorry any more questions, we can go to a discussion?
10 Arthur or Susan would you like to make a Motion?

11 MS. PHILLIPS: Sure we would move to continue
12 the Agency's current recognition and require the Agency to come
13 into compliance within 12 months and submit a compliance report
14 30 days after the 12 month period that demonstrates the Agency's
15 compliance with the issue identified in the staff report. This is the
16 same as the staff recommendation.

17 MR. ROTHKOPF: I second.

18 MR. KEISER: The Motion is seconded by Arthur.
19 Further discussion? Sensing none all in favor of the Motion
20 signify by raising your right hand or left hand? All opposed --
21 looks unanimous, thank you very much.

22 **NACIQI RECOMMENDATION: Continue the**

1 **Agency's current recognition and require the Agency to come**
2 **into compliance within 12 months and submit a compliance**
3 **report 30 days after the 12 month period that demonstrates the**
4 **Agency's compliance with the issue identified in the staff**
5 **report.**

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1 **RENEWAL OF RECOGNITION JOINT REVIEW**
2 **COMMITTEE ON EDUCATION IN**
3 **RADIOLOGIC TECHNOLOGY (JRCERT)**

4 MR. KEISER: We will move on to I think it's our
5 last Agency. Wow, I thought yesterday we would never finish.

6 This Renewal Recognition is the Joint Review
7 Committee on Education in Radiological Technology. JRCERT

8 NACIQI Primary Readers are Jill Derby and Anne
9 Neal. The Department Staff is Elizabeth Daggett. The Agency
10 Representatives are Leslie Winter, Dr. Laura Aaron and Dr. Tricia
11 Leggett and who would like to introduce this Anne or Jill? Thank
12 you Jill.

13 MS. DERBY: The Joint Review Committee on
14 Education in Radiologic Technology, JRCERT is both a
15 programmatic institutional accrediting agency for radiography,
16 magnetic resonance, radiation therapy and medical dosimetry.

17 The Agency was established in a joint effort of the
18 American Society of Radiologic Technologies and the American
19 Medical Association's Council on Medical Education in Hospitals.

20 In 1976 these organizations delegated responsibility
21 for Allied Health Education accreditation, the Committee on Allied
22 Health Education and Accreditation, the umbrella agency that

1 encompassed JRCERT.

2 When that agency dissolved in '94 JRCERT
3 became an autonomous accrediting agency with responsibility for
4 the accreditation of radiography and radiation therapy education
5 programs.

6 The U.S. Commissioner first recognized JRCERT
7 in 1957 for its accreditation of radiologic, technological programs,
8 technologist programs, recognition for its accreditation of radiation
9 therapy -- technologist programs were extended in 1973, the
10 addition of medical dosimetry occurred in 2006 and distance
11 education was added in 2007.

12 The Agency has continued to receive renewal
13 recognition since that time. Let me just add the Agency was last
14 reviewed for renewal of recognition in the fall of 2011 meeting of
15 NACIQI.

16 MR. KEISER: Thank you.

17 MS. DERBY: You're welcome.

18 MR. KEISER: Elizabeth?

19 MS. DAGGETT: Good afternoon Mister Chair and
20 members of the Committee. For the record my name is Elizabeth
21 Daggett and I am providing a summary of the review of the
22 Petition for Renewal of Recognition for the Agency.

1 The staff recommendation to the senior Department
2 official for this Agency is to renew the Agency's recognition for a
3 period of 5 years. This recommendation is based on our review of
4 the Agency's Petition and its supporting documentation as well as
5 the observation of an on-site evaluation in April of 2016.

6 Also included within this recommendation is a
7 continuation of the Agency's waiver of the separate and
8 independent requirements of Section 602.14.

9 During the last review period the Department did
10 not receive any third party comments and our review of the
11 Agency's Petition found that they are in compliance with the
12 Secretary's criteria for recognition.

13 Since the last review the Department also has
14 received no complaints. Therefore, as I stated earlier the staff is
15 recommending to the senior Department official to renew the
16 Agency's recognition for a period of 5 years, thank you.

17 MR. KEISER: Thank you. Members of -- the
18 Primary Readers do you have any questions for Elizabeth?
19 Members of the Committee? Holy cow -- are you asleep? Thank
20 you Elizabeth.

21 Will the members of the Joint Review Committee
22 on Education and Radiological Technology please come forward

1 and introduce yourselves and begin your presentation.

2 MS. Aaron: Mr. Chair, members of the Committee
3 we would like to thank you for this opportunity to speak on behalf
4 of the JRCERT. My name is Dr. Laura Aaron. I am the current
5 Chair of JRCERT Board of Directors and the Department Chair for
6 the School of Allied Health at Northwestern State University of
7 Louisiana.

8 I have been a registered radiologic technologist for
9 25 years and an educator for over 20 years. I would like to also
10 take this opportunity to introduce my colleagues as well. To my
11 left is Dr. Trisha Leggett who is the second Vice Chair of the
12 JRCERT Board of Directors and served as Vice President for
13 student success at Zane State College.

14 Dr. Leggett has been a registered technologist for
15 30 years as well as Assessment Coordinator and Accreditation
16 Liaison Officer to the Higher Learning Commission.

17 To my right is Leslie Winter who is our Chief
18 Executive Officer of the JRCERT. She has currently been with the
19 JRCERT for 20 years and a registered technologist for 35 years.

20 We would also like to express our appreciation to
21 Miss Elizabeth Daggett for her assistance in developing our
22 Petition. Her knowledge of the regulations was clearly evident and

1 her guidance proved invaluable during the process. We are
2 extremely proud of our organization and committed to our vision
3 of excellence in education in the radiologic sciences.

4 And we believe that educational quality and
5 integrity cannot be compromised. The JRCERT accreditation
6 process is designed to assure that there are appropriate radiation
7 safety and magnetic resonance practices in place to safeguard
8 students, patients and the public.

9 Also, as a result of our accreditation process
10 patients and the public are assured of high quality healthcare
11 services. An additional strength of our organization is that with the
12 exception of our public member, the Board of Directors and all
13 professional staff are credentialed in the radiologic sciences.

14 The Board's qualifications and knowledge of the
15 issues facing the radiologic sciences provide the foundation for
16 sound accreditation decisions. Additionally, the professional
17 staff's credentials and accumulated years of experience in the
18 profession enhance our organization's ability to serve as
19 consultants to programs during the accreditation process.

20 We would like to also address NACIQI's pilot
21 regarding our performance data, decision activities and student
22 achievement. The JRCERT accredits over 700 programs. In 2016

1 the JRCERT took approximately 244 accreditation actions. Of the
2 244 accreditation actions 87 programs received the maximum
3 award of 8 years, 9 programs were placed on probation and the
4 JRCERT involuntarily withdrew accreditation from 1 program.

5 Of the 700 programs 37 programs participate in
6 Title IV funding for which the JRCERT is gatekeeper.
7 Approximately 16% of enrolled students receive PELL grants
8 based on the data provided in the U.S.D.E. dashboard.

9 Data collected from our Title IV annual survey
10 administered to our 37 programs for which we are gatekeeper
11 demonstrates an average of 25 students per program participate in
12 Title IV federal funding and utilize approximately \$7,000 annually
13 with a default rate of only 2.5%.

14 In traditional programs in the radiologic sciences,
15 students progress through the program in cohorts, therefore
16 program completion and graduation rates are synonymous. Based
17 on data collected from our program annual reports, program
18 completion and graduation rates for programs for which we are a
19 gatekeeper is 87%.

20 The JRCERT continues to monitor Title IV funding
21 via our Title IV annual survey and our program annual reports.

22 Next we will address the decision activities of the

1 data we gather. The JRCERT requires programs to submit data
2 annually in relation to national certification pass rates, job
3 placement rates and program completion rates. The requirement
4 for outcome data is clearly reflected in our accreditation standards
5 and is continuously monitored via the program's annual report, the
6 interim report and the continuing accreditation process.

7 Failure to comply with the standards consistent with
8 U.S.D.E. regulations and JRCERT policy initiates the compliance
9 timeframe for those programs. The Board reviews all programs
10 that have been placed on a compliance timeframe.

11 Since our last Petition the JRCERT Board of
12 Directors placed 47 programs on probation and involuntarily
13 withdrew accreditation from 8 programs.

14 Our data indicates that the reason for probation or
15 involuntary withdraw is program's failure to document
16 credentialing examination pass rates consistent with our standards
17 and a lack of documentation that the programs analyze and share
18 student learning outcomes with the communities for improvement.

19 Efforts to provide assistance for improvement are
20 imperative and resources are available to the programs which
21 include tutorials, staff assistance and workshops.

22 Next we will address the standards and practices in

1 regard to student achievement. The JRCERT has established the
2 following numerical benchmarks for student achievement. The
3 benchmarks are: 5 year average credentialing examination pass
4 rate of not less than 75% at first attempt within 6 months of
5 graduation for radiography, radiation therapy and magnetic
6 resonance.

7 5 year average credentialing examination pass rate
8 of not less than 75% at first attempt within 12 months of
9 graduation for medical dosimetry and a 5 year average job
10 placement rate of not less than 75% within 12 months of
11 graduation.

12 Programs are also required to monitor program
13 completion rate however programs have the flexibility to establish
14 their own benchmarks. The JRCERT analyzed credentialing
15 examination results data made available from the national
16 credentialing agencies and we have established what we believe to
17 be a reasonable benchmark of the 5 year average of 75%.

18 The 5 year average is more represented if a student
19 achievement compared to a benchmark based from a single
20 cohort's results that can fluctuate considerable from one graduating
21 cohort to the next.

22 Additionally the JRCERT's analysis of

1 credentialing examination data clearly indicated that scores
2 deteriorated rapidly if students waited for extended periods to take
3 the examination. This led us to establish the time frames for
4 collection of data as within 6 or 12 months.

5 Job placement rate is defined as the number of
6 graduates employed in the radiologic sciences compared to the
7 number of graduates actively seeking employment in the radiologic
8 sciences.

9 The JRCERT analyzed job placement rate historical
10 data as reported by our programs on the program annual report to
11 establish what we believe to be a reasonable benchmark -- a 5 year
12 average of 75%.

