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NACIQI POLICY DISCUSSION
COMPLIANCE REPORT WESTERN ASSOCIATION FOR
SCHOOLS AND COLLEGES, ACCREDITING
COMMISSION FOR COMMUNITY AND JUNIOR
COLLEGES (ACCJC) (continued)

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

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

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

Do I get to make a couple remarks?

Discussion -- Susan?

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

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

As far as the additional Baccalaureate programs beyond that as long as it is only one per institution then those Baccalaureate Degrees would be covered by lifting this limitation.

If it were to add Baccalaureate Degrees to institutions that already have an approved Baccalaureate Degree then those would be affected because at this point it is only one Baccalaureate Degree per institution that would be covered by the scope.

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

MS. DAGGETT: Yes.

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

MS. PHILLIPS: Then if more Baccalaureates are added?

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

MS. PHILLIPS: Thank you.

MR. KEISER: Further discussion -- Jill?

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

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

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

The Motion passes move to the next.

NACIQI RECOMMENDATION: To renew the
accredited Agency’s recognition for 1 and ½ years and with the limitation imposed in the April 5, 2016 decision letter.
RENEWAL OF RECOGNITION AMERICAN PODIATRIC MEDICAL ASSOCIATION, COUNCIL OF MEDICAL EDUCATION (CPME)

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

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

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

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

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

In addition, the Department received no complaints or third party comments in connection with the Agency’s Petition.

Our review found that the Agency is in compliance with the criteria for recognition.
Therefore, as stated earlier, we are recommending that the senior Department official renew the Agency’s recognition for a period of five years, thank you.

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

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

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

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

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

This is doing terrific work and in all the ways that
we frequently ask agencies to conduct their work.

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

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

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

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

So we are very happy to be here. We appreciate you making us as I said, “tow the line.” We would like to say that we are here to prevent the agony of defeat but no pun intended.

But on that note, excuse me, on that note we are happy to answer whatever questions. We appreciate the recognition.

The Council spent no small amount of time on that
issue of transparency of outcomes. Not only in terms of
deliberating as to what outcomes which were selected because they
are consistent. They are standardized, validated by external
agencies as well in terms of national boards or that the data could
be verified. It is not simply institutionally reported so determining
those outcomes and then second, the format the chart.

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

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

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

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

It appears that that is not true in your case and I am
wondering if you could tell me a little bit about how the work with faculty have contributed to such a positive situation?

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

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

MS. DERLIN: Thank you.

MR. KEISER: Paul?

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

This is a question we have been asking as part of a pilot program. You have a small number of institutions in the end but could you just give us an example of that?
MR. MAHAN: So when an institution is -- has an area of potential non-compliance they have an opportunity to respond to that initially in writing. We do give them notice of what the timeframe is for them to resolve that. There certainly have been times when we have engaged directly with institutions and I can think of one example in terms of developing assessment plans where we help the institution really develop an appropriate assessment plan so that it could come into compliance.

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

MR. LEBLANC: Thank you.

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

So what the Council did is certainly fulfilled his regulatory role in requiring of our strategic process but also in a
consultative role helped those institutions by showing them with permission from other colleges what we consider to be a model strategic plan and help them through the process so that in the end the deficiency was rectified.

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

MR. TREPAL: Thank you for having us.

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

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

MR. KEISER: Thank you oh I’m sorry Anne.

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

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

MS. NEAL: I’m just looking at the agenda.

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

MR. LEBLANC: I would move endorsement of the staff recommendation which is renewal for 5 years.
MR. KEISER: There’s a Motion from Paul LeBlanc, second from Richard O’Donnell. Any further discussion? Sensing none all in favor of the Motion raise your hand -- all opposed -- the Motion carries, thank you Steve. That was fast.

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

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

(BREAK 8:47 - 9:00)
NATIONAL COORDINATING CENTER

ACCREDITATION WORKGROUP

MR. KEISER: We’re going to have a presentation now from the National Coordinating Center Accreditation Work Group. Meg Grigal, Co-Director of Think College and Stephanie Smith Lee the Workgroup Chair, come forward please. They are not here. We may get to the Chiropractic School before lunch.

Okay I think we thought that one of the first discussion would last a lot longer and we told people to come a little later my Vice Chair was one of those.

Are these the people that I have already introduced?

Okay so you must be Meg and Stephanie, how are you? I’m really glad you showed up this morning because it was going to be a long hour for me. Okay the floor is yours.

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

With me today is Dr. Meg Grigal who is the Senior
Research Fellow at the University of Massachusetts, Boston. She is the Principal Investigator for Think College, the National Coordinating Center.

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

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

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

And we will then describe the purpose and the role of the accreditation Workgroup, give you some brief information about how we prepared the report and what was done and key factors, what are next steps are in discussion.
About midway through we will stop for questions and discussion and then we will again have questions and discussion at the end. So I’ll turn it over to Dr. Grigal.

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

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

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

They might have autism as well as an intellectual disability so the disability label may be descriptive enough talking about their path through high school they may or may not have received a high school diploma. They have all received services
under IDEEA through an individual education plan.

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

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

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

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

So in addition these students were not eligible for
federal financial aid because to receive federal financial aid you
have to have a high school diploma, pass an ability to benefit test
and be matriculating toward a degree. So they weren’t able to
access existing resources through Title IV aid.

Then came the Higher Education Opportunities Act.

You can see that from the time we started collecting information --
I hope you can see behind me. I feel odd having people thinking
did I comb my hair -- the number of programs has grown
substantially since 2008.

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

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

They shouldn’t be excluded from wanting to learn
as adults because of a disability label. So this is affirming however
of the almost 250 programs that’s only about 3% of the options
that students without intellectual disability or with other disabilities
have of the some odd 7200 Title IV schools that are in the United
States.

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

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

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

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

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

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

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

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

So the Model Demonstration Funding was awarded to 27 institutions of higher education in 23 states ultimately with the primary campuses that received funds in the satellite campuses
that they collaborated with creating consortia.

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

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

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

So you can see a huge preponderance of programs and services in the East Coast, fewer in the west. Many fewer in the middle part of the country which is something that we still need to work on.
Think College was not involved in the awarding of the programs the model demonstration projects were awarded through a competitive process through the Office of Post-Secondary Education.

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

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

And we can tell you it is working. The outcomes in terms of access to education I think are significant so few of these students had opportunities to seek higher education in the past. Many of the students were attending the TPSID -- if they had not gone to this higher education option they would be sitting in a day habilitation center or they might be in a sheltered workshop doing piece meal work receiving sub-minimum wage and somewhat isolated from their community.
As you can see from these data, these same students are taking classes, working -- in some cases working for minimum wage, taking classes for credit in some cases and in other cases they are auditing courses. But they are absolutely learning and moving toward a better future. They are contributing to their campus, they are changing the culture in response to learning diversity and they are -- it has been wonderful to see how welcoming these universities are and how affirmed they are in their commitment to providing access services and better futures to students within intellectual disability.

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

Now in some cases people with intellectual disability remain in high school and receive special education support until the age of 21 so it means they have exited, whether at 18, 19 or 21. They are no longer receiving services under IDEA, the Individuals with Disabilities Education Act. And they have to be enrolled in a comprehensive transition for secondary program
for students with intellectual disability and they had to have filled out the FAFSA.

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

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

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

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

So why do we want to talk about program
accreditation? Well it was one of the charges that the National Coordinating Center had was to do so so that’s why we are here and that’s the report that Stephanie is going to share with you. But it’s truly important, nobody knows how important accountability and outcomes for higher education and quality and continuous improvement are for higher education.

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

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

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

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

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

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

MR. BOEHME: Both.

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

So I think there is significant attention to that from the research side. On the evaluation side the programs do a variety of things. Some will send out surveys, some will have informal
talking, you know, groups with students.

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

MR. BOEHME: Thank you.

MR. KEISER: Federico?

MS. GRIGAL: Yeah sure, hi?

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

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

MR. ZARAGOZA: Outcome data.

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

The first cohort of TPSID we were not allowed to collect outcome data. It was prohibited. This current cohort of TPSID we are allowed to collect outcome data but they are not
required to collect outcome data. So we are in the current situation
of trying to go to programs, some of whom have been previously
funded but are no longer funded and asking them would you please
collect these data even though nobody is telling you that you have
to. We are working on that.

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

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

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

But there is a potential since we are not just
evaluating the TPSID’s we also are charged with providing
technical assistance, training, support -- so we are working with
them regularly to -- as a matter of fact at 3 o’clock I’m presenting
yet another webinar about using existing resources to support students with diverse learning needs.

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

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

MR. ZARAGOZA: Thank you.

MR. KEISER: Jill?

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

MS. GRIGAL: That’s a really good question.

Currently under the guidelines of the HOA each institution of higher education that received funding was required to create a meaningful credential.
How they create that meaningful credential varies widely. In some cases students are accessing existing higher education credentials not typically degrees, not typically Associate’s Degrees. I see in the long-run more students being able to have that path but they may be getting existing vocational certifications that that institution of higher education offers.

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

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

MR. KEISER: Any other questions?

MS. SMITH LEE: If there are no more questions we will move on to the report itself. So just to sum up we talked about what typically has been available for students with
intellectual disability and what is generally available now which is
to be in separate programs that head towards segregated
shouldered workshops, sometimes making pennies an hour.

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

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

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

And we had Carolyn Williams a former NACIQI
member was a member and a representative of a regional or a
national accrediting agency.
Now we had all of this expertise except we were not able to find a member of a national and regional accrediting agency and we are hoping there may be some in the audience today who might be willing to volunteer for the next group. The role of the workgroup is also outlined in the statute.

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

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

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

And I am going to talk briefly about how we went about this. This was kind of an unusual responsibility. There hadn’t been something quite like this before. After appointing the 15 workgroup members with diverse experience the group started
meeting on at least a quarterly basis by teleconference and an annual in-person meeting and the first thing we did was to seek expertise on this topic.

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

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

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

So a decision was made to draft standards in each one of those areas which of course include mission, student achievement, curriculum, faculty, facility equipment and supply.
Administrative and physical capacity, student services and so on. We also had someone from the Commission on English Language Programs Accreditation meet with our group and she was very helpful in explaining what that organization had done to develop accrediting standards. So we looked at the U.S. Department of Education accreditation regulations, the Commission on English Language Programs Regulations, the Think College standards of quality indicators and benchmarks that Dr. Grigal mentioned and the requirements in the Higher Education Opportunity Act for comprehensive transition programs, both the statute and the regulations and the FSA approval process. And in the appendix of the report there’s a 3 or a 5 column chart that compares line by line each of those things. So once we developed draft standards using all of these laws and guidelines and so on to look at, we developed a comprehensive plan for seeking public input. We wanted to make sure that we got a wide variety of stakeholders from various parts of the country, people who were involved in higher education, special education, parents and students giving us input on these draft standards. We had 5 key questions that we used whether it was with webinars or presentations or a survey. Are the standards
clear? Should anything be changed? Have we missed anything?
Do they reflect an acceptable level of quality and what should be
included in accompanying guidance?

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

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

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

The response that we got was that in general the
standards were considered clear and sufficient. There were
recommendations for specific word changes to enhance clarity.
For instance in the fiscal section we put something about
sustainability and some people thought we were talking about
environmental sustainability which totally threw me off but we put
in the word fiscal. We wanted to make sure that this was very
We also received recommendations on information that should be put into guidance that accompanies each standard and there were a number of respondents who suggested that we take the actual language in the Higher Education Opportunity Act regarding comprehensive transition programs and regulations and actually put that in the standards because there wasn’t always a clear understanding of things like admissions and eligibility and so on.

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

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

Many families expressed strong opinions about the standards, especially the importance of inclusion on college
campuses and traditional college campuses, the need for family engagement and that students needed advice and support in academic advising and also advising about career and work campus life and housing and so on.

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

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

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

And we wanted to share with you what the next steps are so now there is a new workgroup, it’s the next 5 year period, there’s a new grant, we have a new workgroup that has been appointed. We do still need a NACIQI representative and an
accrediting agency representative as I mentioned.

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

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

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

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

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

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

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

The information is in the HEO Title IV regulations but to my surprise people don’t seem to read those all the time.

We also hope that they will support collaboration and channels of communication with various agencies and we are recommending that they fund the development and dissemination of resources and strategies to use in assessing student progress in traditional
Some of the specific standards we need to do some further work on. One of the areas is to develop guidance regarding situations in which staff worked for an outside entity, sometimes a non-profit organization might be running a program. Further research is needed on the impact of student status.

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

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

Part of the requirements for these TPSID model demos is that they be sustainable after 5 years. Additional work that we will be doing is addressing what period of time should be considered reasonable to retain records, developing recommendations about academic and non-academic advising and seeking clarification on the role of guardianship with respect to the Family Education Rights and Privacy Act or FERPA.
Some of these students have guardians and there are questions about what that means in terms of various aspects.

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

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

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

Our email address is here.

MR. KEISER: Ralph?

MR. WOLFF: Thank you for your presentation and for the work you are doing. A couple -- both a suggestion and a comment -- as I look at your standards there’s nothing on
outcomes as Federico was saying earlier which all of the
accrediting agencies focus on or on issues of completion.
You know I think we would really want to be --
anyone would want to know students who are in the program,
what’s the retention and completion for those students and are the
support services adequate.
And then how do you measure learning outcomes?
Are they in the mainstream programs or in special programs but
this is not only an issue for a traditional higher ed or institutions
but I think the one that would require special attention as you work
on this.
And when I look at your standards around
curriculum and what you call student achievement they don’t
address either of these issues so I would certainly encourage you to
address them. And that’s also the way certainly the regionals and
many other agencies address the federal recognition criteria on
student academic achievement.
A separate issue is that I would think it would be
very challenging for an accrediting agency to adopt somebody
else’s standards, particularly around such a specialized area or
program and so I am wondering is the intent at some point, given
that there is federal financial aid to seek your own recognition to
do this or have you found any consideration by other agencies?

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

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

MS. SMITH LEE: Right.

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

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

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

MR. KEISER: Jennifer?

MS. HONG: I think for those reasons I just want to
support Stephanie’s plea for folks out there in the audience, if there are any representatives from a national or regional accrediting agency -- that’s why that kind of feedback is really critical. So if you can lend a staff member to be part of the work group I think that kind of feedback is really helpful for them.

MS. SMITH LEE: Thank you.

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

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

MS. DERLIN: Yeah.

MR. KEISER: I did something right that’s good.

MS. DERLIN: That’s wonderful we look forward to working with you.

MS. SMITH LEE: Thank you Mr. Chair.

MR. KEISER: Thank you very much.
INTRODUCTIONS

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

MR. BOEHME: Simon Boehme, Student Member.

