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1 CHAIRMAN KEISER: Good morning everyone.
2 Day 2 of our National Advisory Committee on Institutional
3 Quality and Integrity -- welcome for all of you to be here. Our
4 normal procedures start with having everybody introduce
5 themselves and Claude you are first.

6 MR. CLAUDE PRESSNELL: Claude Pressnell the
7 President of the Tennessee Independent Colleges and Universities.

8 MR. FRENCH: Good morning. George French,
9 President of Miles College, Birmingham.

10 MR. O'DONNELL: Rick O'Donnell, CEO of
11 Skills Funds.

12 MS. ALIOTO: Kathleen Sullivan Alioto,
13 Consultant and Fundraiser for Programs from Zero to through
14 College.

15 MR. BOEHME: Simon Boehme, Student Member.
16 But also we had two birthdays, Rick and Kathleen's Birthday so
17 Happy Birthday to two NACIQI members, June 20th.

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

20 MR. ZARAGOZA: Federico Zaragoza, Alamo
21 Colleges.

22 MR. BOUNDS: Herman Bounds, Director of the

1 Accreditation Group, U.S. Department of Education.

2 MS. HONG: Jennifer Hong, Executive Director
3 and Designated Federal Official Committee.

4 MR. KEISER: Arthur Keiser, Chancellor of Keiser
5 University.

6 VICE CHAIRMAN WU: Frank Wu, Faculty
7 Member, University of California Hastings College of Law.

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

10 MR. ETCHEMENDY: John Etchemendy, I'm
11 going to enjoy saying this -- Faculty Member at Stanford.

12 MR. LEBLANC: Paul LeBlanc, President of
13 Southern New Hampshire University.

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

16 MR. WOLFF: Ralph Wolff, Quality Assurance
17 Commons.

18 MR. VAN AUSDLE: Steven Van Ausdle,
19 President Emeritus, Walla Walla Community College.

20 MS. SHULTZ: Rachael Shultz, Ed Staff.

21 MS. LEFOR: Valerie Lefor, Department Staff.

22 MS. ABRAMS: Corrine Abrams, Ed Intern.

1 MS. DAGGETT: Elizabeth Daggett, Department

2 Staff.

3 MS. MCKISSIC: Stephanie McKissic, Ed Staff.

4 MR. MULA: Chuck Mula, Department Staff.

5 MS. HARRIS: Doctor Nicole S. Harris,

6 Department Staff.

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1 **Panel on Student Unit Record Systems**

2 CHAIRMAN KEISER: Well thank you for all of
3 you to be here today. Today we are going to start off a little
4 differently than we normally do with a discussion on the very
5 important issue that is confronting higher education, especially as
6 you can tell that there is certainly a lot of interest among this
7 Committee on the issue of accountability and data integrity, et
8 cetera.

9 So we will have a panel. We will have two
10 commenters that will follow the panel. The Committee will be
11 able to ask some clarifying questions but hopefully we hold the
12 discussion until tomorrow at our policy discussion in the morning.

13 So if you could because we do have a lot of
14 agencies that we have to deal with later today. So if I may invite
15 the panel to join us if they are all here, I think one may not be here,
16 come on up to the front.

17 And the panel includes Patrick Lane, the Director of
18 Data Initiatives, Western Interstate Commission for Higher
19 Education, Kristin King, Program Manager, the State Longitudinal
20 Data Systems Grant Program for the National Center for
21 Educational Statistics at the U.S. Department of Education and
22 Christina Whitfield, Associate Vice President of the State Higher

1 Education Executive Officers Association.

2 So folks welcome and we are missing one I guess I
3 introduced three so hopefully the third -- traffic wasn't too bad
4 today and thank you for coming and sharing with us this important
5 information.

6 MS. WHITFIELD: Thank you. Good morning
7 everyone. My name is Christina Whitfield and I am Associate
8 Vice President at SHEEO which is the State Higher Education
9 Executive Officer's Association.

10 If you are not familiar with the organization we are
11 a membership organization based in Boulder, Colorado and our
12 membership consists of the governing and coordinating Boards
13 who are charged with governing and coordinating the public higher
14 education systems in each of the states.

15 So one of the things that I spend a lot of time
16 working on is state post-secondary student unit record systems and
17 we have an on-going project at SHEEO that we call, "Strong
18 Foundations," where we study the content and uses of these
19 systems over time.

20 So I am going to share with you some of the
21 highlights of our most recent study. Sorry, I think I forgot to turn
22 this on. So just to give you a little bit of context for some of the

1 highlights of our report and things that we wanted to emphasize
2 about the atmosphere in which these systems operate.

3 So there is important public policy context here. I
4 am thinking about -- these are valuable systems that states use and
5 they are flexible systems and part of their value lies in their state's
6 ability to use them to respond to their own public policy concerns
7 and emphases.

8 They have become increasingly important as
9 student behaviors changed. Most students now attend multiple
10 institutions in the course of their higher education experience. It is
11 no longer possible to fully understand the student pipeline and
12 student progression with just institutional data sets so this will
13 make state's data systems increasing important.

14 One of the other factors that is at play here is
15 increasing linkages between data systems. So most state post-
16 secondary data systems are now linked to other data systems
17 within the state -- K-12 data systems or work force data systems.

18 I will go into a little more detail about that later.
19 We are also seeing a real increase and part of the reason for that
20 increase and linkage is the influence of the state longitudinal data
21 system and the funding that has come from the federal government
22 to build up those systems.

1 And our fellow panelist Kristin King will talk more
2 about that when she gets here.

3 Another highlight in the report and related to the
4 last two bullets is changing our attention to data sharing structures.
5 So these systems are linked in various -- there are various ways of
6 linking these data systems. Pat is going to go into detail about his
7 project there.

8 But essentially these systems are linked either
9 through a warehouse model where data is housed together or if
10 they are a federated system where data is temporarily linked in
11 order to respond to particular research questions.

12 So as I said the strong foundation study is an
13 ongoing study. We administer a very extensive survey to state
14 agencies and follow that up with focus groups or site visits.

15 We have administered the survey three times so far,
16 2009, 2011 and most recently in 2015. The 2015 survey we had
17 respondents from 47 states, 58 agencies within those states and
18 released a full report about this last summer that I can make
19 available to the Committee if you are interested.

20 So what we try to determine in Strong Foundations
21 is what is the structure of these state data systems, what data
22 elements do they include? How do states ensure privacy and

1 confidentiality of students whose records are included and what are
2 the conditions for effective use of these systems?

3 So as you might imagine the full list of data
4 elements that we included in the study runs in the hundreds of data
5 elements and I won't go through every one of them you are
6 probably glad to hear.

7 But this slide shows you the most common data
8 elements that are included in these systems in rank order. If you
9 think about the origin of these systems the most common data
10 elements are not surprising perhaps.

11 These systems, most of them originated in the
12 1970's for one of two purposes, either for formula funding so how
13 to distribute state allocations to higher education institutions, at
14 that point mainly based on headcount enrollment.

15 And especially in the southeastern states, many of
16 these systems were established to respond to de-segregation orders
17 from the Office of Civil Rights. So that's why you see
18 demographic elements as being among the most common to be
19 included.

20 One of the things we went into in depth in the most
21 recent report was diversity data elements so this is a list of the 6
22 diversity data elements that we told the states about. All 47 states

1 that participated have access to at least two of these diversity data
2 elements -- 14 states -- this is just to give you an idea of the scope
3 and the range of these systems.

4 14 states have access to all 6 of them. The least
5 common data element that you see listed there was PELL status so
6 13 states lack access to PELL status. This is an important data
7 element as it is used as a proxy for low income and so as we see
8 more public policy turning towards questions of equity, I suspect
9 we will have more states collecting that data element as well.

10 So this is a graphical representation of the
11 prevalence of data elements related to remedial education within
12 these systems. This is something that we have seen increasing
13 attention to over time. 41 agencies in 35 states collect information
14 about remedial or developmental education.

15 Most commonly -- the most common data elements
16 included are enrollment in remedial courses and gateway course.
17 Less common are course grades and the assessment scores, the
18 scores for the tests that place students in remedial education to
19 begin with.

20 Another area of emphasis is financial aid data
21 elements. So we collected information about 17 possible data
22 elements within these systems and this slide shows you the most

1 and least common data elements included -- so all states have
2 access, for example, to federal financial aid -- that's not surprising
3 if you think about reporting requirements tied to Title IV funding.

4 Less common data elements I think are interesting
5 too here. Costs for credential and cumulative debt and loan
6 repayment status -- I think again we will have more states
7 collecting information if you think about sort of the policy context
8 around things like efficiency, efficient use of state funds and
9 attention to things like cohort default rates.

10 MR. PRESSNELL: Christina just real quick.

11 MS. WHITFIELD: Sure.

12 MR. PRESSNELL: Maybe I missed something.
13 You were talking about that you didn't have PELL status but now
14 are you saying you want to get PHAPSA data or are you saying
15 you have PHAPSA data because obviously you have AGI on
16 PHAPSA data.

17 MS. WHITFIELD: So one of the difficulties or
18 challenges -- sorry I went too far, one of the challenges of talking
19 about this in aggregate is that every state has a different situation
20 right? So 13 states lack PELL information but the majority of
21 states do have that information yes.

22 So one of the things I mentioned at the beginning

1 was the growing prevalence of linkages between data systems. So
2 this is a map from our 2010 report that shows the number of states
3 that had the capacity to link higher education data with
4 unemployment insurance records. That gives the state the capacity
5 to see what happens, what are the employment outcomes of
6 students after they leave higher education.

7 So in 2010 we had 24 states -- agencies in 23 states
8 had the capacity to make that link in 2010 and if you look at the
9 map for 2016 you see a really a massive growth in that capacity
10 over a really short period of time.

11 So now we are up to 47 agencies in 42 states that
12 can link between higher education and work force data. On the
13 other end of the spectrum there are 29 states that have access to
14 both K-12 and work force linkages so that enables a state to follow
15 a student all the way through the pipeline from kindergarten to the
16 work force.

17 So an institute thinking about the data elements that
18 are included in these systems -- we polled agencies about how they
19 use these systems and these are the most frequently cited use cases.
20 56 of the respondents -- so almost everyone, reported that they use
21 these systems for generating reports and statistics.

22 At the bottom end of this list 39 agencies reported

1 that they used them for external reporting. So that would be things
2 like submitting information to IPEDS, the federal reporting system
3 or to Complete College America, things like that other state-wide
4 projects.

5 Those bullets in the middle I think are the most
6 interesting uses for these systems and they are used for decision
7 and policy making, research questions, collaborating with other
8 sectors and importantly in many states providing information to
9 students and potential students.

10 We also looked at what respondent's saw as the
11 value of these systems and this was an open response question but
12 several themes clearly emerged from the responses. One of these
13 is efficiency. This was cited twice as much as any other value of
14 these systems.

15 They increase efficiency in that -- if you can
16 imagine if you were a legislator in a state and you needed to ask
17 every institution within that state to provide say a graduation rate,
18 it is much less efficient than going to a centralized data system and
19 getting a single answer from that agency.

20 It also increases the consistency of the metrics, if
21 you are able to calculate it using one consistent data source.
22 Student success was also cited frequently. Many of these systems

1 are used for things like high school feedback reports which provide
2 information to high schools about how their students do after they
3 go on to post-secondary education.

4 They use to study things like remediation and
5 student's progress through the educational pipeline. And also
6 importantly they are used for policy development so many of us in
7 higher education are familiar with that -- discussions about moving
8 from anecdotal to data-based decision making and these systems
9 are very important tools for that policy development in that
10 respect.

11 Finally, I would like to talk a little bit about
12 conditions for effective use of these systems. These are some
13 highlights that we included in the report. So first, insure privacy
14 and security -- a lot of the information that is included in these
15 systems is really sensitive so states need to take steps to make sure
16 that the technology they use is secure, have governance structures
17 in place, limit access to personally identifiable information and of
18 course make sure they are in compliance.

19 Second, I think state agencies that use these systems
20 need to address perceived barriers. Most frequently the barrier that
21 is cited is resources so a lot of state agencies are sort of data rich,
22 analytic poor. They have information that they struggle to have

1 appropriate resources in some cases to fully utilize.

2 Also data quality and data integrity are sometimes
3 cited as perceived barriers. Sustainability is another issue both in
4 terms again of the technology that is used to support these
5 structures. Some of them are home-grown technologies and the
6 agencies have to work to maintain their stability.

7 There is also sometimes concern about funding to
8 maintain these systems and promoting or maintaining the
9 appropriate relationships with governance structures in the state.

10 Stakeholder engagement is seen as a way of
11 addressing some of these concerns. So the more these systems are
12 used and state agencies are providing information that is useful to
13 decision-makers, a lot of times that will help address the issues of
14 funding and sustainability.

15 Alright so here's my contact information. Again,
16 this is merely a highlight of a larger study and I would be happy to
17 provide the full report to folks if they are interested. Yes sir?

18 CHAIRMAN KEISER: I'd rather go through their
19 presentation and then we can ask clarifying questions.

20 MR. LANE: Okay I can get started while they pull
21 up my presentation if that works. My name is Patrick Lane. I am
22 from the Western Interstate Commission for Higher Education.

1 Thank you very much for the opportunity to speak with you today.
2 WICHE which is our acronym, we are not great at acronyms is one
3 of the four regional higher education compacts.

4 We obviously focus on western states and our
5 mission is to promote access to and excellence in post-secondary
6 education for all residents of the west. Under that fairly broad
7 mandate that gives us the opportunity to work on a lot of different
8 post-secondary, even K-12 and workforce related issues that affect
9 not only students in the west but across the country.

10 The project that I am mainly here to talk about
11 today is called the Multi-State Longitudinal Data Exchange. And
12 building off of what Christina talked about what we noticed in
13 speaking with some of our states and talking about how they were
14 using their state longitudinal data systems as they were developing
15 was that there were big gaps that they were finding.