13 Average job placement data over a 5 year period
14 takes into consideration fluctuations in the job market.
15 Additionally the 12 month post-graduation timeframe for
16 collection of job placement data allows sufficient time for
17 graduates to obtain employment, especially during periods of
18 reduced hiring.

19 Program completion rate is defined as the number
20 of students that complete the program within 150% of the stated
21 program length. The program must establish a benchmark for its
22 program completion rate.

1 The program specifies the entry point such as the
2 required orientation day for the final drop out date used in
3 calculating the program's completion rate. Completion rate is
4 reported each year on the program annual report.

5 The time frame for completing all program
6 requirements of 150% of program length provides a reasonable
7 time for students who have not successfully completed a course or
8 courses or who have personal reasons such as health or family
9 situations that may hinder the individual from completing the
10 entire course of study.

11 The JRCERT provides programs of flexibility to
12 establish their own benchmark for program completion rate as
13 there exist several variations in admission criteria ranging from
14 open admission to stringent criteria for selective admission that
15 significantly impact completion rates.

16 Additionally the program is required to follow the
17 policies of the sponsoring institution when calculating the entry
18 point date into the program which again impacts the completion
19 rate calculation. The JRCERT applies a concerted effort to
20 evaluate its student achievement measures.

21 Program effectiveness data must be reported
22 annually to us as part of the program annual report. If a program

1 fails to meet any of the benchmarks of student achievement we
2 require them to provide a detailed action plan regarding how they
3 intend to achieve the unmet benchmark.

4 We then review the program's progress toward
5 meeting any unmet effectiveness benchmarks at a minimum
6 annually. Programs not meeting the established benchmarks are
7 placed on a compliance timeframe as required by the U.S.D.E. and
8 JRCERT policy and then are monitored by the Board.

9 To assure reliable and valuable program
10 effectiveness we require programs to describe their documentation
11 process and submit externally verified data. Programs must submit
12 a representative sample of their documentation.

13 Additionally, site visitors verify all data during
14 onsite visits. The Board continuously listens to its communities of
15 interest and discusses concerns that may have possible implications
16 for our programs and established benchmarks.

17 The JRCERT is in the beginning stage of a
18 comprehensive standard's revision and we are gathering input from
19 our communities of interest regarding the validity of the previously
20 established benchmarks.

21 Finally we will address the JRCERT's activity in
22 improving program and institutional quality. Programs under

1 compliance time frame or with a poor accreditation history, or with
2 receipt of less than the maximum accreditation reward are defined
3 as at risk programs by the JRCERT.

4 At risk programs are monitored via annual report,
5 interim reports, progress reports and the continuing accreditation
6 process. The JRCERT offers multiple resources to assist programs
7 in documenting full compliance and to promote program
8 improvement.

9 For example we offer assessment and accreditation
10 workshops throughout the year. The professional staff is available
11 for individual consulting. Learning modules are on the website
12 and address information on assessment to provide programs with
13 best practices to refine their assessment processes.

14 Additionally the JRCERT newsletter is published
15 bi-annually and provides programs with a depth of information in
16 relation to accreditation. The vast majority of at risk programs
17 maintain accreditation.

18 In 2016, 8 of the 9 programs placed on probation
19 documented compliance within their designated compliance time
20 frame. Therefore we believe the resources provided are beneficial
21 in assisting our programs to be successful. This concludes our
22 remarks.

1 Once again on behalf of the JRCERT Board and
2 staff we would like to thank the Department and the Committee for
3 the opportunity to present additional information in support of our
4 Petition of Recognition and we are happy to answer any questions
5 you may have.

6 MR. KEISER: Thank you for the comprehensive
7 report addressing the pilot project issues. Are there questions from
8 the readers, Jill, Anne? No questions.

9 MS. DERBY: This Agency is amazingly clean.

10 MR. KEISER: Any questions from the members,
11 Simon?

12 MR. BOEHME: I was wondering if you could walk
13 me through your student complaint standards. I was looking
14 through the evidence you provided to the staff when you did not
15 meet the 602.16A19 and there was one report that you guys in a
16 site visit -- and this happened at a university here in D.C. -- there
17 had been multiple complaints by students of unsanitary conditions
18 and bug infestation in the classroom.

19 The complaints have been disregarded by program
20 officials. These conditions hinder student learning and then when I
21 see the checkbox from the -- of that site visit it was just, you know,
22 does this program have a grievance procedure.

1 And obviously if you could walk me through maybe
2 your thoughts on this student complaint procedure -- what is the
3 strength of it, is this something that you have conversations about?

4 MS. WINTER: I'd love to answer your question
5 Simon. A couple of things happened that you are probably not
6 privy within the JRCERT office. The site visit team has a
7 conference call with the professional staff member that reviewed
8 the self-study and issues are identified at that time.

9 Issues that we may want them to examine and
10 follow through while they are on site -- when that report of the site
11 visit team findings comes into the office and before the staff
12 generates the official report of findings the professional staff
13 member will again pick up the phone and have a conversation with
14 the site visit team regarding issues that they have identified in their
15 site visit team report and then we generate the report of findings.

16 MR. KEISER: Any other questions, Federico?

17 MR. ZARAGOZA: And I too want to commend
18 you on your report and I am very impressed by the effort to
19 establish standards and provide guidance in terms of your student
20 outcomes but I would like to ask you a few questions as relates to
21 that.

22 I'm assuming it is self-reported for most of your

1 organizations?

2 MS. WINTERS: The student learning outcomes?

3 MR. ZARAGOZA: Yes.

4 MS. WINTERS: Correct they are self-reported.

5 MR. ZARAGOZA: What kind of documentation
6 are you looking at when you are doing your monitoring of these
7 institutions?

8 MS. WINTERS: The pass rates are provided by us
9 by the credentialing examination. The programs have the
10 opportunity to go on that website and they can print off their pass
11 rates from the 5 years so that we can see the students that are
12 passing and who are not passing and within the specific timeframe
13 of employment.

14 Job employment rates -- we look at either graduate
15 surveys or employer surveys or if the institution has some kind of
16 student success Department that we are getting information from
17 them.

18 MR. ZARAGOZA: Are you utilizing any third
19 party data sources like the unemployment insurance?

20 MS. WINTERS: We are not.

21 MR. ZARAGOZA: Has there been any effort to
22 kind of validate the self-reported data -- survey data against the

1 third party data?

2 MS. AARON: Yeah our site visit team validates
3 that when they are on site so they do a representative sample. For
4 example, some programs for their employment data -- because we
5 are talking about small programs.

6 They actually call up their graduates and are like,
7 "Are you working?" So they will then talk to some of the students
8 that have graduated from the program and actually validate that
9 that is accurate information.

10 MS. WINTERS: Also when the programs submit
11 their annual reports they are also providing us with that
12 documentation. All of the annual reports that are submitted into
13 the office are reviewed by the professional staff members and then
14 if they have any questions they usually generate an official
15 correspondence back to the program asking for further information
16 or clarification.

17 MR. ZARAGOZA: Okay and I just want to point
18 out for the record that this is a perfect example of the limitations of
19 the data that we have in our profiles and if you look at the data in
20 the profiles it only speaks to 7 institutions and has many blanks in
21 areas that this accrediting entity excels in.

22 So again congratulations on some very good work.

1 MS. WINTERS: Thank you.

2 MR. KEISER: Any other questions, Kathleen?

3 MS. SULLIVAN ALIOTO: Congratulations on
4 your work. I just have a -- I'm just a little curious that you have
5 16% PELL and 25% Title 4. What do you think those percentages
6 reflect about the programs that you oversee?

7 MS. WINTERS: Could you repeat that?

8 MS. SULLIVAN ALIOTO: Pardon me?

9 MS. WINTERS: Could you repeat the question
10 please?

11 MS. SULLIVAN ALIOTO: Sorry.

12 MS. WINTERS: That's okay.

13 MS. SULLIVAN ALIOTO: You indicated that
14 16% of your students receive PELL grants and 25% of your
15 institutions are Title IV eligible, what does that reflect about the
16 institutions you are serving?

17 MS. WINTERS: Those institutions that we are a
18 gatekeeper for that participate in Title IV federal funding are
19 hospital-based programs so they are relatively small programs,
20 smaller than at any community college or university maybe a
21 maximum of 10 students enrolled in that program.

22 We are also looking at tuition dollars that are

1 significantly lower than a community college. Some of the tuition
2 for our household based programs range anywhere from \$2,000 a
3 year to a high of \$10,000 a year so they are not borrowing a
4 significant amount -- excuse me of Title IV money.

5 MS. SULLIVAN ALIOTO: And so most of your
6 programs are in hospitals?

7 MS. WINTERS: No most of our -- we have over
8 700 programs. Of those 700 programs we have about 100 that are
9 based in hospitals.

10 MS. SULLIVAN ALIOTO: Right.

11 MS. WINTERS: The rest of them are based either
12 in community colleges or universities.

13 MS. SULLIVAN ALIOTO: So but even with 600
14 community colleges or universities only 16% are PELL eligible?

15 MS. WINTERS: Well we are not gatekeepers for
16 those other programs. We are only a gatekeeper for the 37
17 programs.

18 MS. SULLIVAN ALIOTO: I see, I see, thank you.

19 MR. KEISER: It's a little different question I have
20 but of the schools that you put on probation or do a fail to grad --
21 how many of those are not Title IV gatekeeping institutions?

22 MS. WINTERS: None of them.

1 MR. KEISER: None of them -- any other
2 questions? Thank you very, very much for your appearance.

3 MS. WINTERS: Thank you.

4 MR. KEISER: We recall our staff member.

5 MS. DAGGETT: I have no further comment but I
6 am open to any questions you might have.

7 MR. KEISER: Questions for the staff? Sensing
8 none I would ask either Jill or Anne to make a Motion?

9 MS. DERBY: I move for the renewal of the
10 Agency's recognition for 5 years.

11 MR. KEISER: Is there further discussion by Anne
12 or the rest of the Committee? Wow. You guys got worn out
13 earlier, okay. All in favor of the Motion raise your hand please --
14 Anne did you second? Yes, all opposed -- passage unanimously.
15 Thank you.