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

MR. JONES: Brian Jones, Strayer University

MR. WOLFF: Ralph Wolff, Quality Assurance Commons

MR. AUSDLE: Steve Van Ausdle, President Emeritus, Walla Walla Community College.

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

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

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

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

MR. KEISER: Arthur Keiser, Chancellor, Keiser University.
MR. PRESSNELL: Claude Pressnell with the Tennessee Independent Colleges and Universities.

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

MR. FRENCH: George French, Miles College.

MR. ZARAGOZA: Federico Zaragoza, Alamo Colleges.

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

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

MR. O’DONNELL: Rick O’Donnell, CEO, Skills Fund.

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

And then other questions by fellow members of the NACIQI to the staff and then third party comments. Then the agency gets a chance to respond to the third party comments. The
Department staff then responds to the agency and third party comment. There is a discussion and vote and we are currently involved in a pilot program which provides a series of questions in which we will ask some final questions of the members of the Agency.
RENEWAL OF RECOGNITION

COUNCIL ON CHIROPRACTICE EDUCATION

(CCE)

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

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

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

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

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

Of these programs CCE accredits one program that
is offered to a single purpose chiropractic institution. That program uses the Agency’s accreditation to participate in the Title IV programs. Accreditation by CCE also allows its 15 programs to participate in non-Title IV programs offered to the Department of Health and Human Service.

CCE was recognized by the Commissioner of Education in 1974 and has received periodic renewals and recognition since that time. The Agency was last reviewed for continued recognition at the fall 2011 NACIQI meeting. At that time it received continued recognition and was requested to submit a compliance report on several areas of the criteria. The Agency’s compliance report was reviewed at the fall 2013 NACIQI meeting and the Agency’s recognition was continued for a period of 3 years.

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

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

MR. WU: Okay and now staff.
MS. SHULTZ: Thank you. Good morning my
name is Rachael Shultz and I will be providing information
regarding the staff recommendation for the Council on
Chiropractic Education or CCE.

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

The staff recommendation is based upon its review
of the Agency’s Petition and supporting documentation as well as
its observation of a CCE Council meeting in Phoenix, Arizona in

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

At the January Council meeting, staff became aware
that the Agency is using confidential warnings to alert programs of
the need to address specific Council concerns related to accreditation. Such warnings may be issued when the Council finds that a program is in non-compliance and determines that the deficiencies can be corrected in a short period of time which is defined as continuing for up to 12 months.

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

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

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

No written third party comments were submitted to the accreditation group regarding the Agency’s Petition.

Comments submitted to NACIQI have not been reviewed by the
staff and were not incorporated into the staff analysis.

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

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

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

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

And I’m just trying to ask if they made it shorter would it be considered not part -- I mean is the way the staff -- is there a way for it not to be included in the 2-year time frame and
all of their programs that are recognized for longer than 2 years. I am just trying to understand your recommendation so that I can evaluate their response. So is there a way for them to say it is a separate kind of issue or that it has to be included in the 2 year time clock?

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

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

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

But here we just thought that the confidential warning not being public in this case could have been a serious issue and that we are really saying that the 12-month time was
pretty lengthy and we want to make sure that it meets the 12-18-24
month time limit.

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

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

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

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

So I would like some -- when they come to the table
some clarification there. I have a concern that this is being done
confidentially and the Department is not being notified of this so if
it turns out to be compliance related I don’t understand why we are
not being notified.

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

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

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

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

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

MR. WU: And Bobbie?

MS. DERLIN: I just have a quick question about
the written statements. Rachael you mentioned that these were not
included in your review and I am assuming that’s just a timing issue, am I correct about this?

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

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

MS. DERLIN: Got it, thank you.

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

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

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

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

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

MR. LITTLE: Good morning and thank you Dr.
Wu. I’ll start with introductions. I’m Craig Little. I’m President
of the Council on Chiropractic Education. To my left is Mr. Ray
Bennett who serves as Vice President of Accreditation and
Operations.
I am here today with Dr. Elizabeth Goulard, the Chair of the Council. She is new to the Agency since we were last here and she is actually a public member of the Council. She’s a consumer, she’s a chiropractic patient and she serves currently as our Chair.

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

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

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

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

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

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

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

First it began with a survey process and getting together over 150 individuals from every chiropractic program, trade organization and students. We had students from every chiropractic program involved in the strategic thinking and planning process. Through that process we actually had a survey process where we have got the thoughts on the Agency’s strengths
and weaknesses and opportunities. And it was helpful to the
Council and helped the Council in a continual cultural change but
it also helped the groups that are involved in the process because
they were able to see how their views matched with other’s views.

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

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

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

We’ve presented to every group that has asked us
and we have forced ourselves to present to groups that have not
asked us. And so that’s really the work that we have done over the
last two years to deal with those concerns.
The one area that I would like to draw your attention to is the finding surrounding CCE’s use of warning. I do believe that there is some opportunity for us to reflect on this and come to a better understanding because the USDE staff reports indicate that the 12 month confidential warning is for a much shorter period of time and be made public. And we do not, as has been mentioned earlier -- all of our programs are Doctoral programs and we are not subject to that 12 and 18 time limit. First, our standard which have been in the exhibits on pages 6 and 7 and policies mirror -- it’s not unique language it actually mirrors 602.20A.

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

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

Second, there is some confusion surrounding the terminology warning. The CCE defines warning -- again it is in our standards on page 8 as a procedural action, not an adverse
action and uses the term if we conclude that a program could be in
non-compliance if future steps are not taken or have -- or cannot be
corrected in a short period of time.

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

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

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

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

Fourth, the November 17th clarification letter that
we received that if warning status is defined or applied by the
Agency -- and again this is the letter that we received from the
Department, is less severe than probation agencies are not required
but highly encouraged to report such actions.

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

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

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

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

MR. WU: Are any of the other Agency reps
speaking at this time?

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

MR. WU: Great, Primary Readers?

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

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

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

As I understand it it seems to me A: Is there a clear
definition and distinction between a warning and probation or clear

enough that one could draw a distinction between non-compliance

and significant non-compliance and does it trigger the 2 year

clock? I think that’s the concern of this staff is that technically an

institution could have more than 2 years if the warning were

considered to be part of -- should be a trigger for the 2 year clock.

But as I understand your argument you are saying

that your definition of probation which does mention significant

non-compliance but your definition of warning says that it may

decide to issue if the Council concludes that an institution number

one -- is in non-compliance.

So maybe you could say what’s the difference

between non-compliance and significant non-compliance? I mean

it goes on to say and it can be remedied within a short period of

time. But I think partly the issue is the law states that when there

is non-compliance with the standard you are required to take

action.

So categorizing this as non-compliance maybe you

could respond to that.

MR. LITTLE: Certainly it really reflects on again

and that definition is not unique to us because that’s actually the

definition that comes out of the criteria but the significant as we
have defined -- as actually the Council has defined, surrounds the fact of that the number again -- if a program has one weakness, you know, again it depends upon the significance of that.

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

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

And so if we had a program that had a system in place and they might be in the process of closing the loop on that so they might have assessment measures that they have not analyzed and provided evidence of program improvement as a
result of the analysis of those measures, we might say that they are
not, you know, their report might indicate that they are planning to
do that in May.

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

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

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

MR. WOLFF: And of the 15 institutions how
frequently or how many institutions currently are on confidential
warning or on probation or maybe over the last couple of years
how frequently is this used?
MR. LITTLE: I have that data for you. I thought
that would be coming up in the pilot questions so let me just refer
to that. I can tell you that there is the sanction of probation -- it
would be one.
And the warning has been -- pardon me -- exactly.
And you are just asking over the last few years I’m assuming. I
would say confidential warning has been used on probably 2 to 3
programs.
MR. WOLFF: And in each case were they able to
fulfill their response within the 12 month periods so that they -- or
did they move into probation or did they resolve the issues?
MR. LITTLE: In this case they resolved the issue,
in these cases.
MR. WOLFF: So what I understand -- I mean I
have had to deal with these similar issues in my own career as an
accreditor so as I understand what you are saying is that there may
be issues of non-compliance that do not rise yet to being a non-
compliance with the standard but with areas or sub-parts which if
uncorrected would lead to a finding of non-compliance with the
standard?
MR. LITTLE: Yes, it is the Council’s mechanism to use bold italic and underline to get the program’s attention with a weakness that could essentially they could be out of compliance.

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

I mean what’s the cycle of the 12 month actually look like?

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

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

If there are no plan I mean if it was a blank hole and there wasn’t anything evident, that would not be compliance.
MR. LITTLE: That would not be a warning.

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

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

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

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

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

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

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

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

We also include an open-ended questionnaire regarding other performance measures that are currently utilized within the various chiropractic programs that may be appropriate
for demonstrating student performance and success in addition to
the national board pass rates.

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

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

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

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

It could be, you know, the idiosyncrasy of who took
the exam that year or it could be a curricular defect and I notice
that you have many other assessment criteria than those that are
applied by the team but that seems to be a very important
benchmark that you use.

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

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

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

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

MR. LITTLE: Yes and that has been a challenge
that we have had to use enforcement measures when we found
programs reporting that data not per policy and we again, with
every site team that we send in we actually have hands on the data
and eyes and ears on the data to verify that.

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

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

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

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

We know that the average student is spending about
$140,000 in the chiropractic program. Salary.com notes that I
think that the average reimbursement is -- or the average salary is
well above that. I have that data here and I can look it up but it is
somewhere over $150,000 - $160,000 per year.
But again it’s the 85% that become sole proprietors and the ability for programs to get verifiable data regarding those actual -- that actual data is a challenge.

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

MR. LITTLE: It is.

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

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

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

That actually was present in one of our exhibits. So
we monitor those student achievement thresholds and program characteristics. The tools that we use, you know, are really working with continuous quality improvement of our programs even when there is not a weakness but we end up finding those through, you know, through our monitoring processes.

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

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

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

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

MR. WOLFF: I couldn’t find -- what’s the total enrollment of the 15 schools? And maybe you could address --
I’m just curious about a balance -- gender balance, diversity for the profession itself and what these schools, what the demographic distribution of enrollments of the schools would be.

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

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

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

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

MR. LITTLE: You know I don’t know if there is a benchmark I don’t think that our educational programs are there yet. We don’t have a standard for that. We don’t obtain that data per se but we do evaluate programs that have admission policies
and procedures and make sure that they are consistent with that.

MS. GOULARD: I might just comment that my background is nursing and part of my professional progression involved supervision of a large number of healthcare programs.

Back when I was Dean of instruction and I think it is a challenge for our healthcare programs in general to diversify.

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

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

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

MR. ZARAGOZA: I have no more comments.

MR. WU: And I will open the floor now to NACIQI members. I’ll ask two questions. Both of these are neutral questions, they are only questions. I had the pleasure of being one of the Primary Readers the last time you came here and there is quite a change.
You mentioned that when you opened and as I recall last time there were two big issues and I wanted to offer you an opportunity just to expand on what you said about having the meetings and the planning and reaching out.

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

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

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

MR. LITTLE: I’d be happy to. First of all there is the world view issue in the chiropractic profession is not -- probably not going to change within our lifetime and that’s okay.

Because what we have learned through this process is that the culture of our organization and the role of accreditation is to make sure that we are really -- I hate to use the example, but it is the example that Dr. Phillips provided on where the Agency is.
And that it is not, you know, that it monitors those forces and that we actually go through the process of having -- making sure that we understand what the role of accreditation is, that we don’t exceed those boundaries and we help others understand what the role of accreditation is.

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

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

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

And to make sure that they understood that the rationale was because what the role of an accreditor is and so having that information I think was very helpful. We have changed our governance to some respect where we have -- we changed it to where the number of individuals elected on the Council are half by the educational programs and half by the
That was appreciated by the stakeholder community. And again it is the outreach. It is not -- first of all in this profession you can’t agree with everyone. So it is most important that everyone understands the reason why decisions are made and why standards are.

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

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

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

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

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

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

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

MR. WU: Yes I think agencies often don’t request
third party comments but they do occur. Simon?

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

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

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

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

They didn’t understand the role. They were appreciative to be involved in the process and we learned and we developed action plans to make sure we engage students more and
we are doing that more by engaging with them in groups and we
are trying to come up with communication pieces that we can offer
students to download off of our website and present to them as
y they enter chiropractic programs.

MR. BOEHME: I think that’s really great thank
you.

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

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

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

MR. LITTLE: I’m sorry I didn’t hear your
questions.

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

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

We did not want to -- for lack of a better term,
cherry pick students. We wanted the students that were probably
the more engaged, the more -- maybe the students that had
concerns and so we allowed our educational programs to bring
those names forward to us and we accepted every one that they
brought forward.

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

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

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

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

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

MR. WU: Yes Ralph?

MR. WOLFF: A quick question of Jenn, CCE is
not in the database we received and I just wonder is there a reason
why it is not or can we get it in the future included so that we can
compared it to others, I didn’t see it.

MS. HONG: So there’s no --

MR. WOLFF: No podiatric oh only the one

program but podiatric was in.

MS. HONG: There’s no currently participating

Title IV schools that’s why.

MR. WOLFF: Only just the one?

MR. WU: And that brings to mind a question.

Maybe just to clarify for Ralph’s benefit and all of us -- could you
talk about the one program and transitioning away from being the
Title IV gatekeeper?

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

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

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

MR. LITTLE: Well they are going through the
process with a regional accreditor. They have gone through
substantial process. I don’t know if it would be -- I mean that
region accreditor’s process is on the website. As soon as they
receive regional accreditation it is my understanding from talking
to leaders in the program that they will no longer seek institutional
accreditation with our Agency.

MR. WU: Yes Jennifer?

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

MR. LITTLE: As solitary purpose chiropractic
institutions or other institutions programatically?

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

MR. LITTLE: You are correct.

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

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

MR. LITTLE: Trust me we will.

MR. BENNETT: We are just not there yet and they
haven’t official gave up anything yet so we are acting as we were
today as we were last year as we will move on until that changes.

MS. HONG: Thank you.

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

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

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

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

Essentially I have listed four different concerns
specifically siting the criteria for recognition. The first is lack of rigor around mission statements. In the standards what we have seen is a change from a definition of chiropractic within the standards to the absence of that and now the schools are being solely evaluated on their mission statements.

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

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

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

You know, of course within certain restraints -- so
that is our main concern lack of rigor around mission statements
and constitutes a failure of wide acceptance of the profession.

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

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

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

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

MR. GUINOSSO: I said hold the chiropractic.

MR. WU: Would you take one minute to explain
for our benefit what is this controversy that’s the first question and
the second is because not everyone at the table may know the term
subluxation would you take just one minute to explain that.