16 There were gaps in when they were able to make
17 linkages to their state unemployment insurance offices to gather
18 workforce outcome data. They were missing students who were
19 self-employed. They were missing students who were working for
20 the federal government or in the military and crucially they were
21 also missing information on students who crossed state lines.

22 In the west -- that's not necessarily a huge concern,

1 there's only one metropolitan area in the west that straddles the
2 state border, Vancouver, Washington and Portland, Oregon. Most
3 of the rest of the cities in the west are situated in the middle of the
4 states or on the coast.

5 But even with that geographic limitation the states
6 that we work with were concerned enough that they were missing
7 so many students as they looked at their employment outcomes
8 that they didn't feel that the measures they were putting out were
9 necessarily fully representative of the work that their institutions
10 were doing.

11 And it's the uses that Christina talked about in
12 terms of policy development and consumer information as those
13 were being able to put information out, questions were raised about
14 whether that is complete enough information.

15 So if we look -- here's a rough conceptual map of
16 the state longitudinal data system. We are giving this one credit in
17 that they are able to connect their K-12 systems to the labor force.
18 Also able to connect post-secondary systems to the labor force and
19 recognize that there is quite a bit of swirl in that.

20 What we try to do is to draw in those light blue
21 squares to gather information from other state's educational
22 institutions and other state's labor forces and provide that data

1 back to states in a way that they can use it for all of those uses that
2 Christina already outlined -- policy development, consumer
3 information, accountability questions.

4 Without that data there are certainly some
5 institutions and some programs that are under reporting results.
6 They may be reporting results that are better than what they are
7 actually doing or they may be reporting results that are actually
8 worse than what they are doing.

9 So after discussions with our states, we embarked
10 on a pilot project to link together data in four states. In the west
11 we wanted to bring in Washington and Oregon because of the
12 metropolitan area I mentioned but they had actually been
13 exchanging data amongst themselves for a couple of years so we
14 wanted to add a couple of other states to enhance the proof of
15 concept.

16 Idaho was very interested and Hawaii as well. So
17 with those four states with which we somewhat jokingly refer to as
18 four contiguous states separated by small bodies of water we were
19 able to look at how their students are flowing between states and
20 whether it makes a difference in the outcomes that they are
21 reporting.

22 So some of the things that we looked at and you

1 can't really see this too well but this is a google map -- I googled
2 hospitals near Vancouver, Washington and Portland, Oregon. The
3 important thing to note is that blue river running down the middle
4 is essentially the state border.

5 And what you see is there are a number of hospitals
6 within a couple of blocks of the state line. Then if you google
7 community colleges near Portland, Oregon you see also that there
8 are any number of institutions very close to the border. I think it is
9 pretty reasonable to suspect that a lot of students going through
10 nursing programs, some of the other health related fields, are
11 seeking employment on both sides of the river.

12 So it is probably under-reporting results if those
13 states only looked at their results from the students that stay in
14 state. So the pilot worked. We were partners with the National
15 Student Clearinghouse who Doug will talk in a second and then
16 these four states and various agencies within them.

17 We worked to create data sharing agreements that
18 would allow them to share data at the individual level and we
19 believe crucially, identifiable data that they could pull back into
20 their own state data systems because states have such different
21 requirements, different programs, different policies.

22 If you give them back aggregate data or de-

1 identified data it really limits the usefulness -- so, what we found
2 just from this pilot -- this chart here shows the wages of Bachelor's
3 Degree earnings in health fields from Washington State by where
4 they ended up employed.

5 The red bar is for individuals who are employed in
6 the other three states and the blue bars are for those individuals
7 who stayed in Washington. The wages reported here are quarterly
8 earnings, so what you see is that there are significant differences
9 between the earnings of health graduates.

10 If they left the state they earn significantly more.
11 We didn't investigate why, we didn't talk about the policy
12 implications, some discussion may be there is a premium for going
13 to rural areas like you might find in Idaho.

14 But it was more about the proof of concept. We
15 also found significantly higher earnings in STEM fields which you
16 might expect given Washington's engineering economy that
17 people go into Boeing and elsewhere in and around there may be
18 making more than if they stayed in Boise or Portland.

19 We also looked at just you know can we find more
20 individuals, the individuals that are missing from your own states
21 UI files. So in Idaho they were able to find 56% of their recent
22 graduates in their own state wage records. When we added in

1 Hawaii's data we got less than 1% so somewhere around 10 people
2 moved from Hawaii or Idaho to Hawaii. But then we added in
3 Oregon and Washington and we ended up reducing that
4 uncertainty in Washington's analysis by about a fifth.

5 The number of not found individuals decreased
6 from 44 to 35%.

7 The way the exchange works and we are now in the
8 process of rebuilding it and launching it much more broadly and
9 working in other regions to sort of spread this across the country is
10 that states share identifying data -- name, date of birth and a social
11 security number that has been hashed and encrypted so that it is
12 reasonably well protected.

13 And the central system matches these identities
14 across state lines. So they say okay here's a Patrick Lane from
15 Oregon, he has the same date of birth as the Patrick Lane from
16 Washington. The social security number matches up so we know
17 that is a match.

18 Once that happens a state can then send in a data
19 request, the central cross-walk table says okay we know that there
20 is data on Patrick Lane in these three states so we send out to them
21 a request for those data elements and those states return it directly
22 back to the requesting state.

1 Building on some of the data elements that
2 Christina talked about, here's a quick list of the data elements that
3 are included. Because the data are re-identifiable while they are
4 traveling around the system they will essentially be identified but
5 states can pull them back into their own systems and link them to
6 their own records so they can then evaluate their own policies and
7 programs.

8 But we have a range of demographic data elements,
9 a handful of education data elements and then the basic data
10 elements that are available in the unemployment insurance file,
11 earnings, employer ID, industry code. We have built the system to
12 be fairly flexible to add new data elements so if and when ours
13 worked and stock codes are available that would be able to come
14 through as well.

15 A few other points -- one of the issues that we are
16 keenly aware of is the coverage, how many students within a state
17 are covered by this system. And that essentially depends on the
18 coverage within the states. Some of the states will be in the new
19 re-launched exchange, have data from independent institutions,
20 some of the states don't, some state's it's just the public
21 institutions.

22 To Christina's point around data quality and

1 integrity we have done some survey work of key date staff in the
2 state's we are working with. We had an interesting finding that
3 they were very concerned about the data quality coming from other
4 states -- that was one of their big worries about this project.

5 But then a separate question that asked them about
6 their own data quality they were convinced that their own data
7 were perfectly clean and of the highest quality. So there is a little
8 bit of a disconnect there.

9 With these elements we think that they are basic
10 enough and common enough and states really have been
11 developing their systems that there is reasonable data quality to
12 make research-based conclusions.

13 We don't think this system is set up to be a
14 transactional system. The quality and the assurances around
15 matching are just not ready for that type of use yet. But in terms of
16 policy evaluation and those types of things we think it will suffice
17 for those needs.

18 Here's the contact information. Again happy to
19 answer any questions and send additional information about the
20 project.

21 CHAIRMAN KEISER: Frank, Ralph and then
22 Brian.

1 VICE CHAIRMAN WU: So this is a question for
2 either or both speakers. And let me preface it the question doesn't
3 indicate anything about my view one way or the other about a
4 federal student unit record system. The question is simply this. If
5 you aggregated all of the existing state systems and coordinated --
6 so if you just took all of them in their present form -- are they the
7 equivalent of a federal system or what's different?

8 So what I am getting at is I know for various
9 reasons across the spectrum from left to right, some people are
10 enthusiastic and some of them are unenthusiastic about a federal
11 system so I am just wondering.

12 The existing states -- add up the whole thing, has it
13 already been built? And if not, could you just coordinate all the
14 state systems and produce the equivalent of a federal system?

15 MS. WHITFIELD: So I would say that no it is not
16 exactly the same thing as a federal system in part because there is
17 so much variation, there is significant variation among the states.
18 So if you added them all up you would not have a uniform system
19 as they currently exist.

20 And Pat knows more about the ease with which you
21 could stitch together all the data.

22 MR. LANE: Alright so I will start by pushing back

1 a little bit on the premise of the question. And that would be to
2 clearly define for what you are building in the federal system. If
3 the federal system is being built to have information on every
4 student and every institution for accountability purposes and
5 federal policy purposes, would that be --

6 VICE CHAIRMAN WU: So let me say for noble
7 and good reasons and only noble and good reasons we wanted to
8 see students as they moved through the system and let's say -- I'll
9 make it simple, let's say we just wanted to assess one thing.

10 We just wanted to see what happened when they
11 graduated, employed or not. So let's just leave it at that. Did they
12 get a job?

13 MR. LANE: Sure.

14 VICE CHAIRMAN WU: But we want to
15 distinguish between the person with the same name so I -- there's
16 something like three dozen people with my name. You wouldn't
17 think it is common but it is astonishing that every now and then I
18 get an email meant for another Frank Wu.

19 MR. LANE: So to follow-up on Christina no we
20 are not there yet at the state level but a few other points. I think
21 you do raise important concerns about names. I have heard a story
22 I don't know if it's true or not. It's anecdotal or as somebody once

1 said its artisan hand-crafted data.

2 There is something on the order of tens of
3 thousands or 100,000 individuals with the name Jose Rodriquez in
4 a California data system. There are differences by race and
5 ethnicity when you look at names and when you look at the quality
6 of matching so that's an important consideration.

7 If you are looking solely at two people get a job
8 after they graduate, the state systems aren't there yet primarily
9 because they do not all have complete coverage within their state
10 borders.

11 Some states as I said don't have data on
12 independent institutions but I think that as a use there are different
13 people who are interested in that question so you have to be careful
14 here. If you are talking about from the state perspective they may
15 have policies and programs in place that are trying to help people
16 get jobs so they need data back in a way that is useful to them.

17 The federal government has concerns about our
18 taxpayer dollars being used wisely and helping people get through
19 college and get reasonable jobs. So I think the difficulty in
20 connecting different systems is not one to walk past. I think it's
21 probably easier to connect 50 data systems to the federal system
22 than to connect 5,000 institutions to the federal system.

1 VICE CHAIRMAN WU: So two quick -- one
2 quick follow-up question and then I'm going to try to summarize.
3 The follow-up question is -- is anybody attempting to coordinate
4 all the systems or does nobody want to do that or if people
5 concluded it is worthless or silly -- that's the first question.

6 Is anybody at all, whether it is a non-profit, a
7 government, a consortium of states out there trying to do that,
8 that's the first question?

9 But here's the comment -- I sense that there are
10 three problems here totally aside from whether we want to do it or
11 not. So there are people that just don't want to do it but even if we
12 wanted to do this there are three problems. One is you have
13 identified data quality -- some of the data out there it's just not
14 good data, they aren't actually facts because the names are
15 confused or you know, there is just something wrong with the data,
16 so one -- data quality.

17 Two -- different states have different definitions so
18 they just frame things differently because they have built these for
19 different purposes they have different industries so they are using
20 maybe even the same words to mean slightly different things, so
21 that's two.

22 Three -- there's some sort of technical computer

1 issue trying to get these systems to talk to one another, they are
2 probably stored in different databases, stored in different formats,
3 you know, so that's what I would say -- data quality, inconsistent
4 definitions and some sort of technical issue.

5 But is anyone out there actually attempting to build
6 some giant comprehensive data base?

7 MR. LANE: We are.

8 VICE CHAIRMAN WU: But just for the west.

9 MR. LANE: Our mandate with this latest grant is
10 to go across the country so we are working with states in other
11 regions and it is slow going and right now it is a voluntarily
12 initiative.

13 So you know it is sort of our wit and charm and
14 making a use case to states is what gets us in the door. So that's
15 sort of the governance regime that we are operating under. I think
16 the points that you have raised -- data quality, it sort of is what it
17 is.

18 I think, and Christina might have more feelings on
19 it, data quality has improved significantly as states are using the
20 data more and that's the best way to improve it. Is it perfect? No.
21 But I think we can do more today to test the data quality and to do
22 research and draw conclusions with understanding there is some

1 error there, so I think that's one issue.

2 Definitions on some elements are very difficult and
3 states have different definitions but sort of the core questions that
4 you are talking about I think it is not unreasonable that we could
5 come to some consensus across the country.

6 The elements that I listed we have had some
7 difficulties around development around remedial education flag
8 and we are just sort of throwing up our hands for now and saying
9 send us your data and some metadata about what that means to
10 your state and then the researchers decide how they want to handle
11 it.

12 Technical issues I think are surmountable. You
13 basically lock really smart people in a room and throw in food and
14 water until they have a solution. But these types of data systems
15 have been built in other domains effectively so they can't and we
16 can overcome the technical challenges.

17 VICE CHAIRMAN WU: Just one very quick last
18 question. I just want to make sure I understand who you are. You
19 are a private non-profit entity?

20 MR. LANE: Yes. Congressionally chartered non-
21 profit organization but we are working with the states and the goal
22 is that we get this system up and running and create a 501C3 that is

1 turned over to the states themselves.

2 CHAIRMAN KEISER: Arthur?

3 MR. ROTHKROPF: Thank you Frank for your
4 very helpful questions. I apologize for getting to at least my own
5 conclusions on the matter but I will not be here tomorrow for the
6 policy discussion because I have a conflict with another
7 organization not located in the Washington area so I have got to
8 leave for out of town later today.

9 I want to comment WICHE for its efforts. I think
10 they are remarkable and heading in the right direction. I have to
11 say that my own view and it has been this for quite a long time that
12 we cannot really deal with the outcomes that we want to hear about
13 here in NACIQI without the federal system.

14 I think your efforts are highly commendable, you
15 are working very hard at it, but I think at the end of the day there is
16 still going to be gaps between states. As I understand it private
17 institutions are not covered at all is that right?

18 MS. WHITFIELD: It varies by states. Some
19 systems do include private institutions but not all.

20 MR. ROTHKOPF: Same, so you know there are
21 too many gaps for getting a really reliable system. I mean you
22 know throughout yesterday we heard oh we can't rely on this

1 because it only covers first-time, full-time students and this system
2 doesn't work for some other reason.