16 **NACIQI RECOMMENDATON: Renewal of the**
17 **Agency's Recognition for 5 years.**

18 MR. KEISER: That's the end of our renewals and
19 compliance reports. We will be going into a policy discussion
20 which I have no clue what I am going to do but we will get there.
21 I'm sure the staff has the answers.

22 Let us take a 15 minute break and we will come

1 back. And one of the discussions I have is if we think how long it
2 is going to go tomorrow. We do have to reconvene I'm told and at
3 which point we could figure out because if some of you want to
4 change your flights you may be able to if we discuss.

5 Do you think this is going to go beyond 10 o'clock
6 tomorrow morning -- 10:30? Okay so if you want to change your
7 flights I will work hard to get the meeting adjourned by 10 o'clock
8 tomorrow morning -- does that sound good? See that's my first
9 good job as the Chair.

10 Take a 15 minute break please.

11 (Break 1:55 - 2:10 p.m.)

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1 **NACIQI POLICY DISCUSSION**

2 MR. KEISER: Are you ready to get started we
3 have enough people for a quorum. We are now going to go into
4 our policy discussion. We have a couple of items on the Agenda.
5 The first is the discussion on the Pilot Program and
6 Jennifer if you would lead us in that.

7 MS. HONG: Okay so we extended the Pilot
8 Program through this meeting so we need to make some decisions
9 here as to how we want to proceed. Well first we have to debrief
10 on anything that we have learned from the Pilot Project as well as
11 whether there are elements of it that you want to implement as part
12 of the NACIQI's process.

13 Also another piece of that is the accreditor
14 dashboards -- which we will revisit tomorrow morning. My
15 colleague Oliver Shack from the Office of Planning Evaluation
16 Policy Development will join us tomorrow morning and we can
17 have that discussion there.

18 But at this point we can, you know, start the
19 discussion in terms of are there any other elements of the Pilot
20 Project that we want to further discuss, retain, implement, et
21 cetera?

22 MR. KEISER: Let me ask a question of the

1 members. Do we feel that the Pilot Program has been useful or
2 successful? Yes. Do you think it should be continued? Yes. Do
3 we need to have it separate or do we just be able to ask the
4 questions as part of our interviews?

5 Oh I'm sorry Ralph I'm looking at the other side.
6 Jill was giving me all that interest -- she's very interested so.

7 MR. WOLFF: I'm trying to follow the rules, a rare
8 thing. I'm trying to figure out if it is not a Pilot -- I mean if it is
9 not a separate thing I think we can end the Pilot part. How would
10 it be incorporated because the staff reports don't necessarily
11 provide the same level of information that we get out of the
12 questions.

13 So I guess I would urge that maybe it could be
14 retained but not a Pilot but a separate -- unless there is another way
15 to make it and incorporate it into all the staff reports we receive. I
16 think they are two different things and so -- but maybe staff can
17 respond to that.

18 MS. HONG: So remember in terms of the Pilot
19 Program I mean one piece of it were the additional questions that
20 we systematized to the agencies. So if we just take that piece right
21 now are you nodding your heads because you want to retain that?
22 Because I just want to remind you that you, you know, that

1 members can pose whatever, you know, the questions within the
2 scope of the review anyway, you know.

3 So just taking the additional questions that we have
4 identified in the document -- the Pilot Project outline document, do
5 you want to continue with that?

6 MR. WOLFF: My answer would be yes but I am
7 also concerned about not blindsiding any agency in the sense they
8 know in advance what it is and the agencies have been preparing to
9 respond to the Pilot question with data and the like so I would like
10 to continue a way in which they know that these will be part of
11 their interaction with NACIQI rather than just we could ask these
12 questions.

13 And it might come up that they wouldn't know how
14 best to prepare. And I think it does also tie in to the extent that the
15 dashboard data -- I know we will talk about that tomorrow, but to
16 the extent that they have comments on the dashboard data where it
17 fairly or unfairly represents them, where there are different data.

18 I would want to incorporate that into the kinds of
19 framework so they have the opportunity since we are getting that
20 data. I think it's really important that they expand or contextualize
21 the data that we receive as part of the questions that we ask.

22 MR. KEISER: Simon are you there, I couldn't see?

1 MR. BOEHME: I really like the Pilot and I think
2 we should graduate it into how NACIQI conducts its business. I
3 was really impressed -- I believe it was the past two presentations
4 where they had incorporate the Pilot questions into their
5 presentation whereas the two Primary Readers did not have to ask
6 the questions.

7 To me it seems as though if we -- I agree with
8 Ralph that we do not want agencies to be blindsided by this and if
9 we create some sort of expectation that these are the kinds of
10 things we are looking for and maybe we should, you know, we
11 politely ask that you incorporate this into your opening remarks.

12 If you do not we may ask these questions. And we
13 should make it as publically known that this is kind of an
14 expectation that we would like to have.

15 MS. HONG: And just to clarify. The question that
16 we have posed on the Pilot project there is a set of questions with
17 regard to student achievement which I believe you are referring to
18 but there is also a set of questions about risk and improvement.

19 So are we -- are you in favor of retaining all of
20 those questions? I mean the idea with the improvement piece is
21 that it is, you know, to kind of enhance our understanding. I don't
22 know how consistent we have been in posing those questions but it

1 sounds like you are talking more about the student achievement
2 questions.

3 Were you talking about all sets of questions or just
4 those related to the student achievement?

5 MR. BOEHME: Whatever the Committee feels but
6 I was particularly referring to student achievement and there may
7 be some other questions.

8 MR. KEISER: Bobbie, Anne?

9 MS. DERLIN: I actually think both sets of
10 questions are of value. I think it is useful for the agencies to have
11 access to the questions because I think that will help them prepare
12 for the discussion.

13 I also think it is important and we may have tried to
14 do this previously but I think the issue of how the dashboard data
15 that we see makes its way into the consciousness of the agencies as
16 being information that they need to examine in preparation for the
17 meeting I think that's a good idea too.

18 MR. KEISER: Anne?

19 MS. NEAL: Just two thoughts. I would think we
20 could give adequate notice through the Federal Register notice
21 even if we outline the questions that we anticipate that they would
22 cover as well as we might present if they didn't cover it.

1 But I guess my other question goes to should this
2 continue as a process parallel to the way the staff thinks about
3 these applications? And why should it be something that we alone
4 are asking and contextualizing? You all could be more readily
5 incorporating this in the kinds of analysis that you do, it's a
6 question.

7 MR. KEISER: I have a question to you folks.
8 Looking at the student achievement outcomes they reported on
9 them. We had agencies that had high student achievement and
10 then you saw the C-RAC recommendations which seemed to be a
11 little low to me, 15 and 25% graduation rates.

12 My concern is about our inconsistency in the way
13 we handled that information. And we are asking them for data, we
14 are kind of cherry-picking who we want to hang or not hang with
15 the data and then for others we are not doing anything to it and in
16 my case seemed to be pretty abysmal.

17 So my concern is always that we be fair and you
18 know, treat each agency the same or at least try to. I mean it is
19 going to be difficult to treat everybody the same. So we can ask
20 for that but if we are not going to use it for our decision-making or
21 we are going to use it for only some then I have a little concern on
22 that last part that our consistency.

1 The same is going to go with the dashboard. We
2 had two different agencies one with worse outcomes and we
3 passed them and then one with high outcomes or higher outcomes
4 and we didn't.

5 One with bright lines, one without bright lines -- the
6 bright lines were way higher than the outcomes on the other one so
7 there is no logic to our evaluation process and I think that opens us
8 up for certainly criticism that we are not consistent.

9 I'd love to hear your comments.

10 MR. WU: So I agree with our Chair that we should
11 be consistent and that leads to one of two questions. So my sense
12 of sentiment around the table is people do like the Pilot project,
13 they like the dashboard, they like the data.

14 I wonder if framing this if it would be better framed
15 than not, do we do it or not do it since most people are inclined to
16 do it but instead ask should we expand it, should we do something
17 a little bit more, should we beef it up, give a little more notice,
18 ensure consistency so that every agency that comes before this we
19 are looking at this.

20 So I didn't hear people speaking out against the
21 Pilot so maybe the way to look is the other way, should this be a
22 little bigger?

1 The second issue though that I do want to flag --
2 and this is the lawyer in me and I don't want to do something that -
3 - I don't want to flag an issue that doesn't need to be flagged or it
4 is detrimental for us to flag but I just want to know, I just want to
5 make sure we are careful about the authority that we have.

6 That everything that we do is appropriate and it is
7 not going to create a problem. And my understanding from when
8 we initially looked at doing the Pilot it is within the scope of what
9 we can do under the Act, it was in our purview.

10 So I just wanted to mention that in case anyone,
11 whether around the table or in the audience or elsewhere had any
12 concerns -- just to allay those anxieties. But the question that I
13 asked following our Chair's is should we make this a little more
14 robust?

15 So not should we continue or get rid of it but should
16 we enhance it?

17 MR. KEISER: Arthur?

18 MR. ROTHKOPF: I may be behind where we are
19 so let me see if I can understand what's the current state of play --
20 hopefully it will be helpful to the new people to know just what we
21 have asked for and what we are expecting.

22 Let's talk about the people who appeared before us

1 over the last two days. Were they asked any questions? And if so,
2 what happened to their answers? If it sort of you know, goes to the
3 Department and to the individuals who conducted the, you know,
4 their assessments then it is not of value to the members because we
5 don't know what the answers are.

6 So I guess my first question is did we ask any or all
7 of the questions of the agencies who appeared before us in the last
8 two days.

9 MS. HONG: Right so the answer is yes. The
10 Primary Readers have been posing the questions to the agencies.
11 The agencies that you saw today came prepared and had already
12 embedded the answers to those questions in their remarks.

13 MR. ROTHKOPF: The answers are embedded in
14 what they said. It is not that we received a separate report, any
15 document, it goes to the -- if we continue this practice then it
16 would be a series of questions which would go either the current
17 ones or additional ones or changed ones, that go to the agencies
18 and then the agencies would be responsible for answering and how
19 would we receive it? Just in their oral comments?