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

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

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

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

That is not widely accepted by the profession. They
are two separate things. So when a school teaches segmental
dysfunction in lieu of vertebral subluxation they are failing to meet
the requirements that the chiropractic address vertebral subluxation
so they are not doing that. That’s my concern. We have
chiropractors out there -- it’s like dentists not being able to fill a
cavity.

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

MR. GUINOSSO: The schools.

MR. WU: Working on the spine?

MR. GUINOSSO: No, the spine is not an issue.

All of the schools are going to require that chiropractors pay
attention to the spine. It is whether or not they are addressing the
classic and widely accepted lesion of the chiropractor which is a
specific part and problem of the spine, not the spine as a whole.

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

MR. WOLFF: I just had a question. We heard that
there was an extensive process before the standards were revised.

Were you able or did you provide your comments regarding these
issues on the mission?

MR. GUINOSSO: I wasn’t aware of the pre-
advise period. I did participate in the commentary on the drafts
as they came out in several draft forms and I am basically
repeating -- this is a way abridged version of my concerns regarding the language in the standards.

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

MR. OVERLAND: Good morning.

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

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

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

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

I am here to share with you today that the CCE is widely accepted by the chiropractic profession including the ACA, all 50 state licensing boards, our national testing agency the
National Board of Chiropractic Examiners and by virtually all chiropractic colleges and universities in the United States. Perhaps, most importantly though, it is accepted by the vast majority of current chiropractic students. In fact with more than 5,000 student members the ACA has not receive a single complaint about CCE from any of them. ACA is well informed about the processes that are used by CCE and the positive results of its work throughout the United States during its most recent period of recognition. We believe the CCE is employing procedures that have conformed to criteria for recognition CFR 602.13. Communications have been comprehensive, they have occurred at regular intervals, they are relevant to the constituencies and they offer a meaningful opportunity for input. Moreover, CCE decision-making bodies represent a wide range of professional and public interests as well as including representatives with varied clinical and philosophical positions. In fact it is due to this wide ranging participation that when one reviews the CCE standards of recognition, terminology is seem throughout that is broad and inclusive enough to encompass the spectrum of approaches necessary to graduate from all -- and meet licensure requirements for all 50 states.
In regulatory community words always matter. However, in preparing to thrive in a contemporary healthcare practice, chiropractic students must be fully prepared to enter into a world of collaboration, integration and patient-centered care.

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

However, as a doctor in current practice it is my strong opinion that this concern has no merit. In fact it is quite the contrary. For example as a Medicare provider which I am, I can tell you that the newly enacted Medicare quality standards, we are required to comply with certain documentation criteria. And in the criteria these are established through literature, peer reviewed literature from all providers and all different academic communities.

Among the highest priority --

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

MR. OVERLAND: Thank you very much.

MR. WU: Let me ask any questions from NACIQI
members? I’ll ask one very simple question for just a short answer.

The Agency represented that they have engaged in efforts to
address this divide and it does appear that the volume of third party
comment as decreased significantly.

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

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

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

MR. WU: Thank you.

MR. OVERLAND: Thank you.

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

MS. SIGAFOOSE-JACKSON: Yes you did great.

I’m going to have to learn to speed talk for 3 minutes.

MR. WU: Feel free to start.

MS. SIGAFOOSE-JACKSON: Thank you

members. Selina Sigafoose-Jackson and I am representing the
International Chiropractic Association known as ICA. It is now in its 91st year of service and we represent chiropractors from all over the world as well as student members.

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

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

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

We feel that this addition is long overdue. The specific scientific chiropractic adjustment is an essential patient procedure that is unique and central to the practice of chiropractic.
It is also the only reimbursable procedure in the Fedacare/Medicare law -- federal Medicare law. Again I am going to continue in skipping. We acknowledge and are encouraged by CCE’s response to date of our requests of improvement for governance and are optimistic that additional changes will be forthcoming in the near future.

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

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

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

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

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

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

MS. SIGAFOOSE-JACKSON: Okay.

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

MS. SIGAFOOSE-JACKSON: Correct.

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

MS. SIGAFOOSE-JACKSON: Correct.

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

MS. SIGAFOOSE-JACKSON: Thank you.

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

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

I’m David O’Bryon. I am the President of the Association of Chiropractic Colleges. I represent all the accredited colleges in the United States so when I am speaking up here on behalf of the continuation of CCE’s recognition I am speaking on behalf of all of our members, D’Youville College, New York Chiropractic College, University of Bridgeport, Life, Sherman, National, Palmer, Northwestern, Cleveland, Logan, Texas Chiropractic College, Parker, Southern California, University of Health Sciences, Palmer West, the University of Western States.
Obviously you hear today education has the capacity to energize, inspire and motivate people to come in which is a wonderful part of the chiropractic profession the zest for providing care to people.

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

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

We have a number of schools and I expect maybe perhaps one or two more accredited schools to come into the Association in the next year or two. And I just wanted to share that the broad scope of the profession -- one of the wonders of the profession is the ability to have such a large capacity and range of people with a variety of backgrounds and beliefs in their approach to conservative healthcare.
And that’s been one of the wonders and the things that bring to the patient their care. So I will yield back the balance of my time, I have made my point. We are here to represent and be a positive reaffirmation of CCE’s recommendations.

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

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

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

MR. WU: Great, questions? Just one question.

You listed a number of schools?

MR. O’BRYON: Yes.

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

MR. O’BRYON: 100% of the U.S. schools currently providing chiropractic are accredited except for 1 that is
in -- on the track it will be in the next year or two. So I represent
100% of the institutions that are accredited in the country. I do
represent 4 institutions that are outside the U.S. as well.

MR. WU: Thank you. Alright I think we have no
other questions so we will invite the Agency reps back to the table.
And we will start with the Agency reps and then
any response they might have to the third party comments before
we turn to the Primary Readers and the remainder of our panel.

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

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

It’s not the role of an accreditor to set the mission
for educational programs. We don’t view that and we don’t
believe the criteria reflect that. And again, I would be happy to
have our Chair speak to the aspect on how we deal with the valuation of missions but that’s never been an issue -- it’s never been a complaint by any program.

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

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

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

But the fact is that that program -- that synonym will be acceptable to the Agency as we evaluate their compliance with the core educational requirements. So it’s a challenge and we do the best that we can and we do it by reflecting on the input that we have received and making sure that we communicate to the audience why the decision -- why every decision was made.
I would like to sum up again with warning and again please have you looked at our standards to note that that 2 year clock starts as soon as we evaluate that program and discover any weakness, that clock starts.

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

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

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

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

And we try to use that responsibly and with the data that I talked about on how often we use it I think -- I hope you can appreciate that. I would be happy to answer any other questions.
MR. WU: Let me start with Ralph and -- oh I’m sorry we do have a question, Anne? I was going to start with the two Primary Readers, Ralph? None from Ralph?

MR. WOLFF: I don’t have any questions of the Agency.

MR. WU: Federico is our other Primary Reader?

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

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

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

MR. LITTLE: Yes we have strict term limits.

Those term limits are a maximum of three three-year terms. As
you have noted we have a big influx and we continue to have even
greater influx because of the fact of term limitations expiring. We
have done -- we have a lot of processes in place for Council
development.

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

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

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

We conducted an administrative and governance
task force review of our operation including our Council and the
relationship between staff and Council. We adopted a partnership
model of governance. We conducted a Council self-assessment effort which we are reprising as we speak and we have had a number of Council retreats we have conducted comprehensive strategic planning effort which Dr. Little outlined.

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

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

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

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

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

MR. BENNETT: It is under the non-compliance area that Dr. Wolff was talking about earlier and I want to make a point. The one thing that was in the -- again this is the first time we have been able to speak about it as Dr. Schultz alluded to, but
the staff mentioned that warning period might not be counted.

There isn’t any place in our standards that allows
for a warning period not to be counted. As a matter of fact in
every area under that Section 4 Required Follow-up, Warning,
Probation et cetera, et cetera the clock starts initially right there.
It says it right in our standards that when there is a
concern the clock starts. It is pretty well stated.

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

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

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

I’m not sure if staff knew that all of our programs
were 4 years so we fall under the 24 month window. So the
warning piece is just half of that for example what Dr. Little was
talking about earlier -- you had warning for the up to 12 then guess
what if you haven’t fixed it. You aren’t going backwards you are
going to be placed on probation or worse up to 12 months.

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

MR. LITTLE: That is incorrect.

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

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

MR. WOLFF: And that includes --

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

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

MR. LITTLE: Yes, that’s a hard time line. That’s
MR. WOLFF: Thank you for the clarification.

MR. WU: Okay Anne?

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

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

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

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

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

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

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

You can’t -- and it’s solely not a curricular requirement, it is a content area. Just what do we term a subject matter -- it’s a subject matter for any initial program. So that subject matter -- in order to be able to understand toxicology you need to know, you have to know some pharmacology it is mutually exclusive.
So we actually -- CCE staff did an analysis of all of our currently accredited chiropractic programs. We found that all - - that 10 of our 15 programs actually had courses for pharmacology. 10 of the 15 and all 15 had the subject matter of pharmacology in there.

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

But the only necessity for subject matter of pharmacology is for the chiropractic practitioner to know the effects of medications on patients that is presenting to their office. I will state it here for the record you can put it on warning. Bold, capital underlined -- it is not to have an effect on changing the scope of chiropractic practice. It is only for the best treatment of patients that present to chiropractic offices and knowing the effects of opioids and knowing the effects of a patient that is on a blood thinning medication that may have an adverse effect to some kind of manual therapy and you are causing an adverse bruising or bleeding.

It may be you are treating the patient nutritionally but they are on some diabetic medication to know what those
effects are. There is a need for the graduate to be a safe, effective
and ethical provider and to do that the Council felt and again the
licensing boards felt that there needed to be some exposure to that
subject matter.

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

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

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

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

MR. LITTLE: Correct.

MR. WU: And some chiropractors want you to tell
schools don’t teach pharmacology?
MR. LITTLE: Correct and it would be the same for others. There are some that would want us to say to every educational program teach subluxation.

MR. WU: That was going to be --

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

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

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

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

MR. WU: Great and that was actually my second
statement that I was going to make. Some chiropractors want you
to restrict the schools and say only use the term vertebral
subluxation?

MR. LITTLE: That is correct.

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

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

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

MR. WU: Great okay. Any other questions?

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

MS. SCHULTZ: Okay as far as the third party
comments are concerned I would like to note for Committee
members who haven’t been here for an entire cycle that we had a
huge number of oral commenters and written commenters at the
time of the Agency’s last review that were opposed to the
Agency’s continued recognition.
And I think the fact that we have a relatively small
number on this cycle speaks a good deal to the efforts that the
Agency has made to listen to all viewpoints and accommodate the
various philosophies.
In the profession as Dr. Little has said, they are
probably not going to come to a meeting of the minds but I feel
that the straights are perhaps feeling more included and feeling like
they have more input than they have in the past so I think that’s a
good thing.
Now as for the staff recommendation -- having
heard the Agency’s discussion I still have concerns. As I said I
wasn’t at the Council meeting but the staff member who was said
that there was ongoing discussion for one institutional program
that maybe 7 or 8 issues.
And whether this would constitute the warning or
the probation -- so I question that a decision to go in one direction
or the other is as clear cut as we might like for it to be -- so I do
have a concern about the use of the confidential warning and
assurances that it does not rise to the level of non-compliance with the standards.

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

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

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

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

MR. WU: Herman?

MR. BOUNDS: Yes I think Rachael said it a lot better than I could. But I would also like to talk about the other issue in relationship, you know, to reporting. You know over in
the reporting criteria where we talk about actions that should be
reported to the Department. We use the term probation or
equivalent status.

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

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

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

So as Rachael said we still have some concerns with
clarity. There are many agencies who again, they use the
warnings, you know, well before an Agency is going to be non-
compliant with an area. Hey you are going to get into a situation where you are in trouble but then when they initiate that non-compliance action it is clear. There is a clear separation between those two and here we just don’t have it.

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

MR. WU: Ralph?

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

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

But if an institution is going to be out of compliance for up to 12 months we would expect a notice at that time. You know you have to look at these things in a common sense way. Do
you not share that information and in 12 months the program is really in trouble and the notification has come that much later? I don’t think that’s a good practice to notify students or to notify the community that there’s an issue with that institution that hasn’t been reported.

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

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

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

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

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

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

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

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

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

So I think it needs to be worked out which would
lead me to support the staff recommendation. I want to make sure about the warning about how it gets resolved.

MR. WU: Okay. Steve?

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

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

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

We would expect that to be a public notification it is a non-compliance issue which apparently is not minor if it takes that long to fix it. So making those corrections would address the issue of notification to the public if it is not in that non-compliant area. That’s okay sir you’re okay.
MR. WU: Yes Ralph?

MR. WOLFF: I’m prepared to make a Motion.

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

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

MR. VAN AUSDLE: Can you speak up I’m having trouble hearing.

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

MR. ZARAGOZA: I would second that.

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

Or in dealing with it as a non-compliance if it is made public I don’t have the same concern about 12 months being
not a short period of time, that’s irrelevant to me because it is
public and it is part of the 2 year rule. So it seems to me that
would be notice to both the institution and to the Department and it
fits within the 2 year time frame.

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

MR. WU: Okay we have Federico and Bobbie.

MR. ZARAGOZA: I actually second the Motion.

MR. WU: Okay Bobbie?

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

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

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

MR. WU: And Herman?

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

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

MR. WU: And Jennifer?

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

MR. BOUNDS: Yes.

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

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

MR. WOLFF: The Motion has been revised to move the staff recommendation.
MR. WU: Okay any further discussion? Okay

Motion having been duly made and seconded it is ready for a vote.

Please signify by raising your hand all right so in favor,

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 any opposed -- okay the Motion carries, 14 to 0 as acting Chair I did not vote and our Chair is recused.

NACIQI RECOMMENDATION:

Recommendation is to move the Staff Recommendation.

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

(BREAK 11:45 - 1:02)
RENEWAL OF RECOGNITION

COMMISSION ON ENGLISH LANGUAGE

PROGRAM ACCREDITATION (CEA)

MR. KEISER: If we could have everybody’s attention we will get ready to reconvene. I hope everybody had a good lunch. We are about to look at the Renewal or Recognition for the Commission on English Language Program Accreditation.

The Primary Readers are Susan Phillips and Arthur Rothkopf, the Department Staff is Valerie Lefor and the Agency Representatives I’m told there are three instead of the original 5 listed, Mary Reeves, PhD, Heidi Vellenga, PhD and Nicole Martello, Accreditation Review Manager and Engin Ayvaz, Commission Chair.

If I could have the Readers make an introduction.

MR. ROTHKOPF: I’ll start off -- Susan and I are doing it. I’ll give you the general information about the Agency. It’s the Commission on English Language Program Accreditation. It’s a national programmatic and institutional accreditor that has been accrediting post-secondary non-Degree granting English language programs and institutions in the U.S. since 1999.