3 I know there was a major discussion several years
4 ago about that in the Congress and Congress decided against going
5 ahead with a federal system. Things are changing, there is much
6 more focus on accountability and outcomes such as reflected in our
7 conversations here and if anyone thinks their data is private they
8 are living in another world.

9 I mean we know from recent events that you know,
10 the privacy issue is shrinking as an argument at least in my own
11 view. And I guess finally I would note that NACIQI has addressed
12 this question in at least one of our reports. We have had two
13 reports since we have been reorganized under the new format and I
14 recall at least the last one makes a favorable nod in favor of a
15 federal system but says it requires more study.

16 But I do think as a group we have said some
17 positive things about it and I would urge in our discussions
18 tomorrow and as this discussion proceeds that we do move in the
19 direction of a federal system that we as a group think it is a good
20 idea as more in the Congress are favorably disposed to it and
21 there's more legislation being introduced which at least in my view
22 is a very good idea.

1 So thanks very much for your presentations I think
2 they were very helpful.

3 CHAIRMAN KEISER: Ralph? By the way I
4 apologize because you really were first.

5 MR. WOLFF: Thank you, yeah and I am looking
6 forward to our discussion tomorrow too. But some questions for
7 now. I was going to ask about private institutions so I know it is a
8 mixed bag. But let me follow-up if WICHE goes forward are you
9 going to try to include with a new national system all institutions
10 or only with state institutions?

11 MR. LANE: So we would include the data that
12 state systems themselves have available.

13 MR. WOLFF: So this could be mixed.

14 MR. LANE: Yeah which could be mixed -- some
15 of the states that we work with have data on every student that is in
16 their state borders. Some states have only students from public
17 institutions.

18 MR. WOLFF: Thank you. I'm also wondering
19 about employment data. I take it do the states -- I mean one of the
20 big issues is the first job -- the first thought is do they have a job at
21 the point of graduation, six months after graduation, a year after
22 graduation, there are many different levels -- three years out what

1 is the transition to further employment and the career changes that
2 students go through.

3 So as data is collected on salary and employment is
4 that mixed too or is there a move toward a common definition of
5 times of collection et cetera?

6 MS. WHITFIELD: So more and more states over
7 time have access to that information and they have more
8 longitudinal information so my response to a lot of these questions
9 will be it varies by state and that's true here too.

10 But there are several states now that have the
11 capacity to link -- they can report out one, five even ten years out
12 so definitely the capacity to report long-term employment
13 outcomes is spreading.

14 MR. WOLFF: Great.

15 MR. LANE: And if I could build on that there is
16 important research that these snapshots in time rather than a true
17 longitudinal analysis capture different cohorts so the cohort that
18 you are looking at one year out is different from the cohort you are
19 looking at if you just looked ten years out.

20 So there are differences, you know and there would
21 be differences if you were able to do a true longitudinal analysis
22 over time. And some states are starting to be able to show those

1 differences.

2 MR. WOLFF: I also wanted to ask about this
3 aggregation by program. I know in health and business and the
4 like -- again like IPEDS data is only institutional then you could
5 look at how many degrees were awarded.

6 I mean you have to kind of mix and figure out the
7 correlation but do the states, do many of the states work on
8 program level data as well? Because this whole issue of bright
9 lines and all that's one question and maybe you could link together
10 where is the National Clearinghouse data?

11 Is it data more comprehensive than the data you all
12 are working with? I'm trying to understand what kind of data sets
13 can be used to actually inform not only our judgment but
14 institutional and policy-making judgments about real outcomes,
15 completion, persistence, job placement, all of those things.

16 MS. WHITFIELD: So almost all of these state
17 systems have program and course level information so they are for
18 the most part able to say, yes, here's a success rate for particular
19 programs at particular institutions.

20 Not all of the systems include grades for instance
21 but for the most part they know what kinds of classes students are
22 enrolled in and what the population is of different programs.

1 Regarding the Clearinghouse data what is submitted to the
2 Clearinghouse is in general a subset of what the states and it is not
3 only the states that are doing the reporting with Clearinghouse it is
4 an institutional reporting relationship to the Clearinghouse.

5 But typically and Doug Shapiro is here he could
6 probably answer that question better than I can but the states have
7 access to more information than has been submitted through the
8 Clearinghouse.

9 MR. LANE: And the Clearinghouse does have
10 broader coverage than most.

11 MR. WOLFF: They include all institutions and I
12 think they say 98%.

13 MS. WHITFIELD: Right so I guess to clarify a
14 subset of those sort of range of data elements, but as Pat indicated
15 more institutions.

16 MR. LANE: The data is more granular.

17 MR. WOLFF: Right my final question for now is
18 could you talk about issues of security? One of the big issues
19 around any federal system is the concern about security. As states
20 have addressed this I mean how have they addressed security?
21 Have there been breaches? Are there issues? Are they using
22 differentiated methods of identification? How do you see going

1 about this because it is the primary concern of many institutions
2 and policy makers.

3 MR. LANE: Sure. I think this is an area where if
4 and let me back up for a second and explain WICHE's position on
5 a federal student unit record system so I don't get in trouble. We
6 are officially neutral on whether there should be a federal student
7 unit record system because our states -- some of our states disagree
8 about it.

9 But we do believe if there is to be one it should
10 provide data back to the states in a useable manner. So as I talk
11 about that I am not necessarily endorsing one way or the other.
12 But I think if the federal government is to go ahead and build a
13 student unit record system they would do themselves a great
14 service to learn from the states that have been doing this and are
15 really leaders in ways that you can collect and maintain the
16 sensitive information and provide as much protection as possible.

17 Because the key is you can't access employment
18 information without a social security number. That is
19 unfortunately a fact of life. But there are ways to treat the social
20 security number and to develop it into what they call tokens and
21 things where you are essentially masking it and rendering it
22 unusable for any other use.

1 But if you do that on both ends of the pipe in the
2 same way then you can access the wage information without
3 putting the social security number at as great a risk. So there are
4 states that are doing great stuff.

5 On the other hand there are and have been breaches
6 at the state level as there have been at the federal level. Most of
7 these have been human errors. Somebody leaves workforce data
8 file in a publicly accessible spot on the web -- that's not great.

9 There are more and more bad actors that are trying
10 and sometimes succeeding to access different state data systems as
11 they are doing at the federal level. So I think any design of a large
12 data system should be undertaken with the principal that we should
13 be prepared for the data to be breached, if that makes sense.

14 We should structure it and built it in a way so that if
15 the data are accessed, the damage is minimal.

16 CHAIRMAN KEISER: Susan, Paul, Claude,
17 Simon?

18 MS. PHILLIPS: Thank you, thanks for a very
19 informative presentation. My question is sort of the flip side of
20 Ralph's which has to do with legitimate access and use or accepted
21 access and use. What can you tell us about who or what kind of
22 entity has access to the information in the databases and as you

1 imagine that 501(C)3 eventually what might be the access end use
2 at that point? Okay so that's blue sky but give me a sense of where
3 things are now.

4 MR. LANE: So currently when we get the new
5 system up and running no third parties will have access to
6 individual level data. That's primarily because the employment
7 data that are involved even though they could be de-identified and
8 carry strong protections and states aren't ready to relinquish
9 control of their data to some other entity that which third-parties
10 get access to the data.

11 Individual researchers and external organizations
12 can submit data requests and enter data sharing agreement
13 individually with the states themselves. And more and more states
14 are doing this and have well established processes that consider
15 your research needs, how it fits with state mission and your
16 capacity to carry out research.

17 And I think those processes are becoming more and
18 more regular so there is access. In the long run we would leave
19 that question up to our states, how they want to proceed on that. I
20 think there would be certain value in having some way for you
21 know researchers and others to be able to access this type of data
22 but we wouldn't presume to speak for the states on how they want

1 to do that. I think states are very concerned with sort of the data
2 getting out of their control if that makes sense.

3 CHAIRMAN KEISER: Paul?

4 MR. LEBLANC: Given some of the issues that
5 people and some colleagues of mine have voiced on the IPEDS
6 and the degree to which it does or does not actually capture their
7 institutions.

8 Have you seen states that you think do a stand-out
9 job in terms of the way they are structured and the kind of insights
10 you get into institutional performance? I personally would like to
11 sort of look at that at some point, a state that you think sort of gets
12 to a much more robust data set that allows you more nuance to
13 understand the institutional performance.

14 The bulk of the resistance will be at the institutional
15 level.

16 MS. WHITFIELD: Right I would point out to
17 Tennessee which is doing a lot right now in terms of innovative
18 policies in higher education. They have a very strong data system,
19 a very strong analytical capacity especially given the number of
20 questions that have come up about private institutions.

21 Tennessee is one of the states where some but not
22 all of the private institutions in Tennessee participate in our state

1 data system. It's voluntary for the private institutions but because
2 they have the capacity to link to employment outcomes, that's been
3 sort of the carrot to inspire more private institutions to participate.

4 They want that information about their students so
5 they volunteer to be part of the system in Tennessee.

6 MR. LEBLANC: Do you know if any are linked to
7 the DOE or VA data or is that sort of not because it is the VA and
8 federal.

9 MR. LANE: Yeah there's a lot of states that link to
10 the federal employee data exchange system, FEDES and through
11 that you can get federal civilian employee data for a lot of different
12 uses.

13 And I think you can get DOE data for very limited
14 required federal reporting, I think. But the FEDES data is
15 available and states do access it and it does make a difference. We
16 were working with Hawaii and they were able to access the
17 FEDES data and suddenly a program at one of their community
18 colleges that essentially people have graduated from it worked on
19 submarine maintenance, Pearl Harbor, it's kind of a big employer
20 there so suddenly the outcomes for that institution and that
21 program looked substantially better once they got FEDES data so
22 that's an important consideration.

1 MR. LEBLANC: Thank you. Christina you
2 mentioned Tennessee -- are Tennessee or others taking this data
3 and done groupings around either mission or institutional type so
4 that you get a fair kind of apples to apples performance
5 comparison by institution?

6 MS. WHITFIELD: I would say it is a pretty
7 common practice to look at institutions by sector and separate out
8 your research ones from the two years from the comprehensive
9 four years, I think that's a pretty common practice when you are
10 setting up accountability metrics.

11 MR. LEBLANC: Has anyone tackled it from a
12 student demographic prospective?

13 MS. WHITEFIELD: Sure. So again if you looked
14 at performance indicators in various state strategic plans, a lot of
15 them have or are dis-aggregated by race, ethnicity or PELL status
16 or we see performance funding -- increasingly these systems are
17 being used for performance funding systems and a lot of those
18 formulas have a kicker, say for adult students or low-income
19 students.

20 MR. LEBLANC: And to echo Art's call, I think
21 Art you may have had a role in the 2012 NACIQI recommendation
22 that we move in this direction. I think we have moved -- so our

1 industry and the public discourse has moved in a way that we now
2 have a bi-partisan support, pending recommended bills are going to
3 the student unit record both with the data of the program and at the
4 institution which I think having both is critical.

5 We live in a big data era. The notion that we would
6 as a society spend this enormous amount of our treasure on higher
7 education and not have data insights seems bewildering to me.

8 CHAIRMAN KEISER: Claude, the person that just
9 got complimented.

10 MR. PRESSNELL: Well and some of my questions
11 have been answered but yeah tomorrow I would be happy to offer
12 up some more information about what we are doing in Tennessee
13 and how we got the independent institutions, my members,
14 involved in the data set.

15 And I will tell you it is largely due to the local
16 control of the data. So once you federalize it and you throw it
17 clear up here and then you lose the local control and you are going
18 to have more resistance to participate in any of this.

19 So I am just the model, the model is working we are
20 moving along, we are expanding participation in it over time
21 because there is local control over it. But my questions were
22 actually asked by previous -- Paul asked a couple of questions that

1 I was going to as well but I do look forward to tomorrow's
2 discussion where we can get into the nitty gritty of it.

3 CHAIRMAN KEISER: Simon?

4 MR. BOEHME: Thank you so much for being here
5 and I have been looking forward to this presentation and I share
6 many of my colleagues -- Ralph, Frank, and Paul's. Claude I'm
7 really excited to hear about Tennessee. I read about that state-wide
8 system and I think there is a lot of exciting movement.

9 But because we are an advisory panel that looks at
10 accreditation I have one scenario I would like for you to think
11 about. If we did not have a federal system and all 50 states had
12 different state-wide data collection systems and there were no
13 changes made to our regional accreditation or the regional
14 accreditors, what would be the challenges for accreditation
15 agencies and particularly the regionals to go state by state to look
16 at each data system?

17 Would they have the capacity to do that and access
18 the data and my own opinion is that many of the regional
19 accreditors would come up here and say oh well the data is so
20 different from state to state.

21 But walk me through if we did not have that federal
22 system, what would be the challenges, particular to accreditors in

1 using that information for making decisions but also in telling us
2 and helping us to formulate policy?

3 MS. WHITFIELD: So I am not an accreditation
4 expert so I'm sure how informed this response will be but I would
5 say that there are examples of data collection activities across --
6 and I am not talking about these student unit record systems
7 necessarily but the SRB data exchange for instance this has existed
8 in the south for many decades and they collect consistent
9 information across the southern states.

10 So Complete College America does a -- I think it is
11 up to 35 states now submit standardized aggregated information to
12 that project so there are models that you could build upon to collect
13 consistent information across the states involved with each
14 accreditation agency.

15 Would it necessarily be the most efficient way to do
16 it? Not necessarily but I think it would be possible.

17 MR. LANE: Yeah I think I would agree with that.
18 I think there is some -- you know the definitions around things like
19 earnings are on the one-hand straightforward. How much did you
20 make in quarter 1, quarter 2, quarter 3, quarter 4 -- but once you
21 talk about when do you start that measure and how do you
22 annualize it there is an agreement across the country and

1 everybody does it a different way.