20 MS. HONG: Yes they have been responding at the
21 table in their oral comments.

22 MR. ROTHKOPF: But they wouldn't give us -- we

1 wouldn't get a report from anyone?

2 MS. HONG: No.

3 MR. ROTHKOPF: No written report.

4 MS. HONG: Verbal report.

5 MR. ROTHKOPF: They will all be verbal?

6 MS. HONG: Yes.

7 MR. ROTHKOPF: Thank you.

8 MR. KEISER: And it's been done different ways.

9 This last group she gave an exhaustive report on her outcome
10 assessment processes, how she handles institutions that are at risk.
11 The other one I think it was Jill or Bobbie asked the questions and
12 some of the questions were answered in the presentations others
13 were not.

14 I thought we did that well without making it seem
15 like an external structure. And remember it's only the renewals
16 it's not in the compliance reports where we had our biggest issues.

17 MS. SULLIVAN ALIOTO: Well first of all I don't
18 think that Anne's question was answered in terms of the
19 Department, so maybe you could answer that first and then I have
20 another question.

21 MR. BOUNDS: So I have to answer that in two
22 ways. First, as I have stated I think yesterday the staff analysis is

1 strictly based on the regulatory criteria. So questions that we
2 would ask as part of the staff review would have to be strictly
3 related to the regulatory guidelines.

4 If, for us, it is not a part of the criteria for
5 recognition it would be improper for us to use that as part of the
6 analysis of the agency. We have to be very careful about that as
7 staff because we don't want to put a recommendation based on
8 information and an analysis that is not legally supportable.

9 We also want to make sure that a recommendation
10 that we put forward cannot be overturned on appeal or could not be
11 held up in a legal proceeding. So our hands are kind of tied when
12 it comes to our analysis and review. It really has to be based in the
13 criteria.

14 So we would be happy to include any questions that
15 fit the regulatory framework.

16 MS. SULLIVAN ALIOTO: Okay so that's the first
17 question. Then we get back to one that Anne brought up on the
18 first day of testimony which was this question between a draconian
19 regulatory body or one that assists institutions in achieving their
20 goal in a more proactive and helpful way. And I would like to see
21 the Pilot study include some of those questions and as Art just
22 pointed out the last group that we had was providing us with

1 strategies for helping their institution succeed.

2 And the previous agency was much more draconian
3 in their approach. So I don't know -- in terms of the regulations if
4 there are regulations actually included in terms of how do you
5 assist institutions in achieving the goals that you are setting out for
6 them or that they are setting out for themselves?

7 How are you helping them when some institutions
8 are clueless about it?

9 MR. KEISER: Would you like Herman to enter
10 into that conversation.

11 MR. BOUNDS: So when you look at the regulatory
12 framework, the framework of the regulations allow for both of
13 those processes to happen.

14 MS. SULLIVAN ALIOTO: Right.

15 MR. BOUNDS: That's when we talk about the
16 sections under monitoring, the sections under enforcement actions
17 and enforcement timelines. You know once agencies find
18 institutions out of compliance they have the 2 years to have their
19 nurturing period depending on the length of the program.

20 So some of that stuff -- those things are really built
21 in to the criteria and we just want to make sure that the agencies
22 apply their policies at their institution relative to the criteria and

1 relative to those areas of the criteria, those sections that allow them
2 to take advantage of those things.

3 So it is built in, you can do both and still be in
4 compliance with the criteria.

5 MR. KEISER: Kathleen it's really a difficult
6 process for accreditors. On the one hand if they are draconian
7 some groups will say that's what it is supposed to be. And if they
8 are not draconian and they are kind of supportive then what's the
9 point of having an accreditor as a gatekeeper because all they are
10 doing is enabling.

11 So it is a difficult process and we have had both
12 experiences in the last two meetings where we treated both -- this
13 Department treated very differently depending on what they did.
14 So and one agency was too soft and one was too strong and I guess
15 the poor agencies are going to have to figure out what is the right
16 medium. Bobbie and then Anne.

17 MS. DERLIN: Well my memory may fail me as it
18 often does but I think the second -- there are two sets of questions
19 in the Pilot. One is related to student achievement and how the
20 agencies are approaching that and the second set is all about
21 approaches to institutions that are at risk within the purview of
22 their agency.

1 So these questions are directly targeted to the issue
2 you have raised Kathleen. How do you define those at risk
3 institutions? And there is a direct question -- what does the agency
4 have to help those institutions improve? And then what's your
5 view of how well you have been doing in these efforts?

6 So I think these questions really get at it. I think the
7 question is whether this is staff work which is tightly tied to the
8 regulatory structure or whether it is as we envisioned it initially as
9 kind of a separate work of our Committee that we wanted to deal
10 with in the meetings.

11 Now maybe we want to take a different perspective
12 on that I have no objection to that. But I think the issue you raised
13 is embedded in the second set of questions.

14 MS. SULLIVAN ALIOTO: Thank you I got
15 caught up in the at risk. I was thinking of it in a different way.

16 MS. DERLIN: It's used in a little different way
17 than you might think of it from a K-12 perspective for example,
18 very different use.

19 MR. KEISER: Anne?

20 MS. NEAL: This is the perverse side of me seeking
21 some data. I would just be curious since we inaugurated the Pilot
22 how many of our recommendations were reversed by the

1 Department?

2 MS. HONG: Yeah that's the only one that comes to
3 mind. I'm sorry go ahead.

4 MR. KEISER: Frank?

5 MS. HONG: I just wanted to add real quickly to the
6 question about why staff doesn't pose these questions and I don't
7 necessarily know that they don't in terms of the questions with
8 regard to student achievement.

9 Keep in mind that the staff conducts a paper review
10 right so that the -- and they have guidelines, some regulatory
11 guidance regarding what they would like to see in terms of
12 agencies responses to the criteria when they submit their
13 application.

14 So many of these questions are kind of inherent in
15 their -- you know, in their request for a response under 602.16 for
16 example. You know, how is this appropriate in your context?
17 Why is this strategy chosen in terms of how you demonstrate
18 success with respect to student achievement -- so presumably that
19 should be captured in the narrative that the agency submitted and
20 then the iteration that goes back and forth with the staff.

21 But that exchange is going to be fundamentally
22 different on paper, you know, than the opportunity that this

1 Committee has in a public meeting, in a public space to pose the
2 questions directly and orally to the agency in front of them.

3 MR. KEISER: Frank?

4 MR. WU: This is a request of staff prompted by
5 what Anne just asked. One of the things I've realized is we,
6 NACIQI, sometimes don't know or just accidentally learn about
7 things happening at the Department or that relate to our business
8 and what we have been doing.

9 So for example, I'm not sure how many members
10 here know and this is all public record, but U.S. District Judge
11 Walton denied ACICS's request for TRO just two days ago and the
12 Department as our Council -- or as the Department's own Council
13 since we only recommend, they were there and maintain the same
14 position that the prior ED senior person had so there was no
15 change of position is my understanding from last year.

16 So I thought that was important to note right? That
17 is the decision -- the recommendation that we made adopted by the
18 Department is the one that was defended and so ACICS lost on a
19 TRO.

20 MR. KEISER: Federico?

21 MR. ZARAGOZA: I guess I am not as bothered by
22 where we are in the process although I would definitely agree on

1 the issue of consistency that needs to be addressed. We started the
2 Pilot you know, the Pilot is giving us a lot of good feedback in
3 terms of what needs to be asked and more importantly how we can
4 be more consistent moving forward.

5 I really like the idea of the incorporation of the pilot
6 questions into the formal review. I think that will bring more
7 consistency both in terms of the data and where it's placed and
8 where we could find it.

9 And then secondly the ability as a group to be able
10 to prepare supplemental questions that in fact, build on that data.
11 But that is where we are now I think that's the next step would be
12 for us to talk about you know, how do we become more consistent
13 given the fact that we think this is valuable information and that it
14 does inform or at least influences our actions.

15 MR. KEISER: Claude welcome to the discussion.

16 MR. PRESSNELL: Thanks. Being a newcomer I
17 have a point of clarification -- I'm just trying to make sure I
18 understand. Based on what Herman said I want to make sure are
19 there any parts of the Pilot questions or categories that fall outside
20 of the statutory authority because in other words are they --
21 because you had indicated that you want to be real careful to only
22 ask those things that have direct correlation back to the statutory

1 authority. So does the Pilot step outside of that?

2 MR. BOUNDS: It's a little more than -- it's a little
3 more than that. So let's take -- we all know this but let's just take
4 student achievement as an example. So the Secretary by statute
5 and regulation we are limited from dictating what an agency sets
6 for its student achievement standards and outcomes.

7 And Sally can jump in and help if I don't explain
8 this well. Now we have kind of stressed it a little and we kind of
9 look at like accreditors and we ask questions about, you know, two
10 national accreditors. One may have one student achievement
11 benchmark and the other may not have that.

12 We can get information, ask for further explanation
13 but in our staff report if an agency says they have three
14 benchmarks, we aren't allowed to dictate those benchmarks so our
15 compliance determination is most likely going to be that they are
16 compliant because they have established a benchmark.

17 The rule actually reads that the student achievement
18 -- I'm paraphrasing, that the student achievement standards
19 established by the institution based on its mission. Now there is
20 nothing in there that stops the agency from overriding that in
21 establishing a benchmark for all of its members but that's where
22 our legal bounds end.

1 We can't hold them non-compliant because we
2 don't like that they don't have a graduation rate. So our analysis is
3 not going to find them non-compliant with that unless they are so
4 far out of the norm what other like accreditors are doing.

5 So that's what I'm talking about when I say our
6 reviews and determinations are based on what the regulations
7 require -- Sally you may want to --

8 MS. MORGAN: Umm, I would just add that some
9 of these questions really go to performance and effectiveness and
10 the Department does have authority to look into what is effective.
11 So we can consider things like you know, graduation rates et cetera
12 but we have to consider them comparatively to other accrediting
13 agencies to see if they are an outlier.

14 And there isn't any criteria for example that says --
15 or in the statute, or in the regulations that says as desirable as we
16 might think it should be that the agency shall work with their
17 schools, they shall nurture them et cetera.