It focuses on those institutions and programs that
serve international students who need to improve their English
language skills before beginning their studies and/or professional
activities in the United States.

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

It accredits 127 programs and 170 institutions.

They have 297 sites in the 40 states and the District of Columbia.

It is the free-standing English language institution participation in
the Department of Homeland Security, the Immigration and
Citizenship Program that CEA cites as its federal link for purposes
of the Secretary’s recognition process.

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

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

At that time the Agencies recognition was
continued. It had to submit a compliance report which they did in
2013. In 2016 is the Agency submission for recognition. There was one complaint at one point which I assume will be discussed. That’s the background Mr. Chairman.

MR. KEISER: Thank you Arthur, Valerie?

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

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

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

There is one remaining issue in the Agency’s Petition regarding the establishment and implementation of a
policy for proper use of extensions for a good cause that meets the
requirements of the Secretary’s criteria for recognition.

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

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

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

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

MS. LEFOR: Definitely. So the complaint was
from a perspective group had come to CEA wishing to gain
accreditation recognition so they had gone through the process
with CEA and ultimately ended up not getting that recognition and
they felt that due to due process that they hadn’t been given all of
the full rights that they should have been given in that process.
So we conducted a very thorough review -- it was a fairly large complaint, a lot of documentation, exhibits. We looked at CEA’s policies and we found out that they had, you know, policies that were in compliance with the Secretary’s criteria for recognition and that there weren’t any additional issues that we could identify based on that.

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

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

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

As analyst Valerie Lefor has described, CEA is recognized by the Secretary to accredited programs within accredited institutions and free-standing institutions within our specialized scope of English language teaching and learning in
Of CEA’s currently accredited 325 sites, 55% are institutions, 35% are programs and about 10% are what we call a general status comprised of international programs that meet CEA’s eligibility criteria.

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

Mary will now briefly comment on the Department’s findings, thank you.

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

As you know the Petition requires at least a year’s worth of work by the Agency and in that connection I would like
to thank the work of my staff, the CEA staff and the good work of
our elected Commissioners represented by Engin here today.

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

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

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

So at our December Commission meeting we were
able to begin to take action to bring ourselves into compliance.

We intend to be in compliance within the year. So as Valerie
noted -- as Dr. Rothkopf noted we are unique -- CEA is unique
among recognized agencies in that we are -- that are federal link is
through the Department of Homeland Security.

In particular, through the Student and Exchange
Visitor Program regulations, SEVP, we may be using that acronym
in today’s conversation so I want you to know that. And of course
as mentioned we accredit no program or institution, have no role
relative to Title IV or other federal student aid programs.

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

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

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

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

The window of time that was open to these
programs and institutions was until December, 2013. Our last
recognition cycle as noted concluded about that time and so our
Agency actions since our last recognition review, coincides with
the implementation of this piece of legislation and quite informs
the nature of the decisions that we have been making.

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

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

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

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

MS. PHILLIPS: Yes thank you.

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

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

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

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

There are some pieces of those regulations that have to do with the student making normal and satisfactory progress in the full course of study and so forth but otherwise the SEVP, the
program that oversees these international students plays no role whatsoever in setting outcomes.

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

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

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

So the programs and institutions run the gamut from those which provide a curriculum to prepare students to enter academic institutions, you know, the prototypic international student that is going to go on to a university -- right over to the programs that have a declared mission to provide language support for conversational fluency for those that are studying as a mode of travel.
We do accredit sites that have missions that are solely devoted to English for special purposes -- you know educating international students in aviation, in business and so forth. So in each of those cases we require the programmer institution to define -- assess the known student needs of the profile of the student population they seek to enroll, that they build a curriculum that is documentably associated with that mission.

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

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

MR. ROTHKOPF: Yeah well in part -- do these international students who are trying to improve their English language skills -- are they required by the institutions they would like to go to for their substantive work, do they take the TOEFL exam? Is that the gold standard/silver standard? What do they do to establish that they can do the work that they have applied to do
at whatever level they may be at this college or university?

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

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

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

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

More commonly students will take something like a TOEFL to just show their own proficiency gains but we don’t require sites to use those -- that sort of standardized testing as a
matter of course to assess outcomes within the curriculum.

MR. ROTHKOPF: Thank you.

MR. KEISER: Questions from the other members?

Kathleen then Frank --

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

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

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

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

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

MS. REEVES: International students as a condition of their Visa’s must meet four tests and one of those is evidence
that they can afford to go to school without working. Some universities do have scholarship programs but very few. So insuring the students have sufficient financial support to attend the school for the full course of study is a condition of their receiving their Visas.

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

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

MS. SULLIVAN ALIOTO: Wow.

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

MS. SULLIVAN ALIOTO: Thank you.

MR. KEISER: Frank?

MR. WU: Just a question about everything that is in the news these days. Are your programs being adversely affected or do you think there are issues that fall within our purview at all related to interest in learning English, coming to the
United States, studying here and so on?

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

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

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

And so students are choosing to do that at this time.

I don’t want to use our time here to speculate on all of the reasons for that but one factor is clearly the sentiment that the United States is not outward looking and supporting global perspective.

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

MR. KEISER: Other questions? Sensing none
there are no public comments. Thank you we will have you back -
- well I guess we won’t have you back but thank you very much.

MS. REEVES: Thank you.

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

MS. LEFOR: I have nothing additional.

MR. KEISER: Thank you very much. I think we
can go -- sorry any more questions, we can go to a discussion?

Arthur or Susan would you like to make a Motion?

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

MR. ROTHKOPF: I second.

MR. KEISER: The Motion is seconded by Arthur.

Further discussion? Sensing none all in favor of the Motion
signify by raising your right hand or left hand? All opposed --
looks unanimous, thank you very much.

NACIQI RECOMMENDATION: Continue the
Agency’s current recognition and require the Agency to come 
into compliance within 12 months and submit a compliance 
report 30 days after the 12 month period that demonstrates the 
Agency’s compliance with the issue identified in the staff 
report.
MR. KEISER: We will move on to I think it’s our last Agency. Wow, I thought yesterday we would never finish.

This Renewal Recognition is the Joint Review Committee on Education in Radiological Technology. JRCERT NACIQI Primary Readers are Jill Derby and Anne Neal. The Department Staff is Elizabeth Daggett. The Agency Representatives are Leslie Winter, Dr. Laura Aaron and Dr. Tricia Leggett and who would like to introduce this Anne or Jill? Thank you Jill.

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

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

In 1976 these organizations delegated responsibility for Allied Health Education accreditation, the Committee on Allied Health Education and Accreditation, the umbrella agency that
encompassed JRCERT.

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

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

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

MR. KEISER: Thank you.

MS. DERBY: You’re welcome.

MR. KEISER: Elizabeth?

MS. DAGGETT: Good afternoon Mister Chair and members of the Committee. For the record my name is Elizabeth Daggett and I am providing a summary of the review of the Petition for Renewal of Recognition for the Agency.
The staff recommendation to the senior Department official for this Agency is to renew the Agency’s recognition for a period of 5 years. This recommendation is based on our review of the Agency’s Petition and its supporting documentation as well as the observation of an on-site evaluation in April of 2016.

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

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

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

MR. KEISER: Thank you. Members of -- the Primary Readers do you have any questions for Elizabeth?

Members of the Committee? Holy cow -- are you asleep? Thank you Elizabeth.

Will the members of the Joint Review Committee on Education and Radiological Technology please come forward
and introduce yourselves and begin your presentation.

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

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

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

To my right is Leslie Winter who is our Chief Executive Officer of the JRCERT. She has currently been with the JRCERT for 20 years and a registered technologist for 35 years.

We would also like to express our appreciation to Miss Elizabeth Daggett for her assistance in developing our Petition. Her knowledge of the regulations was clearly evident and
her guidance proved invaluable during the process. We are extremely proud of our organization and committed to our vision of excellence in education in the radiologic sciences.

And we believe that educational quality and integrity cannot be compromised. The JRCERT accreditation process is designed to assure that there are appropriate radiation safety and magnetic resonance practices in place to safeguard students, patients and the public.

Also, as a result of our accreditation process patients and the public are assured of high quality healthcare services. An additional strength of our organization is that with the exception of our public member, the Board of Directors and all professional staff are credentialed in the radiologic sciences.

The Board’s qualifications and knowledge of the issues facing the radiologic sciences provide the foundation for sound accreditation decisions. Additionally, the professional staff’s credentials and accumulated years of experience in the profession enhance our organization’s ability to serve as consultants to programs during the accreditation process.

We would like to also address NACIQI’s pilot regarding our performance data, decision activities and student achievement. The JRCERT accredits over 700 programs. In 2016
the JRCERT took approximately 244 accreditation actions. Of the 
244 accreditation actions 87 programs received the maximum 
award of 8 years, 9 programs were placed on probation and the 
JRCERT involuntarily withdrew accreditation from 1 program.  
Of the 700 programs 37 programs participate in 
Title IV funding for which the JRCERT is gatekeeper. 
Approximately 16% of enrolled students receive PELL grants 
based on the data provided in the U.S.D.E. dashboard. 
Data collected from our Title IV annual survey 
administered to our 37 programs for which we are gatekeeper 
demonstrates an average of 25 students per program participate in 
Title IV federal funding and utilize approximately $7,000 annually 
with a default rate of only 2.5%. 
In traditional programs in the radiologic sciences, 
students progress through the program in cohorts, therefore 
program completion and graduation rates are synonymous. Based 
on data collected from our program annual reports, program 
completion and graduation rates for programs for which we are a 
gatekeeper is 87%. 
The JRCERT continues to monitor Title IV funding 
via our Title IV annual survey and our program annual reports. 
Next we will address the decision activities of the
data we gather. The JRCERT requires programs to submit data annually in relation to national certification pass rates, job placement rates and program completion rates. The requirement for outcome data is clearly reflected in our accreditation standards and is continuously monitored via the program’s annual report, the interim report and the continuing accreditation process.

Failure to comply with the standards consistent with U.S.D.E. regulations and JRCERT policy initiates the compliance timeframe for those programs. The Board reviews all programs that have been placed on a compliance timeframe.

Since our last Petition the JRCERT Board of Directors placed 47 programs on probation and involuntarily withdrew accreditation from 8 programs.

Our data indicates that the reason for probation or involuntary withdraw is program’s failure to document credentialing examination pass rates consistent with our standards and a lack of documentation that the programs analyze and share student learning outcomes with the communities for improvement.

Efforts to provide assistance for improvement are imperative and resources are available to the programs which include tutorials, staff assistance and workshops.

Next we will address the standards and practices in
regard to student achievement. The JRCERT has established the following numerical benchmarks for student achievement. The benchmarks are: 5 year average credentialing examination pass rate of not less than 75% at first attempt within 6 months of graduation for radiography, radiation therapy and magnetic resonance.

5 year average credentialing examination pass rate of not less than 75% at first attempt within 12 months of graduation for medical dosimetry and a 5 year average job placement rate of not less than 75% within 12 months of graduation.

Programs are also required to monitor program completion rate however programs have the flexibility to establish their own benchmarks. The JRCERT analyzed credentialing examination results data made available from the national credentialing agencies and we have established what we believe to be a reasonable benchmark of the 5 year average of 75%.

The 5 year average is more represented if a student achievement compared to a benchmark based from a single cohort’s results that can fluctuate considerable from one graduating cohort to the next.

Additionally the JRCERT’s analysis of
credentialing examination data clearly indicated that scores deteriorated rapidly if students waited for extended periods to take the examination. This led us to establish the time frames for collection of data as within 6 or 12 months.

Job placement rate is defined as the number of graduates employed in the radiologic sciences compared to the number of graduates actively seeking employment in the radiologic sciences.

The JRCERT analyzed job placement rate historical data as reported by our programs on the program annual report to establish what we believe to be a reasonable benchmark -- a 5 year average of 75%.

Average job placement data over a 5 year period takes into consideration fluctuations in the job market. Additionally the 12 month post-graduation timeframe for collection of job placement data allows sufficient time for graduates to obtain employment, especially during periods of reduced hiring.

Program completion rate is defined as the number of students that complete the program within 150% of the stated program length. The program must establish a benchmark for its program completion rate.
The program specifies the entry point such as the required orientation day for the final drop out date used in calculating the program’s completion rate. Completion rate is reported each year on the program annual report.

The time frame for completing all program requirements of 150% of program length provides a reasonable time for students who have not successfully completed a course or courses or who have personal reasons such as health or family situations that may hinder the individual from completing the entire course of study.

The JRCERT provides programs of flexibility to establish their own benchmark for program completion rate as there exist several variations in admission criteria ranging from open admission to stringent criteria for selective admission that significantly impact completion rates.

Additionally the program is required to follow the policies of the sponsoring institution when calculating the entry point date into the program which again impacts the completion rate calculation. The JRCERT applies a concerted effort to evaluate its student achievement measures.

Program effectiveness data must be reported annually to us as part of the program annual report. If a program
fails to meet any of the benchmarks of student achievement we require them to provide a detailed action plan regarding how they intend to achieve the unmet benchmark.

We then review the program’s progress toward meeting any unmet effectiveness benchmarks at a minimum annually. Programs not meeting the established benchmarks are placed on a compliance timeframe as required by the U.S.D.E. and JRCERT policy and then are monitored by the Board.

To assure reliable and valuable program effectiveness we require programs to describe their documentation process and submit externally verified data. Programs must submit a representative sample of their documentation.

Additionally, site visitors verify all data during onsite visits. The Board continuously listens to its communities of interest and discusses concerns that may have possible implications for our programs and established benchmarks.

The JRCERT is in the beginning stage of a comprehensive standard’s revision and we are gathering input from our communities of interest regarding the validity of the previously established benchmarks.

Finally we will address the JRCERT’s activity in improving program and institutional quality. Programs under
compliance time frame or with a poor accreditation history, or with receipt of less than the maximum accreditation reward are defined as at risk programs by the JRCERT.

At risk programs are monitored via annual report, interim reports, progress reports and the continuing accreditation process. The JRCERT offers multiple resources to assist programs in documenting full compliance and to promote program improvement.

For example we offer assessment and accreditation workshops throughout the year. The professional staff is available for individual consulting. Learning modules are on the website and address information on assessment to provide programs with best practices to refine their assessment processes.

Additionally the JRCERT newsletter is published bi-annually and provides programs with a depth of information in relation to accreditation. The vast majority of at risk programs maintain accreditation.

In 2016, 8 of the 9 programs placed on probation documented compliance within their designated compliance time frame. Therefore we believe the resources provided are beneficial in assisting our programs to be successful. This concludes our remarks.
Once again on behalf of the JRCERT Board and staff we would like to thank the Department and the Committee for the opportunity to present additional information in support of our Petition of Recognition and we are happy to answer any questions you may have.