2 I think there is starting to be some actual research
3 done which is a novel concept about what the best measure is and
4 how the best way to calculate somebody's annual earnings are.
5 Texas is doing some work with the Census Bureau and they -- I
6 recently heard have sort of a good definition for the best way to
7 calculate annual earnings.

8 So getting information like that and disseminating it
9 across the country would be a big step forward.

10 CHAIRMAN KEISER: That's a -- I have a
11 question because Frank's number two issue was the lack of
12 common definitions and kind of as an old china hand where I was
13 involved with the SPREE's in the early '90's and we went to
14 Tallahassee -- I'm from Florida, and we sat down to try to figure
15 out a metric of you know for a bright line for retention which is
16 kind of, you would think, pretty simple and off was the five
17 sectors, the vo-techs, community colleges, the state universities,
18 the independent colleges and the proprietary schools had five
19 separate, different, distinct definitions.

20 How do you deal with it without a common set of
21 definitions? How does the data have any relevance without a
22 common set of definitions?

1 MS. WHITFIELD: Several people have mentioned
2 IPEDS here today. I think for a lot of metrics and retention would
3 be one of them, I think definition sort of functions as a default
4 definition. So every institution has to have the capacity to match
5 that definition and a lot of state data systems similarly follow those
6 definitions as a standard.

7 But you are right that doesn't cover every
8 conceivable metric that you might want to calculate.

9 MR. LANE : And I think one of the beauties of
10 these data systems now is that if you have the raw data behind the
11 metrics it is possible to calculate and institutions and states are
12 doing it at this point, they are calculating things in three or four
13 different ways but it all based on that same underlying data.

14 So if you have a complete data set you could come
15 up with you could answer all five of those definitions and
16 everybody could put one out and you could compare them and do
17 some research on what the best one is and then select something
18 and probably upset four people out of the five.

19 CHAIRMAN KEISER: Any further questions,
20 Simon?

21 MR. BOEHME: I just want to keep going with that
22 line but I appreciate the Chairman jumping in. So given the

1 current state of the state systems and maybe you too are not the
2 right person but I ask this question for my colleagues is that it may
3 seem unrealistic for creditors to go on a state-by-state basis looking
4 at each state-wide system, given as both of you have so nicely
5 stated.

6 Well IPEDS may act as a default denominator for
7 these types of definitions yet it is not ubiquitous and is that fair?

8 MS. WHITFIELD: Yes that's fair.

9 MR. BOEHME: And is it also true that when a
10 student crosses state lines for work or grad school that they would
11 typically fall off the map of that state-wide data system?

12 MS. WHITFIELD: Yes.

13 MR. LANE: To some extent, there are a couple of
14 efforts out there, the wage record interchange system known as
15 RIS, RIS2 which is the second iteration of that that allows states to
16 get back aggregate data.

17 The employment agencies get back the individual
18 level data from other states and there are 40 some odd states
19 participating in that. There's also talk at the Department of Labor
20 of RIS3 which I believe is going to be called SWISS or something
21 they ran out of acronyms.

22 I couldn't tell you what it stands for but it

1 recognizes just that problem. And I think in some states, in some
2 regions at some institutions that is a huge issue. You are losing a
3 large number of people but I think there are ways that states and
4 others can pull that data together.

5 MR. BOEHME: And one question I have because I
6 also agree with Ralph and other people that have brought this
7 question about the protection of student's data and privacy is a
8 major concern. Have you known of any incident that you are able
9 to talk about that there has been a hacking, there has been some
10 sort of data system that has been illegally accessed to your
11 knowledge?

12 MR. LANE: State data?

13 MR. BOEHME: Yeah.

14 MR. LANE: Anyone general or state education
15 data system or state longitudinal data system --

16 MS. WHITFIELD: I'm not aware. That doesn't
17 mean there hasn't been one I'm just not aware if there has.

18 MR. LANE: Yeah there were attempts I think that
19 were stopped in some instances of some apparently Russian
20 hackers. There is also an instance in one state where data was left
21 on a public website -- it was employment data.

22 There are also -- I couldn't tell you how many

1 number of examples of institutions found being hacked and you
2 know the federal government itself. So you know the data are not
3 all in a single system or in some states state longitudinal data
4 systems actually, you know, all the institutional data systems at
5 any point in the pipeline of data there have been instances of
6 breaches.

7 CHAIRMAN KEISER: Kathleen?

8 MR. PRESSNELL: Okay I wanted to just say
9 something on that point particularly, I apologize but tomorrow we
10 will get into this but there is a difference between privacy and
11 security and so you know and we will talk about this tomorrow.

12 But one privacy issue is should the government be
13 tracking somebody cradle to grave?

14 CHAIRMAN KEISER: And Kathleen, you might
15 be the last one.

16 MS. ALIOTO: Thank you very much for your
17 presentation. I wondered in terms when you put up the slide
18 regarding remediation are there discussions among those states
19 about what they are -- how they are intervening between
20 remediation and how if they start early you can for example in high
21 school rather than waiting until students get to college to do a
22 remediation?

1 MS. WHITFIELD: So there is a lot of attention
2 being paid to remediation. I would say that information about
3 particular interventions and how well they work is not strength of
4 these systems. But some states are trying to move towards
5 including that type of information within their state data systems
6 and there is some obviously cross state collaboration around
7 developmental education.

8 But as Pat mentioned earlier developmental
9 education is one of those things that is not standardized so there is
10 significant variation from state to state about what qualifies you to
11 be in developmental education and what the options are once you
12 have been identified.

13 There's not a national standard around that.

14 MS. ALIOTO: Well then when you put that
15 together with IPEDS comment that five different bodies have
16 different definitions of remediation so that becomes even more
17 dicey.

18 MR. LANE: Building on that there are even some
19 cases in some states where the standard isn't uniform across the
20 state. But there are -- the states that we are working with are very
21 interested in how their interventions in high school are playing out
22 so they want that data from other states, even if it comes back and

1 says you know these 10 people were in different states for a
2 mediation program because of criteria X -- they scored a 20 instead
3 of a 21.

4 These other people scored a 20 or a 21 and they are
5 not in remediation but if they get that metadata back they can do
6 something with it and sort of apply it to their own definitions and
7 policies.

8 MS. ALIOTO: And the other question I have is are
9 you working in any way with Facebook or Google or any of these
10 huge or Salesforce, these companies that probably have more data
11 than state or federal government?

12 MS. WHITFIELD: So one of the examples I can
13 give is that some of the state systems are using Burning Glass data
14 which is Burning Glass if you are not familiar with it is a web
15 crawler that picks up job postings so it is not personally
16 identifiable information but some states are using it in supply and
17 demand analysis to say here are the jobs that are in demand in our
18 state and I believe that Linked In is trying to gather information
19 about career trajectories from their data, but I think that is in their
20 early states at this point.

21 CHAIRMAN KEISER: I want to thank Patrick and
22 Christina for being here and sharing with us. We do have three

1 commenters. You are welcome to stay around with us but again
2 we appreciate the time you have taken and the very informative -
3 and you can tell from this group it is a critical part of our
4 discussion every meeting that we have so thank you for being here.

5 And if I may call Dr. Doug Shapiro, Executive
6 Director of the National Student Clearinghouse Research Center
7 and Doug you have three minutes and I will say thank you at the
8 end of three minutes. Try to be brief but sometimes it is hard for
9 me but the stage is yours.

10 MR. SHAPIRO: Thank you. So my name is Doug
11 Shapiro, I am the Executive Director of the National Student
12 Clearinghouse Research Center and I want to thank you for the
13 opportunity to speak to you today.

14 The National Student Clearinghouse is an
15 independent non-profit organization that provides compliance data
16 and reporting services to colleges and universities as well as data
17 verification exchange and research services to the education
18 community.

19 It has evolved over 24 years to serve a large
20 majority of institutions and cover nearly 97% of students in the
21 Title IV eligible degree-granting sector. It performs many of the
22 functions of a national student level data system plus other

1 functions that likely would not be performed by any public system.

2 It covers all types of students and institutions in all
3 states. In addition to direct value provided to the colleges, NSC
4 also provides critical missing pieces of the student outcomes
5 picture that most state data systems cannot offer -- students who
6 enroll out of state in private institutions in non-credit programs
7 leading to industry credentials or who transfer across state lines.

8 NSC does this with industry leading data security
9 and privacy protection and complete FERPA compliance. In
10 addition to our work providing institutional student outcomes data
11 to regional accreditors of which you are already aware, I offer
12 three more examples of our work on behalf of education.

13 First, student achievement measures -- almost 600
14 institutions use NSC to voluntarily provide student success and
15 progress outcomes to a publicly accessible consumer comparison
16 tool.

17 NSC also provides over 1,000 institutions with free
18 annual reports showing their student completion rates along with
19 national comparisons for their sector. These outcomes include
20 students even when transfers and non-traditional enrollment
21 behaviors would otherwise obscure them.

22 Second, research for improving student outcomes --

1 NSC provides direct value to institutions through research and
2 publications including reports on persistence, transfer and
3 completion to help them understand trends and compare their
4 results to national and state benchmarks leading to better programs
5 and improved outcomes for students.

6 We also enable our institutions to track their
7 students throughout post-secondary education.

8 And third -- industry credentials -- Clearinghouse
9 has been working with several states and industry groups like the
10 National Association of Manufacturers to conduct industry-
11 awarded credentials to student enrollments.

12 This work shows that colleges contribute far more
13 to student success than just degrees awarded. And NSC intends to
14 expand the linkage to wage records as well creating a nationally
15 scalable reporting system to benefit institutions, certification
16 providers and students by measuring a more complete ROY of
17 post-secondary education.

18 Although NSC does not take a position --

19 CHAIRMAN KEISER: Thank you. Go ahead and
20 finish please.

21 VICE CHAIRMAN WU: May I ask, I'll ask the
22 question that will allow it.

1 CHAIRMAN KEISER: Okay good.

2 VICE CHAIRMAN WU: Would you describe your
3 position on a federal student unit record system?

4 MR. SHAPIRO: Thank you. NSC does not take a
5 position on whether there should or should not be a federal student
6 unit record data system. But as the nation's most comprehensive
7 post-secondary student database we do have a perspective to share
8 based on our experience and that is that any state database, any
9 such database, federal or state should ensure data privacy and
10 security protections, provide value to the institutions who submit
11 the data, leverage existing data infrastructure, include evolving
12 education network force artifacts such as third-party credentials
13 and non-credit course work.

14 And finally evolve at the accelerating pace of
15 education innovation.

16 CHAIRMAN KEISER: Frank?

17 VICE CHAIRMAN WU: So could you be the
18 equivalent of a federal student unit record system? Why would we
19 build something if you are already out there and are doing some of
20 what we would want to build?

21 MR. SHAPIRO: We already serve as I mentioned
22 many of the functions of a national student unit record system. We

1 provide data at the student level where appropriate and in
2 aggregate in many other cases to serve the needs of institutions and
3 policymakers and the education community -- students, parents,
4 high schools, districts, states.

5 VICE CHAIRMAN WU: So here is a law
6 professor's hypo -- let's say hypothetically a federal student unit
7 record system is not feasible for whatever reason. Let's say
8 Congress chooses not to pass a bill that would create it. Could you
9 be built up into that if someone -- a foundation gave you 10 million
10 a year or the federal government gave money or if states put in
11 money, do you have a framework that could be scaled up and
12 flushed out to be the equivalent?

13 And I am not asking you to take a position on
14 whether it is a federal unit record system or not. In fact the
15 existence of one might not actually be good for you, it might wipe
16 you out or make you redundant but can you be turned into that?

17 MR. SHAPIRO: Well we currently have -- we
18 already have the framework, the infrastructure, the scale and the
19 data capabilities. What we don't have is 100% coverage. We are a
20 voluntary membership organization so while we cover 97-some
21 odd percent of students in degree granting institutions, that's not
22 97% of the institutions.

1 It is important to note that there are many small --
2 particularly very small institutions with only small numbers of
3 students who do not present any data to the Clearinghouse
4 currently.

5 VICE CHAIRMAN WU: Just to zero in on that.
6 What exactly are you missing? Is that the only thing you are
7 missing? So if we have the hypothetical federal system and then
8 what you already have, what's the difference between those two?

9 You just named something which is there are lots
10 and lots of small institutions so you are short by 3%, something in
11 that range which on this scale that's thousands and thousands and
12 thousands of people but what else is missing?

13 MR. SHAPIRO: Well we don't hold as Pat
14 mentioned, we don't hold the depth of distinct data elements that
15 many of the state systems hold and that some people have
16 considered that a federal system ought to hold.

17 The Clearinghouse generally includes only very
18 basic enrollment status information and degree information. We
19 have some institutions that provide us additional data and we have
20 the capacity to do that for things like course and credit earning
21 information and additional data elements.

22 But currently most of our institutions do not provide

1 those.

2 CHAIRMAN KEISER: Jennifer first and then
3 Federico and then John.

4 MS. HONG: Yes I think Doug answered it. I think
5 the idea is if -- if hypothetically there was a federal student unit
6 database and it linked to NSLDS it would also have to link to other
7 federal databases to get a comprehensive -- all the metrics that
8 Doug just described in terms of earnings, et cetera.

9 CHAIRMAN KEISER: Federico, John and then
10 Ralph and try to limit because we are running out of time.

11 MR. ZARAGOZA: Just a follow-up on one of the
12 items that you mentioned -- and that's kind of the availability of
13 outcomes data as it relates to placement and gainful employment. I
14 know that more and more colleges are utilizing the Clearinghouse.

15 But correct me if I am wrong, in addition to the
16 compatibility and definition issues you have also got the timing
17 issue. For example, our state of Texas, my data from courting
18 board is two years old so I can only report on students two years
19 backwards and that doesn't meet the gainful employment kind of
20 provisions.

21 MR. SHAPIRO: The Clearinghouse does have
22 generally more current data than typical state or federal data

1 systems. We receive enrollment updates from most institutions on
2 at least a monthly basis so we have very current data.