18 On the other hand an agency that isn't nurturing
19 may very well end up with bad results and be ineffective and so I
20 hope that helps.

21 MR. BOUNDS: And we -- just to jump in. You
22 know we did that with one agency. They didn't have an outcome

1 measure that other nationals had and we really questioned that.
2 And we had one agent that we questioned their overall
3 effectiveness but it is still when you make those determinations
4 you still have to, you know, look at the criteria that is written and
5 make those determinations.

6 So that was the point I was trying to make. We
7 really have to make sure that we as staff follow the rules or I get in
8 trouble with Sally and then with everybody else.

9 MR. PRESSNELL: So back to Dr. Hong's
10 comment really it is to a large degree it provides more rich context
11 around the overall evaluation for the members here right. And I'm
12 assuming -- and I know we are going to talk about the dashboard
13 later but the dashboard I assume, serves the same purpose as to
14 provide some context in terms of how these accreditors -- how
15 these institutions are performing within these accrediting areas as
16 compared to other as well.

17 Because we'll get -- I know, on the details of those
18 but is that correct?

19 MS. HONG: Yes I would agree with that it's really
20 more data, more information to inform how an agency has certain
21 indicators to point to how an agency might be performing in
22 comparison to other similar agencies.

1 MR. KEISER: Further discussion does anyone
2 want to summarize the discussion where we are, Ralph? I thought
3 you would.

4 MR. WOLFF: I don't know if this will add but my
5 recollection is that we introduced the Pilot because we wanted to
6 have a richer, more robust conversation than frankly the regulatory
7 review that was required by the staff to conduct, particularly given
8 the attention -- at least in the last view years toward accountability
9 and the performance of accreditors on the issues that were being
10 asked.

11 So I'm trying to figure out where we are and it
12 seems to me -- I guess the question that I would ask is if we are in
13 support of continuing the questions and while they may or may not
14 be incorporated in the regulatory review what is their -- how do we
15 frame what it is that they are?

16 Is it then something that every time an agency
17 comes or every time an agency is up for continued recognition that
18 these questions would be part of the interaction with NACIQI and
19 relationship in addition to the report of the staff.

20 I mean I am trying to say how do we identify what
21 it is that we are doing and where does it get located?

22 MR. KEISER: I can see that as from the staff to

1 provide instructions which they do now to the agencies when they
2 come before, be prepared to address this and we would appreciate
3 if you would address it in your opening remarks in a short way and
4 be prepared to answer questions about the two sections, the student
5 achievement and the risk issue.

6 So I don't see that as a problem I think staff could
7 do that with our direction. It would probably be the Motion.

8 MR. WOLFF: As I recall the pilot was put in the
9 Federal Registry wasn't it that we were asking this. So it would
10 seem to me that it would be part of the notice of the NACIQI
11 meeting that in addition to consideration of the staff review that
12 NACIQI would be interacting with agencies with respect to these
13 kinds of questions, would that be possible?

14 MS. HONG: Yes.

15 MR. KEISER: Is there a Motion to that or do you
16 want more discussion, is that a problem?

17 MR. WU: I'm not sure the people you are going to
18 call on.

19 MR. KEISER: I'll call you Frank and then I'll call
20 Kathleen because you are closer.

21 MR. WU: I was going to ask do we need a Motion
22 on this but I was also going to attempt to summarize what I hear

1 people say. It is that there is a desire to continue the Pilot. There
2 is a desire to be mindful of the statute that creates us and governs
3 our work, both staff and this body that we also want to ensure we
4 are consistent in how we use the data and we want to publicize it
5 so there is fair notice so everyone coming before us knows about
6 this.

7 So does that capture -- continue statutory authority,
8 consistency and ensuring notice to everyone?

9 MR. KEISER: I think it's not a continuation of the
10 Pilot it is just the acceptance of the new process.

11 MR. BOEHME: Are we going to take all the
12 questions in the Pilot? I know there was a question about student
13 achievement. I'm in favor of all questions.

14 MR. KEISER: There is not a Motion yet but
15 Arthur?

16 MR. ROTHKOPF: Yes I just want to throw
17 something out to maybe people who considered it. I agree with
18 Frank's formulation of where we are, where we have been and
19 maybe a little bit of how we got there.

20 But I am concerned or that's not quite the right
21 word, but I want to be mindful of the fact that we are dealing with
22 a new administration of this Department and I guess at some stage

1 do we need to talk with the people who are -- political people who
2 are involved?

3 And I don't -- they may say this is really dumb.

4 There's now as I read in the press, I don't know anything much
5 about it there's a task force on de-regulation. Well are we de-
6 regulating or are we increasing regulation?

7 And I guess what I am really saying is where do we
8 fit in with something that is going to have to evolve over the next
9 several months?

10 MR. KEISER: My comment on that is that I think
11 wherever we are outcomes are becoming a bigger issue, school
12 closures are a bigger issue and for us not to address those issues
13 would be a mistake.

14 MS. HONG: And just to add I just want to remind
15 that this Committee is an independent advisory committee advising
16 the Secretary so you should go ahead and proceed and keep doing
17 that whether the Secretary accepts or rejects your
18 recommendations is another point but I think --

19 MR. KEISER: And we don't know.

20 MS. HONG: Right.

21 MR. KEISER: We don't know, any other
22 questions, Anne and if you can make a Motion.

1 MS. NEAL: I will second Arthur's proposal. I
2 think it makes sense to hear from the new folks in town. But I
3 think the other thing that I come away from in terms of a general
4 observation is that we are asking a range of questions.

5 We have created a context since we launched this
6 Pilot designed to look at student outcomes and the actual products
7 of what these accreditors are doing as opposed to the large and
8 processed-based material that we received early on.

9 And what I am hearing is that the staff is still, of
10 course, bound by the regulatory structures and so the message it
11 seems to me is that there is a profound disconnect between what
12 we think is important if we are really looking to see whether or not
13 these educational institutions are grantors of educational quality
14 and protecting the taxpayer dollar and what effect the current
15 regulatory and statutory structure asks us to look at.

16 And so I hope that that broader message is
17 something that can be articulated not only to new folks in town but
18 the old folks up on the hill because I think that's the message that
19 really needs to be relayed.

20 MR. KEISER: I think that also was a part of our
21 recommendations for the Higher Education Act and I think what
22 you said is very consistent with what we have done in the past.

1 Frank are you going to make a Motion?

2 MR. WU: I was going to make a comment.

3 MR. KEISER: Make a comment and then a Motion
4 you are good at that.

5 MR. WU: I'll make a comment and then a Motion.
6 Just a quick follow up on what this Art said which is I think that's
7 very well taken and we should invite or ask our Chair to invite in
8 the most gracious, cordial manner the Department to send someone
9 as the prior Department did to visit with us.

10 Perhaps, I would be open to this -- we should invite
11 Reverend Falwell, Jr. or his designee also in a cordial, polite
12 manner because they are likely -- it's unclear to me what the status
13 of that panel is but they are likely to do some sort of work that is
14 related to or directly affects the work that we do and presumably
15 they will be set up under FACA or some other statute and as a
16 sister FACA body maybe we should have a meeting.

17 MR. KEISER: Just to show you how the Vice
18 Chair and the Chair think alike, didn't I say we need to do that.

19 MR. WU: Yes so --

20 MR. KEISER: Why don't you make a Motion we
21 can do that first.

22 MR. WU: I'll make a Motion but I also want to

1 note that as your new Vice Chair I have been heartened by the past
2 many years now that we have worked in the most collegial, cordial
3 manner and this body has been really surprisingly for Washington,
4 D.C. quite free of partisan politics.

5 And I hope and am confident with the leadership of
6 our Chair that we will continue along those lines.

7 And finally I'll note that despite the change of
8 guards that the prior ED department and the old group of folks in
9 town whose partisan affiliations matched the majority of this body
10 did not always follow this body's suggestions.

11 So more than once we were perhaps surprised that
12 the Department of Education did not take our advice and counsel.

13 MR. ROTHKOPF: Just a quick comment. My
14 comment was not intended in any way to say that I didn't agree
15 with what you are -- all I'm really saying is that I think there's
16 some other people out there who have an interest in it within the
17 government and you know, they have got that together.

18 But I am fully in support of what we are doing,
19 what we are asking and what I think the intent of your Motion.

20 MR. WU: Yes, goodwill all around here at this
21 table. So a Motion --

22 MR. KEISER: You can make a Motion and then

1 have your discussion.

2 MS. SULLIVAN ALIOTO: Well I just thought you
3 had said a brief -- you used the word brief somehow in your --

4 MR. KEISER: I love brief.

5 MR. SULLIVAN ALIOTO: Yeah I love the way
6 you are pushing this meeting. I wonder is the three minute -- do
7 people really have to talk three minutes? What if we made the rule
8 for that their introductory comments are no more than three
9 minutes and that their -- each person coming up is no more than
10 one minute? Is there a rule, is there a regulation?

11 MR. KEISER: That's another proposal. I'd love to
12 deal with that one, that's a good one but I would like to keep things
13 in line.

14 MR. WU: Right.

15 MS. SULLIVAN ALIOTO: Can that be part of this
16 so that people know that they need to be succinct unlike Miss
17 Kathleen here, they need to be succinct and quick.

18 MR. KEISER: Can we address that after. We have
19 two things that we want to address. One is invitation to the
20 Secretary DeVos to come to our meeting next time and you will
21 make the Motion. The second area is dealing with including the
22 questions in the Pilot program in the instructions to the agencies in

1 the Federal Register on what they would expect would be the two
2 Motions -- or the two areas I think we have agreed upon.

3 MR. WU: So on the first on the invitation I don't
4 know that we need a Motion.

5 MR. KEISER: She said we need a Motion.

6 MR. WU: Okay I'll make two Motions. So the
7 first Motion I hereby move that the Chair of NACIQI invites the
8 Secretary of Education or her designee to visit with us at our next
9 regular meeting and that the Chair hereby invite Reverend Falwell,
10 Jr. or his designee to visit with us at our next regular meeting,
11 that's the first Motion.