MR. KEISER: Thank you for the comprehensive report addressing the pilot project issues. Are there questions from the readers, Jill, Anne? No questions.

MS. DERBY: This Agency is amazingly clean.

MR. KEISER: Any questions from the members, Simon?

MR. BOEHME: I was wondering if you could walk me through your student complaint standards. I was looking through the evidence you provided to the staff when you did not meet the 602.16A19 and there was one report that you guys in a site visit -- and this happened at a university here in D.C. -- there had been multiple complaints by students of unsanitary conditions and bug infestation in the classroom.

The complaints have been disregarded by program officials. These conditions hinder student learning and then when I see the checkbox from the -- of that site visit it was just, you know, does this program have a grievance procedure.
And obviously if you could walk me through maybe your thoughts on this student complaint procedure -- what is the strength of it, is this something that you have conversations about?

MS. WINTER: I’d love to answer your question Simon. A couple of things happened that you are probably not privy within the JRCERT office. The site visit team has a conference call with the professional staff member that reviewed the self-study and issues are identified at that time.

Issues that we may want them to examine and follow through while they are on site -- when that report of the site visit team findings comes into the office and before the staff generates the official report of findings the professional staff member will again pick up the phone and have a conversation with the site visit team regarding issues that they have identified in their site visit team report and then we generate the report of findings.

MR. KEISER: Any other questions, Federico?

MR. ZARAGOZA: And I too want to commend you on your report and I am very impressed by the effort to establish standards and provide guidance in terms of your student outcomes but I would like to ask you a few questions as relates to that.

I’m assuming it is self-reported for most of your
organizations?

MS. WINTERS: The student learning outcomes?

MR. ZARAGOZA: Yes.

MS. WINTERS: Correct they are self-reported.

MR. ZARAGOZA: What kind of documentation are you looking at when you are doing your monitoring of these institutions?

MS. WINTERS: The pass rates are provided by us by the credentialing examination. The programs have the opportunity to go on that website and they can print off their pass rates from the 5 years so that we can see the students that are passing and who are not passing and within the specific timeframe of employment.

Job employment rates -- we look at either graduate surveys or employer surveys or if the institution has some kind of student success Department that we are getting information from them.

MR. ZARAGOZA: Are you utilizing any third party data sources like the unemployment insurance?

MS. WINTERS: We are not.

MR. ZARAGOZA: Has there been any effort to kind of validate the self-reported data -- survey data against the
third party data?

MS. AARON: Yeah our site visit team validates that when they are on site so they do a representative sample. For example, some programs for their employment data -- because we are talking about small programs.

They actually call up their graduates and are like, “Are you working?” So they will then talk to some of the students that have graduated from the program and actually validate that that is accurate information.

MS. WINTERS: Also when the programs submit their annual reports they are also providing us with that documentation. All of the annual reports that are submitted into the office are reviewed by the professional staff members and then if they have any questions they usually generate an official correspondence back to the program asking for further information or clarification.

MR. ZARAGOZA: Okay and I just want to point out for the record that this is a perfect example of the limitations of the data that we have in our profiles and if you look at the data in the profiles it only speaks to 7 institutions and has many blanks in areas that this accrediting entity excels in.

So again congratulations on some very good work.
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MS. WINTERS: Thank you.

MR. KEISER: Any other questions, Kathleen?

MS. SULLIVAN ALIOTO: Congratulations on your work. I just have a -- I’m just a little curious that you have 16% PELL and 25% Title 4. What do you think those percentages reflect about the programs that you oversee?

MS. WINTERS: Could you repeat that?

MS. SULLIVAN ALIOTO: Pardon me?

MS. WINTERS: Could you repeat the question please?

MS. SULLIVAN ALIOTO: Sorry.

MS. WINTERS: That’s okay.

MS. SULLIVAN ALIOTO: You indicated that 16% of your students receive PELL grants and 25% of your institutions are Title IV eligible, what does that reflect about the institutions you are serving?

MS. WINTERS: Those institutions that we are a gatekeeper for that participate in Title IV federal funding are hospital-based programs so they are relatively small programs, smaller than at any community college or university maybe a maximum of 10 students enrolled in that program.

We are also looking at tuition dollars that are
significantly lower than a community college. Some of the tuition
for our household based programs range anywhere from $2,000 a
year to a high of $10,000 a year so they are not borrowing a
significant amount -- excuse me of Title IV money.

MS. SULLIVAN ALIOTO: And so most of your
programs are in hospitals?

MS. WINTERS: No most of our -- we have over
700 programs. Of those 700 programs we have about 100 that are
based in hospitals.

MS. SULLIVAN ALIOTO: Right.

MS. WINTERS: The rest of them are based either
in community colleges or universities.

MS. SULLIVAN ALIOTO: So but even with 600
community colleges or universities only 16% are PELL eligible?

MS. WINTERS: Well we are not gatekeepers for
those other programs. We are only a gatekeeper for the 37
programs.

MS. SULLIVAN ALIOTO: I see, I see, thank you.

MR. KEISER: It’s a little different question I have
but of the schools that you put on probation or do a fail to grad --
how many of those are not Title IV gatekeeping institutions?

MS. WINTERS: None of them.
MR. KEISER: None of them -- any other questions? Thank you very, very much for your appearance.

MS. WINTERS: Thank you.

MR. KEISER: We recall our staff member.

MS. DAGGETT: I have no further comment but I am open to any questions you might have.

MR. KEISER: Questions for the staff? Sensing none I would ask either Jill or Anne to make a Motion?

MS. DERBY: I move for the renewal of the Agency’s recognition for 5 years.

MR. KEISER: Is there further discussion by Anne or the rest of the Committee? Wow. You guys got worn out earlier, okay. All in favor of the Motion raise your hand please -- Anne did you second? Yes, all opposed -- passage unanimously.

Thank you.

NACIQI RECOMMENDATION: Renewal of the Agency’s Recognition for 5 years.

MR. KEISER: That’s the end of our renewals and compliance reports. We will be going into a policy discussion which I have no clue what I am going to do but we will get there. I’m sure the staff has the answers.

Let us take a 15 minute break and we will come
back. And one of the discussions I have is if we think how long it is going to go tomorrow. We do have to reconvene I’m told and at which point we could figure out because if some of you want to change your flights you may be able to if we discuss.

Do you think this is going to go beyond 10 o’clock tomorrow morning -- 10:30? Okay so if you want to change your flights I will work hard to get the meeting adjourned by 10 o’clock tomorrow morning -- does that sound good? See that’s my first good job as the Chair.

Take a 15 minute break please.

(Break 1:55 - 2:10 p.m.)
NACIQI POLICY DISCUSSION

MR. KEISER: Are you ready to get started we have enough people for a quorum. We are now going to go into our policy discussion. We have a couple of items on the Agenda. The first is the discussion on the Pilot Program and Jennifer if you would lead us in that.

MS. HONG: Okay so we extended the Pilot Program through this meeting so we need to make some decisions here as to how we want to proceed. Well first we have to debrief on anything that we have learned from the Pilot Project as well as whether there are elements of it that you want to implement as part of the NACIQI’s process.

Also another piece of that is the accreditor dashboards -- which we will revisit tomorrow morning. My colleague Oliver Shack from the Office of Planning Evaluation Policy Development will join us tomorrow morning and we can have that discussion there.

But at this point we can, you know, start the discussion in terms of are there any other elements of the Pilot Project that we want to further discuss, retain, implement, et cetera?

MR. KEISER: Let me ask a question of the
members. Do we feel that the Pilot Program has been useful or successful? Yes. Do you think it should be continued? Yes. Do we need to have it separate or do we just be able to ask the questions as part of our interviews?

Oh I’m sorry Ralph I’m looking at the other side.

Jill was giving me all that interest -- she’s very interested so.

MR. WOLFF: I’m trying to follow the rules, a rare thing. I’m trying to figure out if it is not a Pilot -- I mean if it is not a separate thing I think we can end the Pilot part. How would it be incorporated because the staff reports don’t necessarily provide the same level of information that we get out of the questions.

So I guess I would urge that maybe it could be retained but not a Pilot but a separate -- unless there is another way to make it and incorporate it into all the staff reports we receive. I think they are two different things and so -- but maybe staff can respond to that.

MS. HONG: So remember in terms of the Pilot Program I mean one piece of it were the additional questions that we systematized to the agencies. So if we just take that piece right now are you nodding your heads because you want to retain that?

Because I just want to remind you that you, you know, that
members can pose whatever, you know, the questions within the
scope of the review anyway, you know.

So just taking the additional questions that we have
identified in the document -- the Pilot Project outline document, do
you want to continue with that?

MR. WOLFF: My answer would be yes but I am
also concerned about not blindsiding any agency in the sense they
know in advance what it is and the agencies have been preparing to
respond to the Pilot question with data and the like so I would like
to continue a way in which they know that these will be part of
their interaction with NACIQI rather than just we could ask these
questions.

And it might come up that they wouldn’t know how
best to prepare. And I think it does also tie in to the extent that the
dashboard data -- I know we will talk about that tomorrow, but to
the extent that they have comments on the dashboard data where it
fairly or unfairly represents them, where there are different data.

I would want to incorporate that into the kinds of
framework so they have the opportunity since we are getting that
data. I think it’s really important that they expand or contextualize
the data that we receive as part of the questions that we ask.

MR. KEISER: Simon are you there, I couldn’t see?
MR. BOEHME: I really like the Pilot and I think we should graduate it into how NACIQI conducts its business. I was really impressed -- I believe it was the past two presentations where they had incorporate the Pilot questions into their presentation whereas the two Primary Readers did not have to ask the questions.

To me it seems as though if we -- I agree with Ralph that we do not want agencies to be blindsided by this and if we create some sort of expectation that these are the kinds of things we are looking for and maybe we should, you know, we politely ask that you incorporate this into your opening remarks. If you do not we may ask these questions. And we should make it as publically known that this is kind of an expectation that we would like to have.

MS. HONG: And just to clarify. The question that we have posed on the Pilot project there is a set of questions with regard to student achievement which I believe you are referring to but there is also a set of questions about risk and improvement.

So are we -- are you in favor of retaining all of those questions? I mean the idea with the improvement piece is that it is, you know, to kind of enhance our understanding. I don’t know how consistent we have been in posing those questions but it
sounds like you are talking more about the student achievement questions.

Were you talking about all sets of questions or just those related to the student achievement?

MR. BOEHME: Whatever the Committee feels but I was particularly referring to student achievement and there may be some other questions.

MR. KEISER: Bobbie, Anne?

MS. DERLIN: I actually think both sets of questions are of value. I think it is useful for the agencies to have access to the questions because I think that will help them prepare for the discussion.

I also think it is important and we may have tried to do this previously but I think the issue of how the dashboard data that we see makes its way into the consciousness of the agencies as being information that they need to examine in preparation for the meeting I think that’s a good idea too.

MR. KEISER: Anne?

MS. NEAL: Just two thoughts. I would think we could give adequate notice through the Federal Register notice even if we outline the questions that we anticipate that they would cover as well as we might present if they didn’t cover it.
But I guess my other question goes to should this continue as a process parallel to the way the staff thinks about these applications? And why should it be something that we alone are asking and contextualizing? You all could be more readily incorporating this in the kinds of analysis that you do, it’s a question.

MR. KEISER: I have a question to you folks. Looking at the student achievement outcomes they reported on them. We had agencies that had high student achievement and then you saw the C-RAC recommendations which seemed to be a little low to me, 15 and 25% graduation rates.

My concern is about our inconsistency in the way we handled that information. And we are asking them for data, we are kind of cherry-picking who we want to hang or not hang with the data and then for others we are not doing anything to it and in my case seemed to be pretty abysmal.

So my concern is always that we be fair and you know, treat each agency the same or at least try to. I mean it is going to be difficult to treat everybody the same. So we can ask for that but if we are not going to use it for our decision-making or we are going to use it for only some then I have a little concern on that last part that our consistency.
The same is going to go with the dashboard. We had two different agencies one with worse outcomes and we passed them and then one with high outcomes or higher outcomes and we didn’t.

One with bright lines, one without bright lines -- the bright lines were way higher than the outcomes on the other one so there is no logic to our evaluation process and I think that opens us up for certainly criticism that we are not consistent.

I’d love to hear your comments.

MR. WU: So I agree with our Chair that we should be consistent and that leads to one of two questions. So my sense of sentiment around the table is people do like the Pilot project, they like the dashboard, they like the data.

I wonder if framing this if it would be better framed than not, do we do it or not do it since most people are inclined to do it but instead ask should we expand it, should we do something a little bit more, should we beef it up, give a little more notice, ensure consistency so that every agency that comes before this we are looking at this.

So I didn’t hear people speaking out against the Pilot so maybe the way to look is the other way, should this be a little bigger?
The second issue though that I do want to flag -- and this is the lawyer in me and I don’t want to do something that - - I don’t want to flag an issue that doesn’t need to be flagged or it is detrimental for us to flag but I just want to know, I just want to make sure we are careful about the authority that we have.

That everything that we do is appropriate and it is not going to create a problem. And my understanding from when we initially looked at doing the Pilot it is within the scope of what we can do under the Act, it was in our purview.

So I just wanted to mention that in case anyone, whether around the table or in the audience or elsewhere had any concerns -- just to allay those anxieties. But the question that I asked following our Chair’s is should we make this a little more robust?

So not should we continue or get rid of it but should we enhance it?

MR. KEISER: Arthur?

MR. ROTHKOPF: I may be behind where we are so let me see if I can understand what’s the current state of play -- hopefully it will be helpful to the new people to know just what we have asked for and what we are expecting.

Let’s talk about the people who appeared before us
over the last two days. Were they asked any questions? And if so, what happened to their answers? If it sort of you know, goes to the Department and to the individuals who conducted the, you know, their assessments then it is not of value to the members because we don’t know what the answers are.

So I guess my first question is did we ask any or all of the questions of the agencies who appeared before us in the last two days.

MS. HONG: Right so the answer is yes. The Primary Readers have been posing the questions to the agencies. The agencies that you saw today came prepared and had already embedded the answers to those questions in their remarks.

MR. ROTHKOPF: The answers are embedded in what they said. It is not that we received a separate report, any document, it goes to the -- if we continue this practice then it would be a series of questions which would go either the current ones or additional ones or changed ones, that go to the agencies and then the agencies would be responsible for answering and how would we receive it? Just in their oral comments?

MS. HONG: Yes they have been responding at the table in their oral comments.

MR. ROTHKOPF: But they wouldn’t give us -- we
wouldn’t get a report from anyone?

MS. HONG: No.

MR. ROTHKOPF: No written report.