3 MR. ZARAGOZA: Self-reported data from the
4 institutions though not online data from the state data sources like
5 UI?

6 MR. SHAPIRO: That's correct.

7 CHAIRMAN KEISER: Just to remind the
8 members that we are going to have a big discussion about this
9 tomorrow. If the questions are specific I would appreciate you
10 focusing on that, Simon?

11 MR. BOEHME: Yes this will be a quick one. Is
12 the information publicly available?

13 MR. SHAPIRO: In aggregate form. We don't
14 have any public access to the student level data and the only
15 student level data we provide even to researchers is directory
16 information.

17 MR. BOEHME: So you charge for your
18 information? You have a fee?

19 MR. SHAPIRO: We have some fees so we don't
20 charge for research data, student level information that we provide
21 to colleges and universities. We charge small fees for high school
22 feedback reports that we provide to schools and districts and we

1 charge small fees for other educational organizations who want to
2 track students in post-secondary education through our data.

3 MR. BOEHME: Thank you.

4 CHAIRMAN KEISER: John then Ralph.

5 MR. ETCHEMENDY: Doug, I'm a fan of
6 Clearinghouse and I think you do a great job for what you do. I
7 was going to ask Frank the same question Frank asked which is
8 what is missing and I want to ask it again because there are
9 different ways that you can think of what's missing and one is with
10 the data elements and the other is with institutions.

11 You said 90-some percent of the Title IV eligible
12 institutions, what about non-Title IV eligible institutions? Suppose
13 you want to track a student who is ending up going to, you know,
14 some institution that doesn't participate in Title IV graduate levels,
15 something or other. So do you have those institutions as well?

16 MR. SHAPIRO: Those institutions are eligible to
17 participate in the Clearinghouse if they choose but very few do.

18 MR. ETCHEMENDY: Very few do. So what
19 would -- the second question is just if you were to try to beef up
20 and expand for example the number of data elements and renew
21 some of these other things that you don't currently include, would
22 that be possible? Would you be able to get the institutions to

1 provide in particular, past data, historical data for these other
2 items?

3 MR. SHAPIRO: Yes, we have had initiatives
4 where we asked institutions to provide us additional data elements
5 and additional historical data and they have been able to do that
6 and we certainly have the capacity to collect and store and use the
7 data.

8 Again the hurdle for us is the voluntary nature of
9 institutions submissions and from our perspective the limiting
10 factor is how much value can we provide back to the institutions
11 that make use of that data?

12 And if we can provide sufficient information and
13 reports and analyses and services that use the data, we find that
14 institutions are generally very interested in providing the data to
15 gain those services.

16 CHAIRMAN KEISER: Ralph?

17 MR. WOLFF: Good morning, a couple of
18 questions following up on Frank and John's questions. You
19 mentioned about being able to expand your data set to include
20 continuing education, certificates, as well as wage data.

21 And on the other hand right now all of your data is
22 from the institution so many institutions either don't have that data

1 or have it at a very different time. So I am not clear is the
2 framework that if you were to expand or as you plan to expand to
3 draw on other databases or to rely -- continue to rely only on the
4 institutions as the provider of the data?

5 MR. SHAPIRO: Yes the intention would be to
6 expand to linkages to other data bases. As Pat mentioned we
7 worked with the initial four state WICHE data exchange that
8 linked our data and state data and state wage data, and we have
9 also had other pilot projects, research projects that have linked to
10 other sources such as Veteran's Administration or census data.

11 MR. WOLFF: Because the scorecard data for
12 example draws on data sets, does have salary but it is not at the
13 granular level that you would have so it would be a real critical
14 issues to combine those.

15 You mentioned that you are working with the
16 regionals and one of the questions that we are grappling with is the
17 limited data that we have in our dashboard and the more granular
18 data you have. Are you working with all the regionals? I'm
19 thinking forward, something to talk about tomorrow could we ask
20 the regionals to use you all if they already are to give us a more
21 complete data set than we are relying upon with the dashboard
22 which is only IPEDS based?

1 MR. SHAPIRO: We have worked with almost all
2 of the regionals in a pilot project, a demonstration of our ability to
3 provide institutional data and we are currently working with
4 several of them.

5 MR. WOLFF: Finally could you talk about the
6 security issue. We heard that there have been instances of
7 inadvertent and negligent data being displayed or hacking or
8 whatever, and you say that you have not.

9 Are you using a different security system or is it just
10 that people don't know enough about you to hack you but what is
11 it -- I mean is there something that you feel that you can be more
12 assured about the security?

13 MR. SHAPIRO: Well security has always been a
14 number one priority for the Clearinghouse and we have a very
15 robust and very up-to-date and continually enhanced security -- set
16 of security protections around our data.

17 CHAIRMAN KEISER: Steve?

18 MR. VAN AUDDLE: This is a question -- how
19 confident are you on the reliability and validity of the data that is
20 given you voluntarily from institutions?

21 MR. SHAPIRO: Well because our data are used for
22 compliance purposes we feel very confident that the data are

1 accurate and valid. We actually -- the data are validated at a
2 student level in many cases by third parties who we provide the
3 data in order to verify student status such as enrollment and
4 graduation.

5 So we feel very confident that the data are accurate
6 and valid and up-to-date.

7 CHAIRMAN KEISER: Thank you, the next
8 commenter is Bernie Fryshman, thank you Dr. Shapiro.

9 MR. SHAPIRO: Thank you.

10 CHAIRMAN KEISER: The next commenter is
11 Bernard Fryshman who is from AARTS which I know it has
12 something to do with rabbinical studies but I won't go there. More
13 importantly he is a former member of this Committee prior and
14 many years ago. Thank you and you have three minutes sir.

15 MR. FRYSHMAN: I'll try to respect that three
16 minutes by just focusing on two main points. Point number one is
17 that in terms of the ultimate cost benefit of a national system I was
18 listening awe inspired at the work that is being done on a state by
19 state level by the Clearinghouse.

20 I think we are talking about convenience,
21 completion, comprehensiveness but not to the ultimate goals that
22 this Committee and the nation would have with a national system.

1 The information is there, the answers are there -- it might take a
2 little bit more time although seemingly at the rate at which things
3 are changing, that's not going to be very long before one could
4 gather enough information from states so that answers that are
5 needed nationally are available.

6 I have a more fundamental question though and that
7 is this -- what business is it of government to maintain a record of
8 an individual -- a personal record? Government and the people
9 close to government they are not always benign, friendly, helpful
10 individuals.

11 Government can be very intrusive. Why would we
12 want a government making decisions about a preferred educational
13 philosophy or trajectory? Do we want government to decide this is
14 the best way to ensure employment and therefore this is the kind of
15 school, this is a kind of activity we are prepared to support?

16 And we can extrapolate -- I do that all the time. I
17 worry about these things. What if the government might take this
18 same approach and look at health outcomes and look at the
19 behavior of children and the kind of upbringing children get in
20 order to have good and healthy outcomes so that we can have a
21 good strong military.

22 Why would government not want to look at other

1 things? For example, what's the best way to educate children in
2 order that we have loyal, right-thinking Americans? We are on a
3 slippery slope. Frank mentioned yesterday about lawyers talking
4 about slippery slope, lawyers are not the only ones who worry
5 about these things.

6 Government is far too intrusive as it is and to open
7 this door to a federal system is very, very dangerous. States can
8 change, states can go back and forth, people in states have a lot of
9 influence, they might decide this is not a good idea let's move
10 back.

11 Federal government is a very, very powerful entity
12 and from that perspective I would urge you to consider that what
13 we have is pretty good. It doesn't have to be any better, thank you.

14 CHAIRMAN KEISER: Perfect.

15 MR. FRYSHMAN: You'll believe that I have a
16 few other things to say.

17 CHAIRMAN KEISER: Wow, that's amazing,
18 Arthur?

19 MR. ROTHKOPF: Thanks for that addition to our
20 conversation it was very helpful. I guess I would say why should
21 government care and why should government be involved? I think
22 your question would be better suited if the government was not

1 providing hundreds of billions of dollars to those students whose
2 outcomes and performance and the performance of those
3 institutions -- if we withdrew some part or significant part of those
4 hundreds of billions of dollars or took it away then I would be
5 more sympathetic to your view.

6 But government has chosen and the country has
7 chosen to go in that direction and I think we need some
8 accountability for the use of this really, extraordinarily large sum
9 of money the loans of which now reach 1 trillion dollars with a risk
10 of a good part of it never being paid.

11 So I guess I put the taxpayers as a group that we
12 also ought to be concerned about.

13 MR. FRYSHMAN: I would just comment that
14 colleges and universities are not vocational schools. This opens a
15 whole new door to the whole concept of outcomes. Learning is an
16 outcome -- a job is not an outcome. A job happens but what we do
17 in colleges and universities is to help people go through this
18 transformation that we all went through and go from the recipient
19 of knowledge to the appreciator of knowledge, to the creator of
20 knowledge.

21 Knowledge is our product, not jobs. We are
22 measuring something that seems convenient to measure but we are

1 not measuring the right thing but of course that's another three
2 minute conversation.

3 MR. ROTHKOPF: Thank you Bernie.

4 CHAIRMAN KEISER: Any other comments?

5 Thank you that was very insightful. The third person to speak is
6 Jody Feder from -- I hope we got that right from NAICU, Jody
7 thank you for being here as you know you have three minutes.

8 MS. FEDER: I'm Jody Feder, Director of
9 Accountability and Regulatory Affairs at the National Association
10 of Independent Colleges and Universities. I wanted to comment
11 on recent proposals to establish a federal student unit record
12 system.

13 Historically our concerns about the erosion of
14 student privacy have led NAICU to oppose the establishment of
15 such a system and we continue to believe it would be a mistake to
16 move forward on this idea.

17 In addition, distrust in government is currently at an
18 all-time high. If we are really talking about having the federal
19 government track all who enroll in college for the rest of their lives
20 then we need to make sure we are completely transparent to all
21 Americans about what is being proposed.

22 NAICO therefore believes that the conversation

1 about student unit records must occur in a very public manner and
2 involve the voices of parents and a cross section of students and
3 privacy experts and not just be limited to those who want access to
4 the data.

5 As was noted in a recent Hill hearing notions of
6 privacy and security are often conflated -- I think Claude alluded to
7 this as well. Certainly they are related but they are not the same
8 thing. Data security refers to protecting against the unauthorized
9 release of personal information such as a social security number.

10 Data breaches are breaches of security. There is
11 simply no credible assurance that data security cannot and will not
12 be breached. Data privacy on the other hand refers to personal
13 information about an individual.

14 The use of which is controlled by that individual,
15 not by the government or even an educational institution except in
16 certain defined circumstances. The central privacy issue
17 associated with the student unit record data system is the fact that
18 personal information about students would be entered in a database
19 without the student's express consent and perhaps without even
20 notifying them -- standing alone that is a violation of privacy.

21 Any conversation regarding the extent to which
22 privacy would be protected in a unit record system would need to

1 address six fundamental questions. What is the public policy
2 question that needs to be answered? Therefore what data is going
3 to be collected and how will it be used today and tomorrow? How
4 do you inform the student or seek permission from the students for
5 this information?

6 How will you collect the data? Who will have
7 access to the data? And how long will the data be accessible? We
8 welcome an open and transparent dialogue around these key
9 questions, thank you.

10 CHAIRMAN KEISER: Thank you and you didn't
11 even use all three minutes.

12 MS. FEDER: I didn't?

13 CHAIRMAN KEISER: No, that's phenomenal
14 wow! Questions, Paul?

15 MR. LEBLANC: Thank you for the comments.
16 Could you help me understand what NAICU's position would be
17 on the aggregate use of data?

18 MS. FEDER: Aggregate --

19 MR. LEBLANC: To institution and by program
20 level, state?

21 MS. FEDER: I first have to confess I am brand new
22 to NAICU so you have to go easy on me here. I mean NAICU

1 again with the federal student unit record system the concern is
2 about privacy. The use of aggregate data reported by institutions,
3 something like IPEDS, we have no problem with that.

4 And we are actually -- I mean because our
5 institutions are, you know, private, non-profit institutions we are
6 all for transparency measures and accountability. Our institutions
7 usually perform very well in those metrics.

8 MR. LEBLANC: I'm making a distinction between
9 collecting individual student unit data and the uses of that data in
10 the aggregate and how that impacts your position on student
11 permission or not.

12 The bios of student, know that my individual data is
13 not being pulled out but is feeding into aggregate data analysis, I
14 don't know if that remains an issue. You're new so I am not going
15 to put you through the complicated questions.

16 MS. FEDER: I think the issue is really about you
17 would still be turning over the individual information to the federal
18 government. I don't -- as I said, if the institutions are reporting
19 aggregate data to the federal government we have no problem with
20 that.

21 I understand that your issue is that you are saying
22 that with the private -- if you are protecting the privacy of the

1 information by only releasing aggregate information what's the
2 concern?

3 And the concern is simply the collection in the first
4 place for us.

5 MR. LEBLANC: You would contend that if we use
6 the invariability of data bases as a criteria and then we collect no
7 data in any endeavor right because I'm going to say I'm pretty sure
8 that we have moved to a place in our society where data will never
9 be inviable.

10 MS. FEDER: Correct and that's our point is that
11 these breaches occur all the time and that this information is
12 protected. I guess it depends on what level of proposal you are
13 talking about right?

14 Some of these legislative proposals on this are
15 fairly expansive and quite broad and have no limits on the type of
16 information that they would be collecting from students whereas
17 institutions currently collect, you know, a limited amount of
18 information and are doing so by virtue of their direct relationship
19 with the student.

20 That kind of relationship doesn't exist. The
21 institution makes a promise to maintain that data and the security
22 of that information but doesn't do so -- but the student does not

1 have that same relationship with the federal government.

2 MR. LEBLANC: Thank you.

3 CHAIRMAN KEISER: Simon and then Frank?

4 MR. BOEHME: Do students whose data is used on
5 IPEDS do they expressly consent to their information being used?

6 MS. FEDER: That I don't know, honestly but the
7 information reported to IPEDS is in the aggregate so that it is not
8 individual data so there is no need for it to provide permission.