12 That we also invite Falwell or his designee to visit
13 with us, that we extend an invitation to them.

14 MR. KEISER: Is there a second? Brian, Ralph it's
15 pretty hard to fight but go ahead.

16 MR. JONES: Are they two separate Motions?

17 MR. WU: You could ask that they be separated
18 should you wish to invite one but not the other?

19 MR. JONES: I would, I think the Secretary has
20 been appointed and confirmed. Mr. Falwell is not confirmed. The
21 White House is non-committal. We don't know who is on the
22 Committee, we don't know what his charge is and I would prefer

1 to work with the people who have been designated and confirmed
2 and to see what -- once that Committee is created if it is then I
3 would suggest we proceed and develop an agenda.

4 I think the important thing is that we would like to
5 know what the Secretary or her designee's agenda would be with
6 respect to higher ED and the role of this Committee. So I would
7 urge separation and I would be for the first and against the second.

8 MR. WU: Sure I'll make it as two and then I will
9 do a third Motion related to the other. So the first Motion is the
10 Secretary the second is Falwell.

11 MR. KEISER: Okay we have an amendment --
12 actually the Motion has been changed any further discussion --
13 Anne?

14 MS. NEAL: I don't understand why an invitation
15 for information requires a Motion.

16 MR. KEISER: It's just an invitation. The Motion
17 is to make it formal that the entire group -- and it would be that I
18 would write the letter that the entire Committee requests you to
19 visit and meet your designees and your Advisory Committee.
20 Jennifer did it much more graciously than I would.

21 MS. HONG: I think it is because of the formality
22 with Art wanting to extend a formal letter invitation to the

1 Secretary. Alternatively -- I mean internally, you know, I can
2 make that request as well. So it could go either way. But I think
3 the desire was to have a formal invitation right Art?

4 MR. KEISER: Yes Claude?

5 MR. PRESSNELL: I would like to speak in favor
6 of what Ralph mentioned as well. I think that obviously the
7 Secretary is in a confirmed position. I think that Mr. Falwell's
8 position is very unclear and not only that but we don't even know
9 the scope of what his duties will or will not be.

10 There were rumors it might be just about de-reg -- it
11 may not be, we don't know. So I am going to do the same. I'll
12 vote in favor of the Devos and against Falwell for that reason.

13 MR. KEISER: Well I don't think we have the
14 second Motion so we have the first Motion and is there further
15 discussion on an invitation to the Secretary? Questions have been
16 called all in favor of the Motion raise your hands -- all opposed,
17 see it was unanimous okay so the Secretary will be impressed.

18 Now, I'm not sure I would agree with Ralph that we
19 don't need Falwell yet.

20 MR. WU: If there is no second it just fails for want
21 of a second.

22 MR. KEISER: I don't think we're there yet.

1 What's the third one?

2 MR. WU: I hereby move that we continue the Pilot
3 program applied consistently to all agencies with appropriate
4 notice being given to all that it will be part of the standard NACIQI
5 process -- the standard and NACIQI review process.

6 MR. BOEHME: Do you want to continue to call it
7 the Pilot?

8 MR. WU: Yes I was being deliberate to try to avoid
9 flagging an issue you have flagged now but that's okay. We're
10 friends. I didn't want to have some concern about how long this is
11 going to last, what's the authority so using the word Pilot is a nice
12 compromise. It says, you know, this isn't going to last forever, it
13 is not written into a regulation or statute -- just part of how we do
14 business.

15 MR. BOEHME: I trust you Frank.

16 MR. KEISER: Bobbie?

17 MS. DERLIN: Well I trust you too Frank but --

18 MR. WU: And we're friends to.

19 MS. DERLIN: But I just -- I think we should take
20 a position that this isn't a Pilot anymore. Granted at some future
21 time, a future NACIQI can say, "Boy do we think this is a dumb
22 idea, let's stop doing this."

1 But I think we should continue the use of questions
2 recently piloted and if you want to say for the next two years or for
3 a year or something that makes you more comfortable about time
4 frame I would go with that.

5 But I don't want to be in a position of intermittently
6 piloting stuff. I mean I think we should do it.

7 MR. KEISER: -- I'm glad you are joining the
8 conversation.

9 MR. O'DONNELL: So I'm supportive of
10 continuing this whatever we call it although I think it's of dubious
11 value because while the questions have been interesting and the
12 answers have been interesting, since it is actually pretty divorced
13 from what the staff is actually doing I think it doesn't have the
14 impact it should and I'm not an expert and I can hear the groans
15 before I speak on the federal rule-making process.

16 But my understanding is adviser committees could
17 make a recommendation. Why don't we recommend that the
18 Department consider ways to actually adopt appropriately the
19 statute in the regulatory process, some of what we are trying to get
20 at.

21 And the Department could ignore that -- that may
22 take years, they may never want to do that, they may want to wait

1 until HEA is reauthorized. But if we actually think these are
2 important and valuable and yet we are hamstrung because staff
3 can't fully consider all of them the way we would like them to,
4 why don't we continue the pilot and then also make a
5 recommendation that the Department consider ways to incorporate
6 these into the actual regulatory framework appropriately.

7 MR. KEISER: Well-articulated. Ralph -- go ahead
8 Ralph you look anxious.

9 MR. WOLFF: Having been through negotiated
10 rule-making I wouldn't wish that on anyone. And I take a slightly
11 different line with Bobbie. I would propose amendment to the
12 resolution which is to remove the word Pilot so as just to say I
13 think we declared we were running a Pilot.

14 We declared we would evaluate the advocacy of the
15 Pilot. We are now doing that and I think we just need to declare
16 we are prepared to continue it as part of the way in which we
17 function.

18 Having said so I would request an amendment --
19 having said that I have a question about its implementation and
20 that is I'm can't recall, maybe Susan or Jenn would know, is it for
21 all actions coming before only those for continued recognition?
22 And assuming it is the later then I would like the resolution to

1 clarify that these questions would apply to those agencies coming
2 before NACIQI for continued recognition so it wouldn't be a 12-
3 month compliance report or something like that.

4 I'm trying to clarify it is not for everything or what
5 is our position with respect to which agencies it would apply to.

6 MS. HONG: So it applies to renewals of
7 recognition right now and so the third Motion or the fourth Motion
8 I would ask of you guys before you leave is we need to discuss a
9 consent agenda, that's the next time. But yes it only applies to
10 renewals of recognition.

11 MR. WOLFF: So that being the case I would
12 propose that the amendment clarify that these questions would
13 apply to those agencies coming before NACIQI for continued
14 recognition, whatever the appropriate scope.

15 MR. WU: So just to be clear so Ralph you want
16 clarity with a narrower scope because you have clarify with the
17 bigger scope, all agencies.

18 MR. WOLFF: With the current scope. I'm only
19 trying to -- I'm trying to get us to be clear. I'm willing to go either
20 way, anyway I like the questions but I want to provide adequate
21 notice what kinds of actions will these questions apply to.

22 MR. KEISER: Okay I was going to have Brian but

1 go ahead you first.

2 MR. WU: I think it is great to have clarify the other
3 way and the reason I suggested the other way is there is interest
4 from many people at the table in asking these questions of every
5 agency and if we do clarify Ralph the way you suggested, everyone
6 who is not coming for renewal will rightly say, "Whoa, wait a
7 minute you said this renewal, you can't ask me these questions."

8 And so I don't think people would feel comfortable
9 being precluded if someone in the questioning just in general said,
10 "Oh it occurs to me I would like to ask this question." The Agency
11 could fairly say, "Whoa, wait a minute you sprang that on us."

12 So I applaud the notion of clarify. I would ask that
13 we go clear the other way.

14 MR. KEISER: Brian?

15 MR. JONES: I just have I guess a clarifying
16 question. Really I think it follows-up on the point that Richard
17 was making and I suppose Herman it's a question for you maybe,
18 and for you Sally. So to the extent that the staff's view is that you
19 know, you are limited to regulatory factors, the purpose of this
20 Committee is to advise the Secretary presumably to inform her
21 ability to take action.

22 Presumably her action too is limited to those

1 regulatory factors and so do we create a situation where we are
2 making recommendations? We are advising the Secretary on
3 decisions based upon factors that she is in fact unable to use in her
4 decision-making and if that's so aren't we creating sort of a tension
5 between us and the Secretary?

6 MS. MORGAN: I think the only -- my only
7 concern with this paper is perhaps on the focus on nurturing which
8 isn't required. I don't think that -- I think in writing it there was an
9 effort to make it clear that it wasn't required.

10 And these are all get to the criteria -- I mean the
11 staff naturally looks at the regulations and say do you comply with
12 this language whereas these get a more broadly based inquiry into
13 the same issues, so I think it's okay.

14 MR. KEISER: Yes Herman.

15 MR. BOUNDS: I just wanted to remind everyone
16 that when an agency comes up for a compliance report we only
17 look at the compliance issues, not the Agency overall. So they
18 come prepared to answer whatever they were found out of
19 compliance with at the previous NACIQI meeting.

20 MR. KEISER: Claude?

21 MR. PRESSNELL: I, you know back to Art's
22 comment early on. I think that these issues are within an

1 accrediting body and agency's scope of work. I think student
2 success -- I think that you know how they handle that risk,
3 institutions.

4 I would though be really careful as a Committee
5 going forward that we don't add things that really add to an
6 administrative burden of an Agency. You know it is easy -- as
7 long as we are in the scope and that was my question around how
8 close are these tied to the statutory requirements and so forth.

9 I don't want us to creep out too far and all of a
10 sudden -- because if we pass this Motion then it is now all of a
11 sudden going to be a requirement and we are treating it as a
12 statutory requirement when it is just informing the Committee and
13 I just want to be really careful.

14 I think it is in the scope of the work of the Agency
15 so I'm -- I'm in favor of the Motion but I think that we just need to
16 be really careful about that.

17 MR. KEISER: At least from my understanding the
18 data that we are asking for is -- fits within the scope of our statute.
19 We are just creating a process for them to clarify that particular
20 part you know, in bring out those issues because those have been
21 identified by this Committee as critical issues in the recognition
22 process.

1 And frankly I believe this accountability aspect will
2 continue to grow and it will get more intense rather than less
3 intense and I think it is appropriate at least to bring that to their
4 attention that that is what we are looking at so do you want to
5 declare a Motion?