MS. HONG: Verbal report.

MR. ROTHKOPF: They will all be verbal?

MS. HONG: Yes.

MR. ROTHKOPF: Thank you.

MR. KEISER: And it’s been done different ways.

This last group she gave an exhaustive report on her outcome assessment processes, how she handles institutions that are at risk.

The other one I think it was Jill or Bobbie asked the questions and some of the questions were answered in the presentations others were not.

I thought we did that well without making it seem like an external structure. And remember it’s only the renewals it’s not in the compliance reports where we had our biggest issues.

MS. SULLIVAN ALIOTO: Well first of all I don’t think that Anne’s question was answered in terms of the Department, so maybe you could answer that first and then I have another question.

MR. BOUNDS: So I have to answer that in two ways. First, as I have stated I think yesterday the staff analysis is
strictly based on the regulatory criteria. So questions that we
would ask as part of the staff review would have to be strictly
related to the regulatory guidelines.

If, for us, it is not a part of the criteria for
recognition it would be improper for us to use that as part of the
analysis of the agency. We have to be very careful about that as
staff because we don’t want to put a recommendation based on
information and an analysis that is not legally supportable.

We also want to make sure that a recommendation
that we put forward cannot be overturned on appeal or could not be
held up in a legal proceeding. So our hands are kind of tied when
it comes to our analysis and review. It really has to be based in the
criteria.

So we would be happy to include any questions that
fit the regulatory framework.

MS. SULLIVAN ALIOTO: Okay so that’s the first
question. Then we get back to one that Anne brought up on the
first day of testimony which was this question between a draconian
regulatory body or one that assists institutions in achieving their
goal in a more proactive and helpful way. And I would like to see
the Pilot study include some of those questions and as Art just
pointed out the last group that we had was providing us with
strategies for helping their institution succeed.

And the previous agency was much more draconian in their approach. So I don’t know -- in terms of the regulations if there are regulations actually included in terms of how do you assist institutions in achieving the goals that you are setting out for them or that they are setting out for themselves?

How are you helping them when some institutions are clueless about it?

MR. KEISER: Would you like Herman to enter into that conversation.

MR. BOUNDS: So when you look at the regulatory framework, the framework of the regulations allow for both of those processes to happen.

MS. SULLIVAN ALIOTO: Right.

MR. BOUNDS: That’s when we talk about the sections under monitoring, the sections under enforcement actions and enforcement timelines. You know once agencies find institutions out of compliance they have the 2 years to have their nurturing period depending on the length of the program.

So some of that stuff -- those things are really built in to the criteria and we just want to make sure that the agencies apply their policies at their institution relative to the criteria and
relative to those areas of the criteria, those sections that allow them
to take advantage of those things.

So it is built in, you can do both and still be in
compliance with the criteria.

MR. KEISER: Kathleen it’s really a difficult
process for accreditors. On the one hand if they are draconian
some groups will say that’s what it is supposed to be. And if they
are not draconian and they are kind of supportive then what’s the
point of having an accreditor as a gatekeeper because all they are
doing is enabling.

So it is a difficult process and we have had both
experiences in the last two meetings where we treated both -- this
Department treated very differently depending on what they did.
So and one agency was too soft and one was too strong and I guess
the poor agencies are going to have to figure out what is the right
medium. Bobbie and then Anne.

MS. DERLIN: Well my memory may fail me as it
often does but I think the second -- there are two sets of questions
in the Pilot. One is related to student achievement and how the
agencies are approaching that and the second set is all about
approaches to institutions that are at risk within the purview of
their agency.
So these questions are directly targeted to the issue you have raised Kathleen. How do you define those at risk institutions? And there is a direct question -- what does the agency have to help those institutions improve? And then what’s your view of how well you have been doing in these efforts?

So I think these questions really get at it. I think the question is whether this is staff work which is tightly tied to the regulatory structure or whether it is as we envisioned it initially as kind of a separate work of our Committee that we wanted to deal with in the meetings.

Now maybe we want to take a different perspective on that I have no objection to that. But I think the issue you raised is embedded in the second set of questions.

MS. SULLIVAN ALIOTO: Thank you I got caught up in the at risk. I was thinking of it in a different way.

MS. DERLIN: It’s used in a little different way than you might think of it from a K-12 perspective for example, very different use.

MR. KEISER: Anne?

MS. NEAL: This is the perverse side of me seeking some data. I would just be curious since we inaugurated the Pilot how many of our recommendations were reversed by the
Department?

MS. HONG: Yeah that’s the only one that comes to mind. I’m sorry go ahead.

MR. KEISER: Frank?

MS. HONG: I just wanted to add real quickly to the question about why staff doesn’t pose these questions and I don’t necessarily know that they don’t in terms of the questions with regard to student achievement.

Keep in mind that the staff conducts a paper review right so that the -- and they have guidelines, some regulatory guidance regarding what they would like to see in terms of agencies responses to the criteria when they submit their application.

So many of these questions are kind of inherent in their -- you know, in their request for a response under 602.16 for example. You know, how is this appropriate in your context?

Why is this strategy chosen in terms of how you demonstrate success with respect to student achievement -- so presumably that should be captured in the narrative that the agency submitted and then the iteration that goes back and forth with the staff.

But that exchange is going to be fundamentally different on paper, you know, than the opportunity that this
Committee has in a public meeting, in a public space to pose the questions directly and orally to the agency in front of them.

MR. KEISER: Frank?

MR. WU: This is a request of staff prompted by what Anne just asked. One of the things I’ve realized is we, NACIQI, sometimes don’t know or just accidentally learn about things happening at the Department or that relate to our business and what we have been doing.

So for example, I’m not sure how many members here know and this is all public record, but U.S. District Judge Walton denied ACICS’s request for TRO just two days ago and the Department as our Council -- or as the Department’s own Council since we only recommend, they were there and maintain the same position that the prior ED senior person had so there was no change of position is my understanding from last year.

So I thought that was important to note right? That is the decision -- the recommendation that we made adopted by the Department is the one that was defended and so ACICS lost on a TRO.

MR. KEISER: Federico?

MR. ZARAGOZA: I guess I am not as bothered by where we are in the process although I would definitely agree on
the issue of consistency that needs to be addressed. We started the
Pilot you know, the Pilot is giving us a lot of good feedback in
terms of what needs to be asked and more importantly how we can
be more consistent moving forward.

I really like the idea of the incorporation of the pilot
questions into the formal review. I think that will bring more
consistency both in terms of the data and where it’s placed and
where we could find it.

And then secondly the ability as a group to be able
to prepare supplemental questions that in fact, build on that data.
But that is where we are now I think that’s the next step would be
for us to talk about you know, how do we become more consistent
given the fact that we think this is valuable information and that it
does inform or at least influences our actions.

MR. KEISER: Claude welcome to the discussion.

MR. PRESSNELL: Thanks. Being a newcomer I
have a point of clarification -- I’m just trying to make sure I
understand. Based on what Herman said I want to make sure are
there any parts of the Pilot questions or categories that fall outside
of the statutory authority because in other words are they --
because you had indicated that you want to be real careful to only
ask those things that have direct correlation back to the statutory
authority. So does the Pilot step outside of that?

MR. BOUNDS: It’s a little more than -- it’s a little more than that. So let’s take -- we all know this but let’s just take student achievement as an example. So the Secretary by statute and regulation we are limited from dictating what an agency sets for its student achievement standards and outcomes.

And Sally can jump in and help if I don’t explain this well. Now we have kind of stressed it a little and we kind of look at like accreditors and we ask questions about, you know, two national accreditors. One may have one student achievement benchmark and the other may not have that.

We can get information, ask for further explanation but in our staff report if an agency says they have three benchmarks, we aren’t allowed to dictate those benchmarks so our compliance determination is most likely going to be that they are compliant because they have established a benchmark.

The rule actually reads that the student achievement -- I’m paraphrasing, that the student achievement standards established by the institution based on its mission. Now there is nothing in there that stops the agency from overriding that in establishing a benchmark for all of its members but that’s where our legal bounds end.
We can’t hold them non-compliant because we don’t like that they don’t have a graduation rate. So our analysis is not going to find them non-compliant with that unless they are so far out of the norm what other like accreditors are doing.

So that’s what I’m talking about when I say our reviews and determinations are based on what the regulations require -- Sally you may want to --

MS. MORGAN: Umm, I would just add that some of these questions really go to performance and effectiveness and the Department does have authority to look into what is effective. So we can consider things like you know, graduation rates et cetera but we have to consider them comparatively to other accrediting agencies to see if they are an outlier.

And there isn’t any criteria for example that says -- or in the statute, or in the regulations that says as desirable as we might think it should be that the agency shall work with their schools, they shall nurture them et cetera.

On the other hand an agency that isn’t nurturing may very well end up with bad results and be ineffective and so I hope that helps.

MR. BOUNDS: And we -- just to jump in. You know we did that with one agency. They didn’t have an outcome
measure that other nationals had and we really questioned that.

And we had one agent that we questioned their overall
effectiveness but it is still when you make those determinations
you still have to, you know, look at the criteria that is written and
make those determinations.

So that was the point I was trying to make. We
really have to make sure that we as staff follow the rules or I get in
trouble with Sally and then with everybody else.

MR. PRESSNELL: So back to Dr. Hong’s
comment really it is to a large degree it provides more rich context
around the overall evaluation for the members here right. And I’m
assuming -- and I know we are going to talk about the dashboard
later but the dashboard I assume, serves the same purpose as to
provide some context in terms of how these accreditors -- how
these institutions are performing within these accrediting areas as
compared to other as well.

Because we’ll get -- I know, on the details of those
but is that correct?

MS. HONG: Yes I would agree with that it’s really
more data, more information to inform how an agency has certain
indicators to point to how an agency might be performing in
comparison to other similar agencies.
MR. KEISER: Further discussion does anyone
want to summarize the discussion where we are, Ralph? I thought
you would.

MR. WOLFF: I don’t know if this will add but my
recollection is that we introduced the Pilot because we wanted to
have a richer, more robust conversation than frankly the regulatory
review that was required by the staff to conduct, particularly given
the attention -- at least in the last view years toward accountability
and the performance of accreditors on the issues that were being
asked.

So I’m trying to figure out where we are and it
seems to me -- I guess the question that I would ask is if we are in
support of continuing the questions and while they may or may not
be incorporated in the regulatory review what is their -- how do we
frame what it is that they are?

Is it then something that every time an agency
comes or every time an agency is up for continued recognition that
these questions would be part of the interaction with NACIQI and
relationship in addition to the report of the staff.

I mean I am trying to say how do we identify what
it is that we are doing and where does it get located?

MR. KEISER: I can see that as from the staff to
provide instructions which they do now to the agencies when they come before, be prepared to address this and we would appreciate if you would address it in your opening remarks in a short way and be prepared to answer questions about the two sections, the student achievement and the risk issue.

So I don’t see that as a problem I think staff could do that with our direction. It would probably be the Motion.

MR. WOLFF: As I recall the pilot was put in the Federal Registry wasn’t it that we were asking this. So it would seem to me that it would be part of the notice of the NACIQI meeting that in addition to consideration of the staff review that NACIQI would be interacting with agencies with respect to these kinds of questions, would that be possible?

MS. HONG: Yes.

MR. KEISER: Is there a Motion to that or do you want more discussion, is that a problem?

MR. WU: I’m not sure the people you are going to call on.

MR. KEISER: I’ll call you Frank and then I’ll call Kathleen because you are closer.

MR. WU: I was going to ask do we need a Motion on this but I was also going to attempt to summarize what I hear
people say. It is that there is a desire to continue the Pilot. There
is a desire to be mindful of the statute that creates us and governs
our work, both staff and this body that we also want to ensure we
are consistent in how we use the data and we want to publicize it
so there is fair notice so everyone coming before us knows about
this.

So does that capture -- continue statutory authority,
consistency and ensuring notice to everyone?

MR. KEISER: I think it’s not a continuation of the
Pilot it is just the acceptance of the new process.

MR. BOEHME: Are we going to take all the
questions in the Pilot? I know there was a question about student
achievement. I’m in favor of all questions.

MR. KEISER: There is not a Motion yet but
Arthur?

MR. ROTHKOPF: Yes I just want to throw
something out to maybe people who considered it. I agree with
Frank’s formulation of where we are, where we have been and
maybe a little bit of how we got there.

But I am concerned or that’s not quite the right
word, but I want to be mindful of the fact that we are dealing with
a new administration of this Department and I guess at some stage
do we need to talk with the people who are -- political people who
are involved?

And I don’t -- they may say this is really dumb.

There’s now as I read in the press, I don’t know anything much
about it there’s a task force on de-regulation. Well are we de-
regulating or are we increasing regulation?

And I guess what I am really saying is where do we
fit in with something that is going to have to evolve over the next
several months?

MR. KEISER: My comment on that is that I think
wherever we are outcomes are becoming a bigger issue, school
closures are a bigger issue and for us not to address those issues
would be a mistake.

MS. HONG: And just to add I just want to remind
that this Committee is an independent advisory committee advising
the Secretary so you should go ahead and proceed and keep doing
that whether the Secretary accepts or rejects your
recommendations is another point but I think --

MR. KEISER: And we don’t know.

MS. HONG: Right.

MR. KEISER: We don’t know, any other
questions, Anne and if you can make a Motion.
MS. NEAL: I will second Arthur’s proposal. I think it makes sense to hear from the new folks in town. But I think the other thing that I come away from in terms of a general observation is that we are asking a range of questions. We have created a context since we launched this Pilot designed to look at student outcomes and the actual products of what these accreditors are doing as opposed to the large and processed-based material that we received early on. And what I am hearing is that the staff is still, of course, bound by the regulatory structures and so the message it seems to me is that there is a profound disconnect between what we think is important if we are really looking to see whether or not these educational institutions are grantors of educational quality and protecting the taxpayer dollar and what effect the current regulatory and statutory structure asks us to look at. And so I hope that that broader message is something that can be articulated not only to new folks in town but the old folks up on the hill because I think that’s the message that really needs to be relayed.

MR. KEISER: I think that also was a part of our recommendations for the Higher Education Act and I think what you said is very consistent with what we have done in the past.
Frank are you going to make a Motion?

MR. WU: I was going to make a comment.

MR. KEISER: Make a comment and then a Motion you are good at that.

MR. WU: I’ll make a comment and then a Motion.

Just a quick follow up on what this Art said which is I think that’s very well taken and we should invite or ask our Chair to invite in the most gracious, cordial manner the Department to send someone as the prior Department did to visit with us.

Perhaps, I would be open to this -- we should invite Reverend Falwell, Jr. or his designee also in a cordial, polite manner because they are likely -- it’s unclear to me what the status of that panel is but they are likely to do some sort of work that is related to or directly affects the work that we do and presumably they will be set up under FACA or some other statute and as a sister FACA body maybe we should have a meeting.