9 MR. BOEHME: NAICU institutions use the
10 National Clearinghouse data system correct?

11 MS. FEDER: Yes many of our institutions
12 participate with the Clearinghouse but that is voluntary, that's not a
13 mandated, you know, turn over every single piece of information
14 you have on our students.

15 MR. BOEHME: But do students consent to using
16 National Clearinghouse data?

17 MS. FEDER: I don't know. Honestly, I would
18 imagine that some of this is probably established via individual
19 institutional promises to the student. I don't know if Claude has an
20 answer to that.

21 MR. BOEHME: Well I think the real flaw or the
22 problem I see within your argument is that we have these different

1 standards for providing consent that NAICU uses National
2 Clearinghouse and those students do not have consent.

3 MS. FEDER: I don't know if they do or not.

4 MR. BOEHME: They don't. So for my colleagues
5 I find that troubling.

6 MR. PRESSNELL: And we will talk about this
7 tomorrow, right?

8 CHAIRMAN KEISER: Yes we will, Frank and
9 Arthur -- yes this is not a time to express policy but ask questions.

10 VICE CHAIRMAN WU: So I have a non-
11 rhetorical question. The objections that you have to a federal
12 student unit record system -- don't those apply to the
13 Clearinghouse, to state systems, to all systems?

14 MS. FEDER: Yes. NAICU -- no you are
15 absolutely correct. It is not rhetorical but NAICU again -- our
16 focus is on federal policy and that is why I am trying to distinguish
17 my comments here.

18 VICE CHAIRMAN WU: Got it but you don't like
19 the other stuff either for the same --

20 MS. FEDER: Not particularly no.

21 VICE CHAIRMAN WU: Got it okay.

22 MR. ROTHKOPF: Maybe one last rhetorical

1 question. As a former NAICU Board member of years past to
2 what extent is NAICU's position driven by trying to avoid
3 competition between institutions?

4 If data is out there on outcomes and other things,
5 what institution and there is far more competition in the private
6 sector than there is in the public isn't it really an effort not to have
7 one institution say well gee they don't do as well as we do?

8 MS. FEDER: No. That's not a concern at all --
9 really the concern is driven solely by concerns about privacy and
10 security.

11 CHAIRMAN KEISER: Ralph?

12 MR. WOLFF: You know thank you. I guess what I
13 am trying to understand is given our and many other's concerns
14 about getting the kind of data that we need to inform decision-
15 making, what would NAICU suggest it is for in the sense that
16 UCAN -- which I have looked at at a number of institutions,
17 doesn't provide the kind of granular data in most cases around
18 program level and the like, it may be institutional completion.

19 It doesn't necessarily unless otherwise disaggregate
20 by first generation and others. And often I would say is five clicks
21 away. I mean I have found it difficult -- I have gone on different
22 websites to find it but it is not linked to other things so I am just

1 wondering and if you are not in favor of things like the WICHE
2 project or whatever, what would be NAICU's recommendation,
3 what would be an appropriate approach to gather the kind of data
4 for all institutions, public and private, Title IV and non-Title IV, is
5 there a recommendation?

6 MS. FEDER: Right I just want to clarify too and
7 step back. One of our issues particularly with the federal student
8 record system is that the current legislative proposals would collect
9 data on unaided students.

10 Now IPEDS again does that in the aggregate but it
11 is sort of hard to understand what the federal government's interest
12 is in collecting individual data about these individual students who
13 are not accepting federal student aid dollars.

14 In terms of UCAN and I'm not sure if I am
15 answering your question here but in terms of UCAN yes. NAICU
16 was instrumental in developing UCAN that was really developed
17 as a tool for consumer information purposes where students were --
18 we focus grouped it, did lots of studies on it and got information
19 about exactly what indicators families and students want to know
20 about before they select an institution to attend.

21 So voluntary systems like UCAN that provide
22 aggregate data those are the kinds of things that we are for -- we

1 are not opposed to transparency. I think it really comes down to
2 collecting this individual record at the federal level.

3 CHAIRMAN KEISER: John and that will be the
4 last one I think.

5 MR. ETCHEMENDY: Yeah so actually the last
6 thing you said, you said at the federal level but a little while ago
7 you said that you also objected too, for example the National
8 Student Clearinghouse.

9 I'm curious, I assume -- this is a wild guess but I
10 assume that actually the majority of your membership participated
11 in the National Student Clearinghouse so why isn't NAICU
12 independently kind of opposing it?

13 MS. FEDER: So this is an area where my
14 inexperience may be a factor. I probably shouldn't have spoken
15 out of turn about the Clearinghouse I don't know exactly what our
16 position is.

17 CHAIRMAN KEISER: Claude do you want to
18 answer that?

19 MR. PRESSNELL: Yes just briefly on that
20 particular issue is that the Clearinghouse is seen as a research agent
21 for the institution to get institutional improvement data. And that's
22 where FRUPA allows you to release information, student data to

1 an agency to provide research and not connecting and providing
2 individual data out to everybody else.

3 And so that's what's going on there so the
4 institutions that are participating are actually able to get data to
5 improve institutional performance.

6 CHARIMAN KEISER: Thank you, first of all I
7 want to thank you for appearing before us. I want to thank all of
8 the rest of the presenters. I think it was a very lively and effective
9 conversation. I will be continued tomorrow at our policy meeting -
10 - in fact I have three topics that will be on the agenda and then if
11 you have anything else that you want to add let me know.

12 First would be this big data student unit record
13 issue. The second would be how do we use this big data in terms
14 of do we create bright lines, those kinds of discussions. Do we
15 measure learning versus measured learning outcomes or just
16 outcomes.

17 And the third would be the concept of sub-
18 regulatory directives and how we react towards some of the
19 accrediting commissions in terms of maybe what a policy is versus
20 what is a sub-regulatory directive.

21 So that will be the discussion. We are going to take
22 a 10 minute break, please keep it to 10 minutes because we are not

1 too far off schedule and thank you again for participating.

2 (BREAK 10:18 a.m. - 10:29 a.m.)

3 MR. ROTHKOPF: Mr. Chairman as I noted I will
4 not be here tomorrow to raise a question -- a policy question that I
5 would hope the group would talk about. Frankly yesterday's
6 discussion led me back to a conclusion that NACIQI has reached a
7 couple of times in the past and I am not sure whether it is moving
8 forward or not -- and that is a belief on my part that the decisions
9 of NACIQI should be final decisions and that they should not be
10 subject to the review of the Department of Education's senior
11 official.

12 The statute brings together 18 so-called experts on
13 education, higher education -- I think we do a very conscientious
14 job and I frankly do not think it is necessary or desirable to have a
15 single official at the Department of Education have the ability to
16 reverse a decision of NACIQI.

17 It has happened in the past I don't think it was wise
18 and the issues yesterday were relatively minor but it did sort of
19 bring to mind as why after all of our conversation should someone
20 at the Department have the ability to reverse that decision so I
21 would urge that you all discuss it.

22 I would note that our brother or sister organization

1 dealing with Foreign Medical Schools Advisory Committee their
2 decision is final. And why that is I don't know but someone made
3 a judgment that that group was able to reach the right conclusion
4 and I think NACIQI is able to do that too, thank you.

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1 **Granting of Academic Graduate Degrees by**
2 **Federal Agencies and Institutions**
3 **Master of Science in Air Power Strategy**
4 **And Technology Integration**
5 **Air University, Air Command and Staff College**

6 CHAIRMAN KEISER: Thank you Arthur I had put
7 it on the agenda for tomorrow so. Can we now move into a little
8 different part of the Agenda, we have multiple roles in the
9 Commission and in this respect one of our roles is to work with the
10 military to ensure that they have an opportunity to prove to
11 Congress that new degrees that they would like to bring aboard are
12 recognized. Chuck would you like to go through this process?

13 MR. MULA: Thank you Mr. Chair, members of the
14 Committee. My name is Chuck Mula for the record and I would
15 like to introduce the other two members of the military degree
16 granting team that support the NACIQI and its function if you
17 would like to introduce yourself please?

18 MS. MCKISSIC: Good morning my name is
19 Stephanie McKissic.

20 MS. LEFOPR: Good morning Valerie Lefor.

21 MR. MULA: And to my right I have Dr. Anthony
22 Cain who is the Vice President -- one of the Vice Presidents I think

1 of Academic Affairs at Air University and of course he will be
2 here after the presentation to address any questions you have and
3 tell you a little bit more in depth about the university, okay.

4 And good morning and for the record my name is
5 Chuck Mula and I will be providing an introduction to the report
6 and the recommendation provided by Dr. Arthur Keiser and Mr.
7 Simone Boehme of their site visit to U.S. Air Force University,
8 hereafter referred to Air University and its School of Advanced Air
9 Power Space Studies referred to as SAAS located at Maxwell
10 Airforce Base in Montgomery, Alabama.

11 Since notification to the NACIQI is required, this
12 staff introduction serves as a means of formal notification of the
13 report to NACIQI of the site team's evaluation by Dr. Arthur
14 Keiser and Mr. Simon Boehme on March 13th and 14th of 2017.

15 A site team from the National Advisory Committee
16 on Institution of Quality Integrity and the U.S. Department of
17 Education conducted a visit at Air University's SAAS School at
18 Maxwell Airforce Base in Montgomery, Alabama.

19 The purpose of this visit was to verify the content of
20 the university's application for the authority to provide and grant
21 Master's Degree in Science and Air Power Strategy and
22 Technology Integration.

1 The site team that conducted the visit consisted of
2 the following two NACIQI members -- Dr. Arthur Keiser,
3 NACIQI Chair and Chancellor of Keiser University and Mr. Simon
4 Boehme, a NACIQI representative and the following Department
5 of Education staff -- Dr. Jennifer Hong, NACIQI Executive
6 Director; Mr. Herman Bounds, Accreditation Group Director,
7 Valerie Lefor, Accreditation Group and Chuck Mula of the
8 Accreditation Group.

9 Department of Education's authority to conduct this
10 review is contained in the 1954 policy statement entitled *Federal*
11 *Policy Governing the Granting of Academic Degrees by Federal*
12 *Agencies and Institutions.*

13 This policy specifies the four criteria to be used for
14 the review and they are addressed in the staff analysis. The 1954
15 document also specifies that the Secretary of Education appoint a
16 review committee to examine applicant federal programs and
17 determine compliance with those four specific criteria.

18 The National Advisory Committee on Issues of
19 Quality and Integrity serves that review committee designated in
20 the policy statement. The process to obtain degree-granting
21 authority includes a recommendation from NACIQI to the
22 Secretary.

1 After considering the recommendation of the
2 NACIQI the Secretary sends a recommendation to the Director of
3 the Office of Manager Budget and the appropriate Department of
4 Defense Secretariat.

5 The last Air University degree program
6 recommended for degree-granting authority is the United States
7 Secretary of Education was a Doctorate of Philosophy Degree in
8 Military Strategy received in the SAAS School in 2011 and
9 currently offers 7 degree-granting programs.

10 Following Mr. Boehme's report staff will be
11 available for any questions you have along with Dr. Cain, thank
12 you, Simon?

13 MR. BOEHME: Great, thank you Chuck and
14 speaking on behalf of the Chairman and our productive visit to see
15 Dr. Cain and his incredible program we were able to go down to
16 Montgomery, Alabama and visit first-hand and see the Air
17 University and talk with staff, faculty and students and
18 administrators along with the general who is the commanding
19 officer of Air University.

20 And we had a terrific visit. It was outstanding.
21 This is a Master's program that is on the cutting edge and when we
22 look at the four principal functions that the Review Committee that

1 we are commissioned with by the Office of Management and
2 Budget in that 1954 letter Dr. Keiser and I found that this Master's
3 program meets and in many of the cases exceeds the expectations
4 set forth in that 1954 letter.

5 One thing that I would particularly like to
6 encourage my colleagues to consider in the Motion when we vote
7 is grandfathering in the first class of graduates of this Master's
8 program.

9 This Master's program is in its second year and we -
10 - the first year of graduates have already graduated and I am sure
11 Dr. Cain and Chuck and clarify this but we would like to
12 grandfather them in to make it official with this degree program
13 moving forward.

14 Again, these students are outstanding. This
15 Master's program is essential for our country and the protection
16 and the advancement of the Air Force. On a personal note, I am
17 particularly impressed with Dr. Cain and his faculty for
18 encouraging a creative and more risk-taking culture within the Air
19 Force that is preparing the next generation of Air Force Lieutenant
20 Colonels and Generals and other leaders to think critically about
21 how they can protect and defend our country.

22 And as someone on NACIQI, someone who looks

1 at student outcomes I was able to talk with some of the students
2 and also hear from faculty what students who use this Master's
3 program for many of them are directly taking their research
4 projects and implementing them within the Air Force and
5 commanding officers are using their knowledge and using their
6 skill sets in new ways because of this Master's program.

7 So it is very exciting and I encourage unanimous
8 consent of this new degree program and also grandfathering in the
9 first year.

10 CHAIRMAN KEISER: If I may just add this is a
11 very unique program. My first complete feeling was I would have
12 loved to have been a student in this program. They were doing --
13 first of all you operate behind a locked door because they use
14 classified information in the development of their reports.

15 They have access to some of the most -- as I said
16 classified information so they can do real world models and real
17 world strategy thinking. And the other part that is so incredible are
18 the students.

19 This one is unique in that they use both Majors and
20 Lieutenant Colonels which is very rare because you know the
21 hierarchy in the military. But you would be totally impressed and
22 more importantly proud that these people represent you in our

1 Armed Forces.

2 These are extraordinarily intelligent people and they
3 come from all walks of the service -- from logistics, to pilots, to
4 ground support and they are all thinking with a team approach, it is
5 really exciting.

6 The one question that you might have that was
7 difficult is the question of academic freedom within a military and
8 especially a closed unit military circumstance.