6 MR. WU: You want me to try another Motion?

7 MR. KEISER: It's simple.

8 MR. WU: Alright let me try this again.

9 MR. KEISER: You lawyers are too much.

10 MR. WU: There was no second so I'll give this one
11 more go. The Motion is I hereby move that NACIQI continue to
12 inquire of every agency along the lines of its prior Pilot program.
13 Alright -- alright I'm trying not to use the word Pilot because you
14 object to it.

15 MR. KEISER: Just ask the questions of the Pilot
16 program.

17 MR. WU: I hereby move that NACIQI ask the
18 questions used in the Pilot of all agencies that appear before it and
19 that agencies be provided with appropriate notice that NACIQI
20 will proceed in this manner.

21 MR. KEISER: All agencies so all actions, not just
22 the renewals.

1 MR. WU: That's right so I deliberately specified it
2 as all. Just one other way to do it is to say that agencies be
3 prepared but I'm mindful of your issue of consistency.

4 MR. BOEHME: Simon -- I'll second it.

5 MR. KEISER: Seconded by Simon. Anne has
6 discussion this is really controversial.

7 MS. NEAL: Could I propose that we just simply
8 suggest that those questions be put in the Federal Register so that
9 anyone appearing before us will be either able to respond in
10 materials presented or be prepared to answer questions vis-à-vis
11 those questions.

12 MR. KEISER: I think that was the intent of the
13 Motion.

14 MS. NEAL: Okay.

15 MR. WU: Is that a substitute for the back half or
16 for the whole Motion?

17 MS. NEAL: The whole Motion.

18 MR. KEISER: The whole Motion. I think that's
19 exactly what I think we are trying to get at, would you agree
20 Simon? Is there anything missing in Anne's -- it was a little
21 simpler.

22 MR. BOEHME: No.

1 MR. WU: Alright great.

2 MR. KEISER: I like simple.

3 MR. WU: I don't have to make every Motion.

4 MR. KEISER: Okay any further discussion? Oh-
5 oh the trouble-maker here.

6 MS. DERLIN: I just have a question in terms of the
7 expansion to every action. If we think about some of the very
8 narrow and limited concerns for some of the agencies that come
9 forward in response to the compliance report and we are now
10 expanding -- does this now make it an expectation that every
11 organization will be asked all of the questions no matter what -- in
12 which case we -- I think have increased our business for our
13 meeting time.

14 MR. KEISER: Kathleen you were next.

15 MS. SULLIVAN ALIOTO: I think that Anne's
16 suggestion is on target. I wondered if we could incorporate my
17 earlier suggestion of having every answer be within one minute.

18 MR. KEISER: That's a different issue we will get
19 there. I promise you Kathleen I won't abandon you on that. Are
20 there any -- because I don't think we have asked the question less
21 than one minute.

22 MS. SULLIVAN ALIOTO: Are we going to put

1 the questions into the record?

2 MR. KEISER: Yes it will go in the Federal
3 Register, Susan?

4 MS. PHILLIPS: A word that Anne said that I just
5 wanted to comment on about materials available in our written
6 document. And I recall having a discussion when we initiated this
7 that anything we ask accreditors for in writing has to go through a
8 paperwork reduction pact -- do you remember that to be part of the
9 discussion?

10 I just don't want to run afoul of that constraint in
11 terms of a written thing and then second I wanted to I guess speak
12 to what Bobbie was saying about that being, you know expanding
13 it to all of the actions is asking a different set of things of the
14 agencies that appear before us.

15 And certainly they expect and perhaps then we have
16 scope so it may be out of our scope.

17 MR. KEISER: I sense a little disagreement with the
18 Motion that it should be all actions or just those actions that are
19 renewals, is there a consensus on that? I will hear Richard first and
20 then Paul.

21 MR. O'DONNELL: I just echo. I would limit it to
22 renewals and not compliance items because a lot of simple

1 compliance items I don't think the agencies need or we have the
2 time to dig into every action.

3 MR. WU: I'm fine with that if we add the
4 following, it doesn't have to be in the Motion but if it is on the
5 record that nothing in the Motion precludes questions along those
6 same lines.

7 I just don't want some agency -- let's say Simon
8 asks a question for them to take issue and say that's out of bounds,
9 you can't ask that, I'm just here for compliance so as long as it is
10 clear that it is still permissible.

11 MR. KEISER: Simon do you agree to the change in
12 the Motion?

13 MR. BOEHME: What would be the exact change?

14 MR. WU: That it is not required of every agency.
15 That is only required of those seeking renewal which is a much
16 smaller group but that those questions are not off limits in terms of
17 questioning by NACIQI members of agencies.

18 MR. KEISER: Bobbie?

19 MS. DERLIN: Simon said --

20 MR. KEISER: So we have a Motion, we have a
21 second I think we have agreement. Do we have agreement Ralph?

22 MR. WOLFF: Could we have the Motion read

1 Frank just so we know what it is that we are voting on?

2 MR. WU: It's not my Motion its Anne's Motion. I
3 thought mine got replaced by Anne's.

4 MR. KEISER: Anne what's your Motion? Do you
5 have it Jennifer, Jennifer has it there we go.

6 MS. HONG: This is actually Frank's Motion with
7 the amendment that you proposed. So ask the questions used in
8 the Pilot of agencies up for renewal of recognition with a caveat
9 that nothing in the Motion precludes questions along those lines of
10 all agencies.

11 MR. KEISER: And then Anne had it placed in the
12 Federal Register.

13 MS. HONG: Okay and what Frank's original
14 Motion said and that they are provided with appropriate notice
15 which would be the Federal Registry notice.

16 MR. KEISER: Ralph, are we there?

17 MR. WOLFF: Well I'm just going to say having
18 been in the chair on the other side what it sounds like is well it
19 sounds like we are speaking out of both sides of our mouth in the
20 sense that on the one hand we are saying if it is a continuation but
21 we might ask you anyhow and I would just -- so I don't know how
22 you put that in the Federal Register if you will that it is going to be

1 for continued --

2 MR. KEISER: Well you wouldn't. I think it's just
3 an understanding I think, that's what Frank said. But the question
4 is we did that this time. We had a school for expansion of scope
5 and we brought up the whole issue of outcome assessment.

6 MR. WOLFF: Well that's -- I was going to say that
7 I'm relatively new on NACIQI but when HLC came up these
8 issues were raised and it was a compliance report and it became
9 one of the triggers for our having the Pilot in the first place.

10 So I would just say the continuation is only every
11 few, 5-3 years and this is a more pressing issue so I'm just saying
12 that I prefer personally I would just say that I prefer it be available,
13 that it would be listed as it would be for all actions we choose.

14 If it is just a simple -- like the action we took today
15 from the Council on Chiropractic Education that we took where it
16 was simply about working out the warning. That may not be the
17 case. I'm just trying to clarify, you know, how we are but if I was
18 sitting on the other side and it said continuation only I would feel
19 that I didn't need to prepare as much.

20 MR. KEISER: Paul?

21 MR. LEBLANC: I would never accuse a lawyer of
22 torturing the English language but if you would be open to perhaps

1 a simpler version of the Motion. There is a Motion on the floor so
2 I don't know if you will entertain the language but I think we could
3 answer all of these concerns by simply saying NACIQI will
4 continue to use the Pilot program questions in future agency
5 reviews period.

6 It gives you all the latitude to apply or not apply. It
7 doesn't mean that you have to do it if you have a smaller item
8 coming up. It gives you the right to do it. It just seems a little
9 simple.

10 MR. KEISER: Do you accept that?

11 MR. WU: I think it's great. I don't know what
12 procedure exactly we are following.

13 MR. KEISER: If it is an amendment will the
14 second accept that?

15 MR. BOEHME: I'll accept that as friendly.

16 MR. KEISER: We are getting close guys, this is
17 good.

18 MR. WU: Thank you very well done may I
19 comments. One, I continue to be astonished that some agencies
20 who come before us appear not to have done very much prep and I
21 don't mean to discourage any particular agency or anyone but if
22 anyone has been watching this or reading the Higher Education

1 Press or even looking at Twitter you -- I'm just surprised some
2 people don't realize that when you come you have to actually be
3 prepared to answer questions.

4 And people sometimes seem startled or miffed that
5 we are asking them questions so I just hope that we are
6 communicating that. But the second is in direct response to my
7 friend Ralph.

8 Sometimes it is hard to predict because sometimes
9 stuff looks like wow, this is going to take 5 minutes and then
10 suddenly we are here for 5 hours with an angry mob that wants to
11 comment on the Archean aspect of a profession and sometimes
12 things you think -- this morning I thought it is going to be a
13 leisurely morning I'm going to take my time.

14 And suddenly I get a note we are done, come
15 downstairs. So you can't predict. It depends sometimes on what
16 happens with the agency and especially the third party
17 commentators. Because sometimes that takes hours and hours and
18 hours that you can't quite anticipate.

19 MR. KEISER: Can we call this question? Any
20 further discussion -- I'm going to get to yours.

21 MS. SULLIVAN ALIOTO: No I'm off that for the
22 moment. I like Mr. President's Motion here but can we put in the

1 questions for the lazy people who otherwise might not know what
2 the questions are.

3 MR. KEISER: We will let the staff, they will
4 know, the staff is who is being directed.

5 MS. SULLIVAN ALIOTO: They will put them in?

6 MR. KEISER: Yes.

7 MS. SULLIVAN ALIOTO: Okay. Thank you.

8 MR. KEISER: Susan?

9 MS. PHILLIPS: I just want to point out that the
10 modified Motion affords those questions to be posed under any
11 action so it could be a compliance report on issue A and we could
12 ask them about issue B. I would be opposed to that action.

13 MR. KEISER: Okay let's have a vote and then if
14 we don't agree with that we will go to the next one. All in favor of
15 the Motion signify by saying Aye -- raise your hand please. All
16 opposed okay we have 3, okay I think it passes.

17 Second one is we have to go to Kathleen's. The
18 question is can we shrink the time that our public commenters have
19 to make a presentation to us is that right?