MR. KEISER: Just to show you how the Vice Chair and the Chair think alike, didn’t I say we need to do that.

MR. WU: Yes so --

MR. KEISER: Why don’t you make a Motion we can do that first.

MR. WU: I’ll make a Motion but I also want to
note that as your new Vice Chair I have been heartened by the past many years now that we have worked in the most collegial, cordial manner and this body has been really surprisingly for Washington, D.C. quite free of partisan politics.

And I hope and am confident with the leadership of our Chair that we will continue along those lines.

And finally I’ll note that despite the change of guards that the prior ED department and the old group of folks in town whose partisan affiliations matched the majority of this body did not always follow this body’s suggestions.

So more than once we were perhaps surprised that the Department of Education did not take our advice and counsel.

MR. ROTHKOPF: Just a quick comment. My comment was not intended in any way to say that I didn’t agree with what you are -- all I’m really saying is that I think there’s some other people out there who have an interest in it within the government and you know, they have got that together.

But I am fully in support of what we are doing, what we are asking and what I think the intent of your Motion.

MR. WU: Yes, goodwill all around here at this table. So a Motion --

MR. KEISER: You can make a Motion and then
have your discussion.

MS. SULLIVAN ALIOTO: Well I just thought you had said a brief -- you used the word brief somehow in your --

MR. KEISER: I love brief.

MR. SULLIVAN ALIOTO: Yeah I love the way you are pushing this meeting. I wonder is the three minute -- do people really have to talk three minutes? What if we made the rule for that their introductory comments are no more than three minutes and that their -- each person coming up is no more than one minute? Is there a rule, is there a regulation?

MR. KEISER: That’s another proposal. I’d love to deal with that one, that’s a good one but I would like to keep things in line.

MR. WU: Right.

MS. SULLIVAN ALIOTO: Can that be part of this so that people know that they need to be succinct unlike Miss Kathleen here, they need to be succinct and quick.

MR. KEISER: Can we address that after. We have two things that we want to address. One is invitation to the Secretary DeVos to come to our meeting next time and you will make the Motion. The second area is dealing with including the questions in the Pilot program in the instructions to the agencies in
the Federal Register on what they would expect would be the two
Motions -- or the two areas I think we have agreed upon.

MR. WU: So on the first on the invitation I don’t
know that we need a Motion.

MR. KEISER: She said we need a Motion.

MR. WU: Okay I’ll make two Motions. So the
first Motion I hereby move that the Chair of NACIQI invites the
Secretary of Education or her designee to visit with us at our next
regular meeting and that the Chair hereby invite Reverend Falwell,
Jr. or his designee to visit with us at our next regular meeting,
that’s the first Motion.

That we also invite Falwell or his designee to visit
with us, that we extend an invitation to them.

MR. KEISER: Is there a second? Brian, Ralph it’s
pretty hard to fight but go ahead.

MR. JONES: Are they two separate Motions?

MR. WU: You could ask that they be separated
should you wish to invite one but not the other?

MR. JONES: I would, I think the Secretary has
been appointed and confirmed. Mr. Falwell is not confirmed. The
White House is non-committal. We don’t know who is on the
Committee, we don’t know what his charge is and I would prefer
to work with the people who have been designated and confirmed and to see what -- once that Committee is created if it is then I would suggest we proceed and develop an agenda.

I think the important thing is that we would like to know what the Secretary or her designee’s agenda would be with respect to higher ED and the role of this Committee. So I would urge separation and I would be for the first and against the second.

MR. WU: Sure I’ll make it as two and then I will do a third Motion related to the other. So the first Motion is the Secretary the second is Falwell.

MR. KEISER: Okay we have an amendment -- actually the Motion has been changed any further discussion --

Anne?

MS. NEAL: I don’t understand why an invitation for information requires a Motion.

MR. KEISER: It’s just an invitation. The Motion is to make it formal that the entire group -- and it would be that I would write the letter that the entire Committee requests you to visit and meet your designees and your Advisory Committee.

Jennifer did it much more graciously than I would.

MS. HONG: I think it is because of the formality with Art wanting to extend a formal letter invitation to the
Secretary. Alternatively -- I mean internally, you know, I can make that request as well. So it could go either way. But I think the desire was to have a formal invitation right Art?

MR. KEISER: Yes Claude?

MR. PRESSNELL: I would like to speak in favor of what Ralph mentioned as well. I think that obviously the Secretary is in a confirmed position. I think that Mr. Falwell’s position is very unclear and not only that but we don’t even know the scope of what his duties will or will not be.

There were rumors it might be just about de-reg -- it may not be, we don’t know. So I am going to do the same. I’ll vote in favor of the Devos and against Falwell for that reason.

MR. KEISER: Well I don’t think we have the second Motion so we have the first Motion and is there further discussion on an invitation to the Secretary? Questions have been called all in favor of the Motion raise your hands -- all opposed, see it was unanimous okay so the Secretary will be impressed.

Now, I’m not sure I would agree with Ralph that we don’t need Falwell yet.

MR. WU: If there is no second it just fails for want of a second.

MR. KEISER: I don’t think we’re there yet.
What’s the third one?

MR. WU: I hereby move that we continue the Pilot program applied consistently to all agencies with appropriate notice being given to all that it will be part of the standard NACIQI process -- the standard and NACIQI review process.

MR. BOEHME: Do you want to continue to call it the Pilot?

MR. WU: Yes I was being deliberate to try to avoid flagging an issue you have flagged now but that’s okay. We’re friends. I didn’t want to have some concern about how long this is going to last, what’s the authority so using the word Pilot is a nice compromise. It says, you know, this isn’t going to last forever, it is not written into a regulation or statute -- just part of how we do business.

MR. BOEHME: I trust you Frank.

MR. KEISER: Bobbie?

MS. DERLIN: Well I trust you too Frank but --

MR. WU: And we’re friends to.

MS. DERLIN: But I just -- I think we should take a position that this isn’t a Pilot anymore. Granted at some future time, a future NACIQI can say, “Boy do we think this is a dumb idea, let’s stop doing this.”
But I think we should continue the use of questions recently piloted and if you want to say for the next two years or for a year or something that makes you more comfortable about time frame I would go with that.

But I don’t want to be in a position of intermittently piloting stuff. I mean I think we should do it.

MR. KEISER: -- I’m glad you are joining the conversation.

MR. O’DONNELL: So I’m supportive of continuing this whatever we call it although I think it’s of dubious value because while the questions have been interesting and the answers have been interesting, since it is actually pretty divorced from what the staff is actually doing I think it doesn’t have the impact it should and I’m not an expert and I can hear the groans before I speak on the federal rule-making process.

But my understanding is adviser committees could make a recommendation. Why don’t we recommend that the Department consider ways to actually adopt appropriately the statute in the regulatory process, some of what we are trying to get at.

And the Department could ignore that -- that may take years, they may never want to do that, they may want to wait
until HEA is reauthorized. But if we actually thing these are
important and valuable and yet we are hamstrung because staff
can’t fully consider all of them the way we would like them to,
why don’t we continue the pilot and then also make a
recommendation that the Department consider ways to incorporate
these into the actual regulatory framework appropriately.

MR. KEISER: Well-articulated. Ralph -- go ahead
Ralph you look anxious.

MR. WOLFF: Having been through negotiated
rule-making I wouldn’t wish that on anyone. And I take a slightly
different line with Bobbie. I would propose amendment to the
resolution which is to remove the word Pilot so as just to say I
think we declared we were running a Pilot.

We declared we would evaluate the advocacy of the
Pilot. We are now doing that and I think we just need to declare
we are prepared to continue it as part of the way in which we
function.

Having said so I would request an amendment --
having said that I have a question about its implementation and
that is I’m can’t recall, maybe Susan or Jenn would know, is it for
all actions coming before only those for continued recognition?

And assuming it is the later then I would like the resolution to
clarify that these questions would apply to those agencies coming before NACIQI for continued recognition so it wouldn’t be a 12-month compliance report or something like that.

I’m trying to clarify it is not for everything or what is our position with respect to which agencies it would apply to.

MS. HONG: So it applies to renewals of recognition right now and so the third Motion or the fourth Motion I would ask of you guys before you leave is we need to discuss a consent agenda, that’s the next time. But yes it only applies to renewals of recognition.

MR. WOLFF: So that being the case I would propose that the amendment clarify that these questions would apply to those agencies coming before NACIQI for continued recognition, whatever the appropriate scope.

MR. WU: So just to be clear so Ralph you want clarity with a narrower scope because you have clarify with the bigger scope, all agencies.

MR. WOLFF: With the current scope. I’m only trying to -- I’m trying to get us to be clear. I’m willing to go either way, anyway I like the questions but I want to provide adequate notice what kinds of actions will these questions apply to.

MR. KEISER: Okay I was going to have Brian but
go ahead you first.

MR. WU: I think it is great to have clarify the other way and the reason I suggested the other way is there is interest from many people at the table in asking these questions of every agency and if we do clarify Ralph the way you suggested, everyone who is not coming for renewal will rightly say, “Whoa, wait a minute you said this renewal, you can’t ask me these questions.”

And so I don’t think people would feel comfortable being precluded if someone in the questioning just in general said, “Oh it occurs to me I would like to ask this question.” The Agency could fairly say, “Whoa, wait a minute you sprang that on us.”

So I applaud the notion of clarify. I would ask that we go clear the other way.

MR. KEISER: Brian?

MR. JONES: I just have I guess a clarifying question. Really I think it follows-up on the point that Richard was making and I suppose Herman it’s a question for you maybe, and for you Sally. So to the extent that the staff’s view is that you know, you are limited to regulatory factors, the purpose of this Committee is to advise the Secretary presumably to inform her ability to take action.

Presumably her action too is limited to those
regulatory factors and so do we create a situation where we are making recommendations? We are advising the Secretary on decisions based upon factors that she is in fact unable to use in her decision-making and if that’s so aren’t we creating sort of a tension between us and the Secretary?

MS. MORGAN: I think the only -- my only concern with this paper is perhaps on the focus on nurturing which isn’t required. I don’t think that -- I think in writing it there was an effort to make it clear that it wasn’t required.

And these are all get to the criteria -- I mean the staff naturally looks at the regulations and say do you comply with this language whereas these get a more broadly based inquiry into the same issues, so I think it’s okay.

MR. KEISER: Yes Herman.

MR. BOUNDS: I just wanted to remind everyone that when an agency comes up for a compliance report we only look at the compliance issues, not the Agency overall. So they come prepared to answer whatever they were found out of compliance with at the previous NACIQI meeting.

MR. KEISER: Claude?

MR. PRESSNELL: I, you know back to Art’s comment early on. I think that these issues are within an
accrediting body and agency’s scope of work. I think student
success -- I think that you know how they handle that risk,
institutions.

I would though be really careful as a Committee
going forward that we don’t add things that really add to an
administrative burden of an Agency. You know it is easy -- as
long as we are in the scope and that was my question around how
close are these tied to the statutory requirements and so forth.

I don’t want us to creep out too far and all of a
sudden -- because if we pass this Motion then it is now all of a
sudden going to be a requirement and we are treating it as a
statutory requirement when it is just informing the Committee and
I just want to be really careful.

I think it is in the scope of the work of the Agency
so I’m -- I’m in favor of the Motion but I think that we just need to
be really careful about that.

MR. KEISER: At least from my understanding the
data that we are asking for is -- fits within the scope of our statute.
We are just creating a process for them to clarify that particular
part you know, in bring out those issues because those have been
identified by this Committee as critical issues in the recognition
process.
And frankly I believe this accountability aspect will continue to grow and it will get more intense rather than less intense and I think it is appropriate at least to bring that to their attention that that is what we are looking at so do you want to declare a Motion?

MR. WU: You want me to try another Motion?

MR. KEISER: It’s simple.

MR. WU: Alright let me try this again.

MR. KEISER: You lawyers are too much.

MR. WU: There was no second so I’ll give this one more go. The Motion is I hereby move that NACIQI continue to inquire of every agency along the lines of its prior Pilot program. Alright -- alright I’m trying not to use the word Pilot because you object to it.

MR. KEISER: Just ask the questions of the Pilot program.

MR. WU: I hereby move that NACIQI ask the questions used in the Pilot of all agencies that appear before it and that agencies be provided with appropriate notice that NACIQI will proceed in this manner.

MR. KEISER: All agencies so all actions, not just the renewals.
MR. WU: That’s right so I deliberately specified it as all. Just one other way to do it is to say that agencies be prepared but I’m mindful of your issue of consistency.

MR. BOEHME: Simon -- I’ll second it.

MR. KEISER: Seconded by Simon. Anne has discussion this is really controversial.

MS. NEAL: Could I propose that we just simply suggest that those questions be put in the Federal Register so that anyone appearing before us will be either able to respond in materials presented or be prepared to answer questions vis-à-vis those questions.

MR. KEISER: I think that was the intent of the Motion.

MS. NEAL: Okay.

MR. WU: Is that a substitute for the back half or for the whole Motion?

MS. NEAL: The whole Motion.

MR. KEISER: The whole Motion. I think that’s exactly what I think we are trying to get at, would you agree Simon? Is there anything missing in Anne’s -- it was a little simpler.

MR. BOEHME: No.
MR. WU: Alright great.

MR. KEISER: I like simple.

MR. WU: I don’t have to make every Motion.

MR. KEISER: Okay any further discussion? Oh-

oh the trouble-maker here.

MS. DERLIN: I just have a question in terms of the expansion to every action. If we think about some of the very narrow and limited concerns for some of the agencies that come forward in response to the compliance report and we are now expanding -- does this now make it an expectation that every organization will be asked all of the questions no matter what -- in which case we -- I think have increased our business for our meeting time.

MR. KEISER: Kathleen you were next.

MS. SULLIVAN ALIOTO: I think that Anne’s suggestion is on target. I wondered if we could incorporate my earlier suggestion of having every answer be within one minute.

MR. KEISER: That’s a different issue we will get there. I promise you Kathleen I won’t abandon you on that. Are there any -- because I don’t think we have asked the question less than one minute.

MS. SULLIVAN ALIOTO: Are we going to put
the questions into the record?

MR. KEISER: Yes it will go in the Federal Register, Susan?

MS. PHILLIPS: A word that Anne said that I just wanted to comment on about materials available in our written document. And I recall having a discussion when we initiated this that anything we ask accreditors for in writing has to go through a paperwork reduction pact -- do you remember that to be part of the discussion?

I just don’t want to run afoul of that constraint in terms of a written thing and then second I wanted to I guess speak to what Bobbie was saying about that being, you know expanding it to all of the actions is asking a different set of things of the agencies that appear before us.