9 We did interview each and all of the faculty and the
10 students and they felt that was not an issue and in fact they had
11 extreme latitude in terms of discussing some of the most sensitive
12 and controversial data that is out there so I wanted to add that to
13 the report, is that appropriate?

14 MR. BOEHME: Yes thank you Dr.

15 CHAIRMAN KEISER: Other questions -- would
16 you like to make a presentation, yes go ahead.

17 MR. ETCHEMENDY: So I'm just curious about
18 the grandfathering part. I actually don't understand what it means
19 and it actually seems very similar to an issue that we dealt with
20 earlier yesterday about post-dating your approvals.

21 And what would that -- what is the substance of
22 that? So these students that went through last year -- they went

1 through this program. The program is now assuming we do
2 approve it will be accredited. I don't understand what it means to
3 say okay we are grandfathering you in.

4 MR. MULA: I'd like to give you a little bit of a
5 history on the reason why that is done and then try to explain it. A
6 long, long time ago when this process first started the officers that
7 were graduating from the classes had trouble getting positions
8 outside of the government or transferring to different schools
9 because the classes that were graduating before the degree-granting
10 authority was issued were not getting credit outside.

11 So that the Department of Defense and the
12 Department of Education spoke and we made a determination to
13 apply a policy that if the NACIQI does indeed request that the
14 school that was the class that was in process at the time of the visit,
15 that graduated before the degree-granting authority was issued,
16 they would be included in that degree-granting authority.

17 And that was made so the Secretary could add that
18 to the recommendation.

19 CHAIRMAN KEISER: Frank?

20 VICE CHAIRMAN WU: So I have a question.
21 Why didn't we fix it on the front end so that the authority extended
22 out? There's a gap year -- can't we avoid this going forward? I'm

1 not opposing retroactive but looking forward so we don't have to
2 keep doing retroactively can't we do something now about
3 whatever the gap is that will arise down the road?

4 MR. MULA: Vice Chair, the Department really
5 doesn't have a lot of lee-way to do that. This is the Department of
6 Defense's issue and it is their motivation that we do this. All I did
7 know that it took a while in the old days for a finding to get to
8 Congress after everybody had to sign off on it before Congress
9 approved it.

10 There has been shortcuts made in the 2011 guidance
11 from the Department of Defense and Jennifer could probably
12 chime in on this a little bit about that. But there are shorter
13 processes now but we still are saddled -- can I use that word, to the
14 process that we were given in the past.

15 VICE CHAIRMAN WU: Just so I grasp this, we
16 have done it in the past traditionally to make it retroactive and we
17 can reasonably predict that there will be additional delays years
18 from now that will cause us -- I don't know if John and I will be
19 seated here but whoever our successors are to say, "Wait a minute,
20 why do we have to do it retroactively?"

21 And you are saying there's a glitch somewhere in
22 the way that the Defense Department law is written that produces

1 this issue, this tiny issue?

2 MR. MULA: I don't think there is anything that --
3 it's the process because it takes such a long time.

4 VICE CHAIRMAN WU: Got it, got it it's a time
5 issue.

6 MR. MULA: And the idea wasn't not to -- the
7 word retroactive may be the wrong word. What the Department of
8 Defense and the Department of Education intended to do was that
9 that recommendation also include that class that is not dated back,
10 but that that class be included in that degree-granting authority that
11 was granted.

12 VICE CHAIRMAN WU: One last comment. I'm
13 fine with this I just want to note a little oddity just so we are aware
14 of this before we vote. These institutions are different because we
15 NACIQI essentially function as if we are the accrediting agency,
16 no?

17 MR. MULA: No, we are actually -- this body is
18 actually recommending to the Secretary who is functioning the
19 same as a state authority would function as a degree-granting
20 authority.

21 VICE CHAIRMAN WU: I'm sorry that's what I
22 meant to say. So we are functioning in that role. But what I

1 wanted to note is this same issue arises for accrediting agencies,
2 this retroactivity issue with students who are in the pipeline during
3 the timing, you know, glitch and the same rationale applies which
4 is students want to be able to transfer credits, receive credit later,
5 sit for licensing exams.

6 So I just want to point out one thing -- if we do this
7 here, we are setting a little bit of a precedent. We don't have to
8 follow it -- no? You would call it -- alright if you could distinguish
9 that's fine. It seems to be conceptually the same to me and I am
10 just pointing it out that to some, such as me, it looks and feels
11 similar and that is not a reason to oppose it.

12 I'm just noting retroactivity is a problem running
13 throughout what we do.

14 CHAIRMAN KEISER: Herman and Jennifer,
15 either which way?

16 MS. HONG: I understand your point Frank and I
17 really want to emphasize that this is a totally different charge of
18 this Committee separate and apart from the HEA, from the Higher
19 Education Act.

20 This is a mandate from the Executive branch for
21 federal agencies to coordinate with each other. When an
22 institution within the DOE for example, and again another

1 emphasis is this is open to all federal agencies.

2 But for DOE in particular they have to go through
3 their own agency bureaucracy to get the approval, to make the
4 request for the degree authorization to us. So there are time
5 constraints that are out of our control.

6 We can't adjust the NACIQI meeting based on the
7 request unfortunately that we get from DOE. So there are time
8 constraints about outside of our control and frankly for DOE you
9 know, time is of the essence because you know they need to train
10 officers.

11 Sometimes that need is identified and Anthony can
12 talk more about this but sometimes those needs are identified on
13 the spot but they still have to get the approvals, get it to us, we
14 have to review it, they have to get their accrediting agency
15 approval as well and so we also have to coordinate with the
16 accrediting agency as well.

17 We have to conduct a site visit, all of that to bring
18 that before this Committee. So I mean one remedy would be to if
19 we had more flexibility with our meetings right but we certainly --
20 we just don't have those and so it is these time constraints are there
21 and this is again a federal to federal charge, just a little bit
22 different.

1 CHAIRMAN KEISER: Let Herman and then John.

2 MR. BOUNDS: Yes I want to go one step further
3 and make this perfectly clear. The federal degree-granting
4 authority is not covered under 34CFR602. It is a separate process.
5 This recommendation is to Congress. We are not making -- you
6 guys are not making an accreditation decision. You are making --
7 you are authorizing a degree saying that it is similar to a state
8 agency.

9 Again we have different regulations for different
10 things. We have CFR602 for accrediting agencies, we have 603
11 for state agencies -- the process of accreditation is under
12 34CFR602.

13 This particular situation falls outside of the
14 boundaries of what is required under 602. I just want to make that
15 perfectly clear.

16 CHAIRMAN KEISER: John?

17 MR. BOUNDS: It is similar it is just that we are
18 working with two different sets of regulatory authority. Two
19 separate situations.

20 MR. ETCHEMENDY: I understand that but that
21 still doesn't answer the question in my mind. And so if I am an
22 accrediting organization and I grant accreditation to an institution

1 that has been granting degrees for five years, you know, in
2 preparation and now has finally gone through campus and finally
3 this is accredited. How is that different from this case where some
4 students who have gone through a program that is not -- has not
5 been, where the authority has not been granting, how is it
6 different?

7 CHAIRMAN KEISER: Let me point out that
8 Claude was correct in that this program has already been approved
9 by SACS. The program has already been approved -- we are at the
10 end of the approval process. We are not asking to change the
11 recognition we are asking that Congress allow the students to be
12 recognized under the current recognition.

13 Because you can't -- it's a catch 22 that you
14 normally have. The recognition is still going to go forward as
15 when we approve it, it is just allowing the students to be
16 recognized within that. It is not about changing the recognition
17 data of the institution, it is allowing and making, you know,
18 Congress aware that they have some really sophisticated students
19 who put a lot of time and energy into this and they should be
20 recognized.

21 And that was the ask was not to retroactively
22 approve the program but to allow the students to be considered in a

1 cohort of a program at the end because their program ended a
2 month ago or something like that we are here today and we have
3 already been there to review it.

4 So I think did that explain it a little differently? It is
5 not about asking the institution to be recognized in the past
6 because it has already been recognized. The question is allowing
7 the students under the agreement that what we saw was
8 appropriate, does that help you? Kathleen?

9 MS. ALIOTO: Do you think it would be possible if
10 the DOE needs our recognition of programs in the future that we
11 could have a phone meeting so that this problem is averted?

12 CHAIRMAN KEISER: Chuck?

13 MR. MULA: We have been over this before. We
14 are just rehashing old stuff. No we cannot do that. The
15 Department of Defense's programs are almost always classified.
16 They don't have to tell us when we can do anything or get our
17 permission to do anything, this is between the Department of
18 Defense and Congress.

19 All we were asked to do was to have this
20 Committee verify the quality of that educational program and
21 that's in the 54 letter. Believe me I think the Department of
22 Defense if they needed to would dump this portion so they would

1 get more done because we sometimes are a road block for them.

2 This whole process it doesn't have anything to do
3 with accreditation. The accreditation has already been granted to
4 the institution.

5 CHAIRMAN KEISER: Ralph?

6 MR. WOLFF: I actually have a substantive
7 question about the visit but I just need some clarification first on
8 this point. When did the students graduate?

9 MR. MULA: Anthony?

10 MR. CAIN: Our first class graduated last June.
11 Our second class is graduating now. So the point is that the Air
12 Force came up with a requirement for an educational program. We
13 began to pursue accreditation through SACSCOC, approval to do
14 the program -- that's a little bit of a departure for them as well.

15 Because their substantive change roles for that
16 organization understand that you gain approval prior to advertising
17 and enrolling students. So when we talked to SACS, this is an Air
18 Force educational requirement -- we believe that it merits, it has
19 the quality to merit a degree program. Do you agree?

20 When we talked to the students the first class, we
21 said you may not, and probably will not, earn a degree as a result
22 of this program, do you want to volunteer?

1 So there is no expectation with there is truth in
2 advertising to the student body that this was purely a professional
3 development program that at some point may be a degree program.
4 What we are asking for now since the program is the same
5 program that was approved, that we go back to that first class and
6 say, "Because of the quality of the program we can award the
7 degree to you as you have completed all of those requirements."

8 MR. WOLFF: So if I'm -- this kind of expands a
9 little. So it is not only the acknowledgement of the second class if
10 you will, that this decision includes them but it is a recognition of
11 the first class are entitled to receive a degree and that degree is
12 recognized by this approval process, is that the proposed action for
13 both classes?

14 CHAIRMAN KEISER: Correct Ralph but the
15 difference is for an institution let's say like mine, I would have to
16 get approval before I start the program. Once I get the approval I
17 can offer the degree with the state or whoever is giving me the
18 opportunity.

19 In this particular case the degree doesn't come until
20 Congress approves it and that's way after the beginning of the
21 program. So if this was a regular program they would have
22 absolutely no problem offering the degree to the students in the

1 first cohort.

2 But because Congress has to recognize the degree it
3 takes an act of Congress, it is a little more complicated.

4 MR. WOLFF: And I saw that SACS said it is really
5 not a substantive change and it is incorporated in the regular
6 approval. I have a substantive question and that is in looking -- it's
7 on -- can you hear me?

8 The curriculum is classified and so I am just curious
9 to know given that I assume you didn't have to go through security
10 clearances and the like, and I am not quite sure of the kind of
11 approval that NACIQI teams need to provide.

12 But the extent to which you were able to review the
13 curriculum, I mean everything was very positive. But I am just
14 trying to deal not only with the issue of academic freedom but the
15 issue of classified curricula and your ability to review that and
16 make the determination.

17 CHAIRMAN KEISER: The curriculum was not
18 classified. That's a structured syllabus -- it's the material the
19 students use within the curriculum, within the syllabus to produce
20 the truly innovative reports, truly interesting use of technology,
21 interesting use of weapons and warfare in a futuristic like -- I think
22 the problem if I remember correctly, the Chief of Staff of the Air

1 Force gave the students a problem.

2 And that is how do you win the War in 2040 it was
3 something like that, wasn't it Dr.?

4 MR. CAIN: Yes sir if you like. So each year we
5 solicit the Chiefs of Staff to give us a focusing question that will
6 guide the thesis research and will guide some of the trips that the
7 students take to see industry and other sources.

8 This past year the question was in 2040 how will
9 the time value of war change? And then from there the students
10 began to develop their thesis and their research projects and look at
11 particular aspects of the problem.

12 At first I thought this was kind of crazy. I mean
13 time is time until you start talking about cyber where it literally --
14 nanoseconds or less can change exactly what happens in the real
15 world.

16 So the curriculum outcomes are not classified. We
17 are looking at empirical outcomes we are looking at creative
18 outcomes, analytical outcomes and application outcomes. Some of
19 the aspects of the curriculum using classified sources and the
20 students -- this is another innovation, the students are developing
21 war games that are aligned with the research and some of the
22 topical areas inside the curriculum turn into classified activities.

1 Some of the sites that they visit, whether it be
2 industry or DOE or other agencies, those are classified. So the
3 classification aspect is unique. Many of our other programs which
4 involve foreign students are purposely not classified to give our
5 allies and partners the opportunity to participate fully in the entire
6 curriculum.

7 This one was designed specifically for U.S.
8 students, U.S. Air Force students who are going to go as deep as
9 they can into classified arenas to come up with recommendations
10 for senior leaders for the future.

11 MR. WOLFF: Thank you. We don't have on this
12 screen, what's the verb here? What is the action we are being
13 asked to take, accredit, approve, endorse -- what is the action?

14 MR. MULA: Actually we are asking NACIQI who
15 is charged as the body to review the quality of the education of this
16 program, to make a recommendation to the Secretary so the
17 Secretary could say grant the degree-granting authority for this
18 institution and this program.

19 MR. LEBLANC: I'll make that Motion.

20 CHAIRMAN KEISER: Good.

21 MR. MULA: I would like to go and just take one
22 moment to go back a little bit. I would urge the Chair and Dr.

1 Hong to maybe have a session where this process to NACIQI can
2 be briefed on the entire process so that they understand exactly
3 what's happening and the different parts of it. I want to go
4 backwards and say that before we even come to the table or before
5 we even ask for a team to go visit the actual program we have
6 already been in communications with the Department of Defense
7 at the highest Secretariat level.