20 MS. SULLIVAN ALIOTO: Correct.

21 MR. KEISER: Okay. I'd like Jennifer to answer.

22 MS. HONG: The opposition is to the length of the

1 time, the 3 minutes that we allow. I think 3 minutes we felt like
2 was a reasonable amount of time to -- well we can still kind of
3 efficiently run the meeting.

4 One minute seems kind of short.

5 MS. SULLIVAN ALIOTO: How about 2? If
6 people think about what they are going to say and they are not
7 doing a little off the cuff the way I am then it would be, they could
8 do it in the same way that he just did with this Motion.

9 The more we think the shorter we -- so if we said 2
10 minutes why not?

11 MR. KEISER: Frank and then Bobbie.

12 MR. WU: I'm going to speak against this idea, no
13 offense to my good friend Kathleen. Some people fly all the way
14 across the country for this and I would just feel awful if we didn't
15 give -- 3 minutes is already really short because I think people --
16 they do prepare, they rehearse.

17 I've seen people in the hallway practicing. You
18 know all of us have experienced public speaking, for some people
19 this is the first and only time they speak to a group, they've written
20 it out, they put on a suit, they go to such expense and if we don't
21 give them at least 3 minutes which is really very short.

22 I think the bigger issue and I don't know if this can

1 be addressed is the cumulative nature of it because regrettably
2 some -- my impression is, some of these are not spontaneous third
3 party commentators, some are part of campaigns organized by
4 whoever and so you get 10 of the same thing.

5 And that is half an hour so that is very different than
6 the one heartfelt individual who is before us.

7 MR. KEISER: Bobbie and then Jill?

8 MS. DERLIN: I won't reiterate Frank's remarks
9 about my position it is the same. I do not think we should restrict
10 public comments in any way. Even the ones where there are 10,
11 where we think there might be a band leader in the background.
12 This is a public entity we have a responsibility to listen to people
13 who have public comments.

14 And these decisions are critically important to the
15 people who make these commitments to come and speak to us so I
16 am in opposition.

17 MR. KEISER: Jill?

18 MS. DERBY: Amen.

19 MR. KEISER: You are amending?

20 MS. DERBY: No, amen. We can't improve on
21 what Frank and Bobbie said I couldn't agree more.

22 MR. KEISER: Though I do think there was one of

1 the agency's that commented to me that I think the commentators
2 are supposed to mark down what they are going to say. And we
3 are supposed to allow the Commission to know what -- there's
4 supposed to be that process is that right, I don't know?

5 MS. HONG: Right so the Federal Registry notice
6 specifies you know how to submit a request to us for an oral
7 comment including you know, their biographical information, their
8 name et cetera like maybe you would like a brief summary of what
9 they are going to say.

10 MR. KEISER: That's required?

11 MS. HONG: That is required.

12 MR. KEISER: Because they were complaining that
13 some of these folks, the 29 folks who presented to us did not do
14 that and the agency was surprised at some of the issues, but just
15 thought you would know. Actually it was the Center for American
16 Progress forum.

17 MS. HONG: Well we also have a process where
18 they can sign up the day of the meeting, so.

19 MR. KEISER: But I think if I remember correctly I
20 have the sheet somewhere on here they did not put the reason that
21 they were going to testify. Where do you want to go, Kathleen do
22 you want to make a Motion?

1 MS. SULLIVAN ALIOTO: I've already lost.

2 MR. KEISER: The third issue or the fourth or the
3 fifth, I don't know where we are -- Jennifer brought up is the issue
4 of the consent agenda and would you like to comment on that?

5 MS. HONG: Alright so as part of the Pilot we
6 excluded from consideration renewals of recognition. Okay I'm
7 going to take a step back. Do we want to continue with the use of
8 a consent agenda, that's the question.

9 So at this point given the previous Motion only
10 those agencies that are not on renewal recognition in other words,
11 other compliance reports or expansions of scope -- if there are no
12 other issues, no third party comments they will go on the consent
13 agenda is that what I'm hearing?

14 MR. KEISER: Well it's the same thing but they
15 have to be prepared it's off the consent agenda.

16 MS. HONG: Always.

17 MR. KEISER: But we can do that at the last minute
18 so.

19 MS. SULLIVAN ALIOTO: And they should be
20 here.

21 MR. KEISER: They should be here.

22 MS. SULLIVAN ALIOTO: Yes.

1 MR. KEISER: It would behoove them to be here.

2 Okay so no change is that what I heard, okay good.

3 MR. WOLFF: Could I just ask when will we be
4 notified who is on when the final agenda comes -- I'm just trying
5 to think of the time frame to give notice when we would pull
6 something off and we can pull something off up until the --

7 MR. KEISER: Up until the consent agenda.

8 MR. WOLFF: Until they come -- until they are up
9 on the agenda right.

10 MS. HONG: That's correct. So we have to wait
11 until the final analyses are done to see whether there are any issues
12 with the agency that's one and then two -- you know, an oral
13 commenter could conceivably sign up at the meeting right.

14 So you would have the Chair -- our Chair will ask
15 when we action a consent agenda whether there are any third party
16 comments. If there are that automatically removes them from the
17 consent agenda.

18 But I will send out a final agenda prior to the
19 meeting at which time you can remove an agency off the consent
20 agenda at that time as well. Because we wrap the consent agenda
21 issue up with a Pilot I still want a Motion on this issue.

22 MR. KEISER: Bobbie I'm sorry.

1 MS. DERLIN: I'll make a Motion that we continue
2 use of the consent agenda as we did during our Pilot study.

3 UNIDENTIFIED SPEAKER: I second.

4 MR. KEISER: I'm not sure we need a Motion,
5 Ralph?

6 MR. WOLFF: Just we had a case where an agency
7 didn't show and so we had to continue that agency over and we
8 were concerned so I just want to know to make it clear that all
9 agencies, regardless whether they are on the consent agenda, or
10 advised that they are going to be will be notified that they will be
11 expected to be available.

12 I mean there's a real cost involved you know on the
13 one hand. But on the other hand if somebody pulls it off the
14 agenda, if there was a third party commentator they need to be
15 here. So I just want to say how does the Department or the staff
16 communicate that the Agency needs to have representatives here?

17 MS. HONG: They are told. I mean they know
18 what the criteria is for the consent agenda. If they are on the
19 consent agenda there is always a risk of them being removed from
20 the consent agenda so they ought to be here and if they are here
21 and they get actioned on the consent agenda then there is no
22 testimony required from them but they ought to be present.

1 MR. KEISER: Okay there's a Motion, there's a
2 second. Is there any further discussion? No further discussion --
3 all in favor of the Motion raise your hand, all opposed -- that was
4 unanimous.

5 Now any other policy issues that you would like to
6 address? Sensing none, we are obligated from my understanding
7 to continue tomorrow. We will have a discussion tomorrow on the
8 score card.

9 And then I have asked the staff to make a short
10 presentation on exactly what they do in their review process
11 because I think that the new members need to understand the level,
12 the depth, what these people who are sitting on the side do because
13 they work very hard and they do a lot of traveling and they see a
14 whole lot of people who are involved in the accreditation process.

15 And it is important that we understand exactly what
16 they do. You have something great Jill?

17 MS. DERBY: Did you establish our date yet for the
18 next meeting?

19 MS. HONG: So we are still holding that date, it
20 continues to be tentative. I think we said June 20th, let me see --
21 June 20th through the 22nd so please continue to hold it just still
22 tentative.

1 MR. WU: And not to put you on the spot because
2 you do great work and thank you and actually we should say that
3 to all of the staff more often, thank you for all that you do it is just
4 so important.

5 MR. KEISER: Thank you.

6 MR. WU: But do you have any sense of how
7 tentative it is or when it will get firmed up. I have a self-interest I
8 think probably shared by everyone at the table, everyone at the
9 room which is I'm sort of looking at my summer calendar, spouse,
10 family and scheduling and if this moves a lot it just messes up my
11 entire life because this is a priority.

12 I want to be here, I want to do this but if it gets
13 scheduled with 3 weeks-notice you know, it is just a terrible mess
14 for many, many, many people. I don't think I'm speaking for
15 myself right.

16 So if there is anything that you can do to urge that it
17 be firmed up the sooner the better and any guidance that you could
18 offer us.

19 MS. HONG: I'm working on it because we have to
20 nail down a location as well. We have to do that months in
21 advance, 3 weeks in advance is not enough time for us as well so I
22 am working on firming that date so hopefully I'm hoping to hear,

1 you know soon.

2 MR. KEISER: And this hotel works out very
3 nicely.

4 MS. HONG: Yes it does.

5 MR. KEISER: 8:30 tomorrow. My goal is to
6 conclude tomorrow at 10 o'clock so you can make arrangements.

7 MR. ROTHKOPF: Let's go back to June. I'm
8 pretty careful and I only put down 2 days, the 20th and the 21st and
9 I would hope we could do our business in 2 days close to 3. I
10 happen to have a meeting on the third day and cannot be here.

11 MR. KEISER: I would work with Jennifer, that's I
12 think part of my job. I'm not sure what it is yet but I will learn to
13 get the schedule as tight as we can. I like tight agendas. We will
14 work on that, yes?

15 MS. SULLIVANN ALIOTO: I don't know if the
16 presentation on the first day took care of what that January 31st
17 when we were supposed to be getting some kind of a training are
18 you including that tomorrow?

19 Remember the training that was cancelled?

20 MS. HONG: Correct so I sent out recorded
21 preparatory materials to you all so it is kind of a review of that
22 information, the update on accreditor dashboards.

1 MS. SULLIVAN ALIOTO: Thank you.

2 MS. HONG: Yes and any feedback that you can
3 provide in terms of the training issues that you want to learn more
4 about, all of that is really valuable feedback for me so that I could
5 try and pull something together for you all so please let me know
6 what your interests are.

7 MR. KEISER: Did you feel the definition the way
8 we had three different sectors, is that a singular topic was
9 effective? I thought it was. Maybe shorter but I thought it was
10 effective. Okay I don't sense any more business is there a Motion
11 to adjourn?

12 Bobbie okay we don't need a second for that. Have
13 a great day and we will see you tomorrow.

14 (Whereupon at 3:35 p.m., the conference was
15 adjourned to reconvene February 24, 2017.)

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