And certainly they expect and perhaps then we have scope so it may be out of our scope.

MR. KEISER: I sense a little disagreement with the Motion that it should be all actions or just those actions that are renewals, is there a consensus on that? I will hear Richard first and then Paul.

MR. O’DONNELL: I just echo. I would limit it to renewals and not compliance items because a lot of simple
compliance items I don’t think the agencies need or we have the
time to dig into every action.

MR. WU: I’m fine with that if we add the
following, it doesn’t have to be in the Motion but if it is on the
record that nothing in the Motion precludes questions along those
same lines.

I just don’t want some agency -- let’s say Simon
asks a question for them to take issue and say that’s out of bounds,
you can’t ask that, I’m just here for compliance so as long as it is
clear that it is still permissible.

MR. KEISER: Simon do you agree to the change in
the Motion?

MR. BOEHME: What would be the exact change?

MR. WU: That it is not required of every agency.

That is only required of those seeking renewal which is a much
smaller group but that those questions are not off limits in terms of
questioning by NACIQI members of agencies.

MR. KEISER: Bobbie?

MS. DERLIN: Simon said --

MR. KEISER: So we have a Motion, we have a
second I think we have agreement. Do we have agreement Ralph?

MR. WOLFF: Could we have the Motion read
Frank just so we know what it is that we are voting on?

MR. WU: It’s not my Motion its Anne’s Motion. I thought mine got replaced by Anne’s.

MR. KEISER: Anne what’s your Motion? Do you have it Jennifer, Jennifer has it there we go.

MS. HONG: This is actually Frank’s Motion with the amendment that you proposed. So ask the questions used in the Pilot of agencies up for renewal of recognition with a caveat that nothing in the Motion precludes questions along those lines of all agencies.

MR. KEISER: And then Anne had it placed in the Federal Register.

MS. HONG: Okay and what Frank’s original Motion said and that they are provided with appropriate notice which would be the Federal Registry notice.

MR. KEISER: Ralph, are we there?

MR. WOLFF: Well I’m just going to say having been in the chair on the other side what it sounds like is well it sounds like we are speaking out of both sides of our mouth in the sense that on the one hand we are saying if it is a continuation but we might ask you anyhow and I would just -- so I don’t know how you put that in the Federal Register if you will that it is going to be
for continued --

MR. KEISER: Well you wouldn’t. I think it’s just an understanding I think, that’s what Frank said. But the question is we did that this time. We had a school for expansion of scope and we brought up the whole issue of outcome assessment.

MR. WOLFF: Well that’s -- I was going to say that I’m relatively new on NACIQI but when HLC came up these issues were raised and it was a compliance report and it became one of the triggers for our having the Pilot in the first place.

So I would just say the continuation is only every few, 5-3 years and this is a more pressing issue so I’m just saying that I prefer personally I would just say that I prefer it be available, that it would be listed as it would be for all actions we choose.

If it is just a simple -- like the action we took today from the Council on Chiropractic Education that we took where it was simply about working out the warning. That may not be the case. I’m just trying to clarify, you know, how we are but if I was sitting on the other side and it said continuation only I would feel that I didn’t need to prepare as much.

MR. KEISER: Paul?

MR. LEBLANC: I would never accuse a lawyer of torturing the English language but if you would be open to perhaps
a simpler version of the Motion. There is a Motion on the floor so I don’t know if you will entertain the language but I think we could answer all of these concerns by simply saying NACIQI will continue to use the Pilot program questions in future agency reviews period.

It gives you all the latitude to apply or not apply. It doesn’t mean that you have to do it if you have a smaller item coming up. It gives you the right to do it. It just seems a little simple.

MR. KEISER: Do you accept that?

MR. WU: I think it’s great. I don’t know what procedure exactly we are following.

MR. KEISER: If it is an amendment will the second accept that?

MR. Boehme: I’ll accept that as friendly.

MR. KEISER: We are getting close guys, this is good.

MR. WU: Thank you very well done may I comments. One, I continue to be astonished that some agencies who come before us appear not to have done very much prep and I don’t mean to discourage any particular agency or anyone but if anyone has been watching this or reading the Higher Education
Press or even looking at Twitter you -- I’m just surprised some people don’t realize that when you come you have to actually be prepared to answer questions.

And people sometimes seem startled or miffed that we are asking them questions so I just hope that we are communicating that. But the second is in direct response to my friend Ralph.

Sometimes it is hard to predict because sometimes stuff looks like wow, this is going to take 5 minutes and then suddenly we are here for 5 hours with an angry mob that wants to comment on the Archean aspect of a profession and sometimes things you think -- this morning I thought it is going to be a leisurely morning I’m going to take my time.

And suddenly I get a note we are done, come downstairs. So you can’t predict. It depends sometimes on what happens with the agency and especially the third party commentators. Because sometimes that takes hours and hours and hours that you can’t quite anticipate.

MR. KEISER: Can we call this question? Any further discussion -- I’m going to get to yours.

MS. SULLIVAN ALIOTO: No I’m off that for the moment. I like Mr. President’s Motion here but can we put in the
MR. KEISER: We will let the staff, they will know, the staff is who is being directed.

MS. SULLIVAN ALIOTO: They will put them in?

MR. KEISER: Yes.

MS. SULLIVAN ALIOTO: Okay. Thank you.

MR. KEISER: Susan?

MS. PHILLIPS: I just want to point out that the modified Motion affords those questions to be posed under any action so it could be a compliance report on issue A and we could ask them about issue B. I would be opposed to that action.

MR. KEISER: Okay let’s have a vote and then if we don’t agree with that we will go to the next one. All in favor of the Motion signify by saying Aye -- raise your hand please. All opposed okay we have 3, okay I think it passes.

Second one is we have to go to Kathleen’s. The question is can we shrink the time that our public commenters have to make a presentation to us is that right?

MS. SULLIVAN ALIOTO: Correct.

MR. KEISER: Okay. I’d like Jennifer to answer.

MS. HONG: The opposition is to the length of the
time, the 3 minutes that we allow. I think 3 minutes we felt like
was a reasonable amount of time to -- well we can still kind of
efficiently run the meeting.

One minute seems kind of short.

MS. SULLIVAN ALIOTO: How about 2? If
people think about what they are going to say and they are not
doing a little off the cuff the way I am then it would be, they could
do it in the same way that he just did with this Motion.

The more we think the shorter we -- so if we said 2
minutes why not?

MR. KEISER: Frank and then Bobbie.

MR. WU: I’m going to speak against this idea, no
offense to my good friend Kathleen. Some people fly all the way
across the country for this and I would just feel awful if we didn’t
give -- 3 minutes is already really short because I think people --
they do prepare, they rehearse.

I’ve seen people in the hallway practicing. You
know all of us have experienced public speaking, for some people
this is the first and only time they speak to a group, they’ve written
it out, they put on a suit, they go to such expense and if we don’t
give them at least 3 minutes which is really very short.

I think the bigger issue and I don’t know if this can
be addressed is the cumulative nature of it because regrettably
some -- my impression is, some of these are not spontaneous third
party commentators, some are part of campaigns organized by
whoever and so you get 10 of the same thing.

And that is half an hour so that is very different than
the one heartfelt individual who is before us.

MR. KEISER: Bobbie and then Jill?

MS. DERLIN: I won’t reiterate Frank’s remarks
about my position it is the same. I do not think we should restrict
public comments in any way. Even the ones where there are 10,
where we think there might be a band leader in the background.
This is a public entity we have a responsibility to listen to people
who have public comments.

And these decisions are critically important to the
people who make these commitments to come and speak to us so I
am in opposition.

MR. KEISER: Jill?

MS. DERBY: Amen.

MR. KEISER: You are amending?

MS. DERBY: No, amen. We can’t improve on
what Frank and Bobbie said I couldn’t agree more.

MR. KEISER: Though I do think there was one of
the agency’s that commented to me that I think the commentators
are supposed to mark down what they are going to say. And we
are supposed to allow the Commission to know what -- there’s
supposed to be that process is that right, I don’t know?

MS. HONG: Right so the Federal Registry notice
specifies you know how to submit a request to us for an oral
comment including you know, their biographical information, their
name et cetera like maybe you would like a brief summary of what
they are going to say.

MR. KEISER: That’s required?

MS. HONG: That is required.

MR. KEISER: Because they were complaining that
some of these folks, the 29 folks who presented to us did not do
that and the agency was surprised at some of the issues, but just
thought you would know. Actually it was the Center for American
Progress forum.

MS. HONG: Well we also have a process where
they can sign up the day of the meeting, so.

MR. KEISER: But I think if I remember correctly I
have the sheet somewhere on here they did not put the reason that
they were going to testify. Where do you want to go, Kathleen do
you want to make a Motion?
MS. SULLIVAN ALIOTO: I’ve already lost.

MR. KEISER: The third issue or the fourth or the fifth, I don’t know where we are -- Jennifer brought up is the issue of the consent agenda and would you like to comment on that?

MS. HONG: Alright so as part of the Pilot we excluded from consideration renewals of recognition. Okay I’m going to take a step back. Do we want to continue with the use of a consent agenda, that’s the question.

So at this point given the previous Motion only those agencies that are not on renewal recognition in other words, other compliance reports or expansions of scope -- if there are no other issues, no third party comments they will go on the consent agenda is that what I’m hearing?

MR. KEISER: Well it’s the same thing but they have to be prepared it’s off the consent agenda.

MS. HONG: Always.

MR. KEISER: But we can do that at the last minute so.

MS. SULLIVAN ALIOTO: And they should be here.

MR. KEISER: They should be here.

MS. SULLIVAN ALIOTO: Yes.
MR. KEISER: It would behoove them to be here.

Okay so no change is that what I heard, okay good.

MR. WOLFF: Could I just ask when will we be notified who is on when the final agenda comes -- I'm just trying to think of the time frame to give notice when we would pull something off and we can pull something off up until the --

MR. KEISER: Up until the consent agenda.

MR. WOLFF: Until they come -- until they are up on the agenda right.

MS. HONG: That’s correct. So we have to wait until the final analyses are done to see whether there are any issues with the agency that’s one and then two -- you know, an oral commenter could conceivably sign up at the meeting right. So you would have the Chair -- our Chair will ask when we action a consent agenda whether there are any third party comments. If there are that automatically removes them from the consent agenda.

But I will send out a final agenda prior to the meeting at which time you can remove an agency off the consent agenda at that time as well. Because we wrap the consent agenda issue up with a Pilot I still want a Motion on this issue.

MR. KEISER: Bobbie I’m sorry.
MS. DERLIN: I'll make a Motion that we continue
use of the consent agenda as we did during our Pilot study.

UNIDENTIFIED SPEAKER: I second.

MR. KEISER: I’m not sure we need a Motion, Ralph?

MR. WOLFF: Just we had a case where an agency
didn’t show and so we had to continue that agency over and we
were concerned so I just want to know to make it clear that all
agencies, regardless whether they are on the consent agenda, or
advised that they are going to be will be notified that they will be
expected to be available.

I mean there’s a real cost involved you know on the
one hand. But on the other hand if somebody pulls it off the
agenda, if there was a third party commentator they need to be
here. So I just want to say how does the Department or the staff
communicate that the Agency needs to have representatives here?

MS. HONG: They are told. I mean they know
what the criteria is for the consent agenda. If they are on the
consent agenda there is always a risk of them being removed from
the consent agenda so they ought to be here and if they are here
and they get actioned on the consent agenda then there is no
testimony required from them but they ought to be present.
MR. KEISER: Okay there’s a Motion, there’s a second. Is there any further discussion? No further discussion -- all in favor of the Motion raise your hand, all opposed -- that was unanimous.

Now any other policy issues that you would like to address? Sensing none, we are obligated from my understanding to continue tomorrow. We will have a discussion tomorrow on the score card.

And then I have asked the staff to make a short presentation on exactly what they do in their review process because I think that the new members need to understand the level, the depth, what these people who are sitting on the side do because they work very hard and they do a lot of traveling and they see a whole lot of people who are involved in the accreditation process.

And it is important that we understand exactly what they do. You have something great Jill?

MS. DERBY: Did you establish our date yet for the next meeting?

MS. HONG: So we are still holding that date, it continues to be tentative. I think we said June 20th, let me see -- June 20th through the 22nd so please continue to hold it just still tentative.
MR. WU: And not to put you on the spot because you do great work and thank you and actually we should say that to all of the staff more often, thank you for all that you do it is just so important.

MR. KEISER: Thank you.

MR. WU: But do you have any sense of how tentative it is or when it will get firmed up. I have a self-interest I think probably shared by everyone at the table, everyone at the room which is I’m sort of looking at my summer calendar, spouse, family and scheduling and if this moves a lot it just messes up my entire life because this is a priority.

I want to be here, I want to do this but if it gets scheduled with 3 weeks-notice you know, it is just a terrible mess for many, many, many people. I don’t think I’m speaking for myself right.

So if there is anything that you can do to urge that it be firmed up the sooner the better and any guidance that you could offer us.

MS. HONG: I’m working on it because we have to nail down a location as well. We have to do that months in advance, 3 weeks in advance is not enough time for us as well so I am working on firming that date so hopefully I’m hoping to hear,
MR. KEISER: And this hotel works out very nicely.

MS. HONG: Yes it does.

MR. KEISER: 8:30 tomorrow. My goal is to conclude tomorrow at 10 o’clock so you can make arrangements.

MR. ROTHKOPF: Let’s go back to June. I’m pretty careful and I only put down 2 days, the 20th and the 21st and I would hope we could do our business in 2 days close to 3. I happen to have a meeting on the third day and cannot be here.

MR. KEISER: I would work with Jennifer, that’s I think part of my job. I’m not sure what it is yet but I will learn to get the schedule as tight as we can. I like tight agendas. We will work on that, yes?

MS. SULLIVANN ALIOTO: I don’t know if the presentation on the first day took care of what that January 31st when we were supposed to be getting some kind of a training are you including that tomorrow?

Remember the training that was cancelled?

MS. HONG: Correct so I sent out recorded preparatory materials to you all so it is kind of a review of that information, the update on accreditor dashboards.
MS. SULLIVAN ALIOTO: Thank you.

MS. HONG: Yes and any feedback that you can provide in terms of the training issues that you want to learn more about, all of that is really valuable feedback for me so that I could try and pull something together for you all so please let me know what your interests are.

MR. KEISER: Did you feel the definition the way we had three different sectors, is that a singular topic was effective? I thought it was. Maybe shorter but I thought it was effective. Okay I don’t sense any more business is there a Motion to adjourn?

Bobbie okay we don’t need a second for that. Have a great day and we will see you tomorrow.

(Whereupon at 3:35 p.m., the conference was adjourned to reconvene February 24, 2017.)