8 We have also been in communications with our
9 leadership and the leadership at the accrediting agency to
10 determine that everybody is ready for this visit. We do not go to
11 this visit unless the accrediting agency signs off and the
12 Department of Defense signs off on the visit.

13 CHAIRMAN KEISER: Paul?

14 MR. LEBLANC: Claude and I as Primary Readers
15 probably agree that never have we been asked so little about much
16 that has been said. But I think we would agree that we are
17 probably prepared to make the recommendation and we have
18 language which is to approve the degree-granting authority, the
19 new Master of Science and Air Power Strategy and Technology
20 Integration Degree.

21 The Department would like to further recommend
22 that those previously and currently enrolled in the program be

1 eligible to receive degrees for successful completion of the
2 program so we remove both of those items.

3 CHAIRMAN KEISER: Thank you Paul, is there a
4 second to the Motion? Second by Claude -- further discussion?

5 MR. BOEHME: Did we want to offer Dr. Cain and
6 opportunity to say anything or --

7 CHAIRMAN KEISER: Well let's have the Motion
8 then we could ask him, let's do the vote. There's a second, Claude
9 is the second, any further discussion on the Motion? All in favor
10 of the Motion raise your hand please? All opposed?

11 **NACIQI RECOMMENDATON**

12 **Approve the degree-granting authority, the new Master of**
13 **Science and Air Power Strategy and Technology Integration**
14 **Degree and further recommend that those previously and**
15 **currently enrolled in the program be eligible to receive degrees**
16 **for successful completion of the program.**

17 Now, by the way just thank you for your hospitality
18 when we were there. I do recommend if anybody is interested in
19 doing a visit when they have one, it is an incredibly eye-opening
20 experience and something I as an experience have treasured since I
21 have been on the Commission now. The floor is yours for a couple
22 of minutes.

1 MR. CAIN: Yes sir thank you. Thank you to the
2 Committee. I just want to let you know this is your university of
3 the Air Force. We have been inexistence before there was an Air
4 Force. The Air Force was established in 1947. Air University was
5 established in 1946 out of recognition that we need an end to end
6 educational institution for airmen to understand how they apply
7 their profession.

8 We touch every airman and most civilians as they
9 progress through their Air Force career, either through the ROTC
10 programs which those of you who have ROTC units at your
11 institutions we administer, provide the training for the instructors
12 and the curriculum for those programs, officer training school and
13 the combination of OTS and RTC provide more than three-quarters
14 of the officers of the Air Force in any given year.

15 We have the Community College of the Air Force
16 which every airman who enters and completes basic training is
17 established into the Community College of the Air Force, enrolled
18 in the college which grants Applied Science Degrees, Associative
19 Applied Science and Technical Specialties.

20 Currently we have over 500,000 graduates from the
21 Community College and then we have our graduate degree
22 programs which provide education for mid and senior career

1 officers they earn Masters all the way through the Doctorate
2 Degree in addition to continuing education, technical education, all
3 administered through the campus at Maxwell Air Force Base.

4 So again this is your Air Force's University. We
5 thank you for your support, thank you for the advice and for the
6 insights that you give and to the Committee thank you again for
7 what was really a learning experience for us.

8 Every time we have the opportunity to host
9 someone we take it as a learning opportunity and we gain some
10 insights that will make our programs better, thank you.

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1 **Re-designation of an Existing Degree-Granting**

2 **Authority**

3 **Army Command and General Staff College**

4 CHAIRMAN KEISER: Thank you very much. We
5 appreciate you being here, thank you staff. We will move to the
6 next military issue that we have which is the Re-designation of an
7 Existing Degree-Granting Authority for the Army Command and
8 General Staff College. Go ahead.

9 MS. ALIOTO: The recommendation is to accept
10 the report of the re-designation of an existing degree-granting
11 authority, Army Command and General Staff College with any
12 additional comments from NACIQI.

13 CHAIRMAN KEISER: Valerie would you like to
14 introduce this?

15 MS. LEFOR: Good morning Mr. Chair and
16 Committee members. I am Valerie Lefor and I am joined by a
17 couple of other people who I will have introduce themselves as
18 well for the record.

19 MR. MULA: Chuck Mula.

20 MS. MCKISSIC: Stephanie McKissic.

21 MR. MARTIN: Dr. James Martin, Dean of
22 Academic, Command and General Staff College.

1 MR. GORMAN: Dr. Scott Gorman, Assistant Dean
2 of Command General Staff College.

3 MS. LEFOR: Thank you so just to give you guys
4 an overview before I go into my formal remarks on this. So
5 relative to the degree-granting which we just discussed, this is a
6 similar process but slightly different if you remember from
7 December, 2015 NACIQI meeting we had one of these changes
8 come before us.

9 So this is a change under the substantive change
10 process and under specific items that I will mention in my remarks.
11 That process is a paper process that we follow and so you guys
12 have information included in your folders that outlines all of the
13 details relative to the substantive change that I will present to you
14 and give you more information about.

15 And then we also have the representatives here who
16 will take your questions.

17 For the record I am Valerie Lefor and I will be
18 providing an update for NACIQI regarding a substantive change
19 request for an existing degree-granting institution.

20 Specifically, the Army Command and General Staff
21 College (hereafter referred to as Army Command) has submitted a
22 request for the modification of existing degree-granting authority

1 to the U.S. Secretary of Education. The NACIQI is the designated
2 review committee for matters concerning degree-granting authority
3 of military educational institutions as outlined in the U.S.
4 Department of Defense Instruction 5545.04 and the Federal Policy
5 Governing the Granting of Academic Degrees by Federal Agencies
6 and Institutions.

7 Department of Defense guidance 5545.04 from
8 April 2, 2011 recommends notification of the NACIQI in regards
9 to changes when seeking to modify an existing degree-granting
10 authority and explains that the institution should submit
11 notification to the Department of Education when there are
12 changes that are made by that military educational institution.

13 The process outlined in the guidance explains that a
14 copy of the substantive change request within 60 days of its
15 submission to the applicable accrediting agency as well.

16 Also, under 5545.04, recommendations by the U.S.
17 Secretary of Education regarding substantive change requests
18 submitted by military educational institutions will be included with
19 subsequent notification to the House and Senate Armed Service
20 Committees.

21 Department and staff have reviewed the information
22 submitted by Army Command and has determined that the change

1 is related to the types of Master's Degrees that they are offering.
2 Specifically the change includes renaming the Master of Military
3 Arts and Sciences (Theater Operations) Degree to the Master of
4 Arts in Military Operations and renaming the Master of Military
5 Arts and Sciences Strategic Operations to the Master of Arts in
6 Strategic Studies.

7 Department staff was notified of a letter from the
8 Higher Learning Commission to Army Command approving this
9 change dated December 22, 2016.

10 Since notification to the NACIQI is required, this
11 report serves as the means of formal notification. Department staff
12 recommendation is to accept the report with any additional
13 comments from the NACIQI.

14 We will be happy to take any questions that you
15 have and members from the Institution are here and will also
16 receive your questions, thank you.

17 CHAIRMAN KEISER: Arthur?

18 MR. ROTHKOPF: Yes I am a second Primary
19 Reader along with Kathleen and looking over this record it seems
20 clear that this is an appropriate change that has come about
21 because of Congressional action. Until Congress had acted it was
22 really only this one degree -- the Master of Military Arts and

1 Sciences “Theater Operations”.

2 The Congressional change has freed up the college
3 to really offer these two options. One -- the Master of Military
4 Arts and Sciences Strategic Operations and the Master of Arts and
5 Strategic Studies, and this may not be the end of it.

6 There may be other programs which will be
7 proposed in the future. As Valerie indicated the Higher Learning
8 Commission confirmed that the college may proceed to change the
9 name. They have -- HLC has placed no programmatic restrictions
10 on the college and as a result such changes are within the realm of
11 the college’s mission and do not require prior HLC approval.

12 And it becomes up to NACIQI to recommend to the
13 Secretary as to whether the Department of Education should grant
14 its approval and somewhat consistent with the prior matter that was
15 discussed.

16 This was a relationship between the Department of
17 Education and the Department of Defense and I guess I’ll make the
18 Motion that this approval be granted.

19 CHAIRMAN KEISER: The Motion is on the floor
20 is there a second? Kathleen seconded the Motion. Any further
21 discussion, questions, concerns? Sensing none, all in favor of the
22 Motion raise your hand, all opposed, thank you the Motion passes.

1 Would you like to make a comment sir?

2 MR. MARTIN: Well after listening to yesterday I
3 did create an opening statement just in case. And I would love to
4 take a moment to tell you a little about our school.

5 Good morning Chairman Keiser and members of
6 NACIQI Committee. We would like to thank NACIQI for letting
7 us speak to you today. As I said I am joined by my colleague Scott
8 who is actually the Chief Academic at the School of Advanced
9 Military Studies where these two courses are held.

10 CGC was created in 1881 by General William
11 Tecumseh Sherman as the school of application for infantry and
12 cavalry. We are a professional military educational institution
13 which educates officers from Captain to Colonel.

14 We are an anomaly in higher education in that we
15 do not distribute Title IV financial aid. We graduate
16 approximately 95 to 99% of our students on time. We send 100%
17 of our students off to employment in a profession for which we
18 have prepared them.

19 Our students pay no tuition and are paid to go to
20 school for the year. We are required to maintain a 4 to 1 student
21 faculty ratio by a programmatic joint accreditor. We have been
22 regionally accredited by the Higher Learning Commission since

1 1976.

2 The college consists of three schools. The
3 Command and General Staff School which is a year-long program
4 for Army Captains and Majors and it awards the Masters of
5 Military Arts and Sciences to students who choose to pursue the
6 graduate degree.

7 The School of Command preparation educates
8 Lieutenant Colonels and Colonels who have been chosen to
9 command units at the Battalion and Brigade levels. The last school
10 which is the subject of today's session -- the School of Advanced
11 Military Studies has three academic programs, two of which
12 currently offer the Master of Military Arts and Sciences.

13 These three degrees at CGSS and SAM's have very
14 different curricula but are characterized as the same degree with
15 different sub-fields because the original statute which gave us the
16 authority to grant a graduate degree in 1976 specifically identified
17 this as the only degree we could grant.

18 Since that time with numerous military colleges
19 such as Air University gained degree-granting authority, Congress
20 has changed the wording used in writing the statute. Five years
21 ago Congress updated all of the degree-granting language across
22 the Department of Defense.

1 The new wording indicates that CGS may upon the
2 recommendation of the faculty and Dean of the College, confer
3 appropriate degrees. We chose to complete our regional
4 affirmation with the Higher Learning Commission before we
5 moved forward with this process, that was last April that we
6 completed it and we are re-affirmed for ten years.

7 The two programs that we looked at here -- folks
8 and officers are at different points in their career. The Advanced
9 Military Studies Program is a second year graduate program for
10 Majors who come from the Command and General Staff School
11 and the Army Strategic Leadership Studies Program is a war
12 college level program for Lieutenant-Colonels, and Colonels.

13 Officers often attend more than one of these degree
14 producing programs and graduate multiple degrees with the same
15 name. This is the genesis for part of why we wanted to make this
16 change.

17 The current Garrison Commander at Ft.
18 Leavenworth, our home base, holds three MMAS's because they
19 have an MMAS in each of these programs but with a sub-field title
20 which generally does not appear on resumes or CV's that says,
21 General Studies Theater Operations or Strategic Studies.

22 This is why we wanted to change the degree names

1 because when this officer goes now to the civilian world as he is
2 fixing to do his resume looks really weird and he has three of the
3 same degrees.

4 So this was to serve soldiers and more accurately
5 depict these degree programs. I will say that now that the door has
6 been opened to us, we do intent to pursue additional degree
7 programs such as our colleagues at Air University but this was the
8 initial piece that we wanted to do because we viewed it as a
9 housekeeping issue in trying to get it fixed and we thank you for
10 your time today.

11 CHAIRMAN KEISER: Chuck?

12 MR. MULA: I would just like to add a little bit of
13 history so that -- excuse me, so that you could understand. This
14 original program at this school was actually directly approved by
15 Congress. It did not have to go through the Department of
16 Education.

17 It has the same authority that the academies are
18 approved under. If they do have additional Master's programs
19 though then it will go through this process.

20 CHAIRMAN KEISER: Kathleen?

21 MS. ALIOTO: I had come up with a few questions
22 now that we have approved it but perhaps you can clarify. Would

1 this apply only to programs at Fort Leavenworth or to your
2 satellites in Virginia, Georgia, and Alabama as well?

3 MR. MARTIN: No ma'am. None of our satellite
4 sites currently are involving in our degree granting efforts. These
5 particular programs though are only taught at Fort Leavenworth,
6 they are not taught at satellites.

7 MS. ALIOTO: And what particular skills will they
8 have at the end of --

9 MR. MARTIN: I will turn that to my expert.

10 MR. GORMAN: Our program at the School of
11 Advanced Military Studies is an interdisciplinary program -- the
12 objective of the outcome is to create problem solvers for the Army
13 and other services.

14 So we teach them skills ranging from complex
15 problem-solving, we teach theory, history, strategic context, but
16 the goal is to produce these officers who will go out on planning
17 staffs and solve problems for the DOE.

18 MR. MARTIN: And just to make a comparative
19 conversation here -- SAMS's the school that we are talking about
20 serves the same purpose for the Army that SASS the Air
21 University School that you visited serves for the Air Force.

22 They are identical schools. In fact Scott was the

1 initial Director for SASS and we hired him away from the Air
2 Force.

3 MS. ALIOTO: So in the future the acronym instead
4 of being MMAS will be MAMO or MASS?

5 MR. MARTIN: We will see what the acronym is
6 ma'am but it will be a Master of Arts in the proper field.

7 MS. ALIOTO: Okay.

8 MR. MARTIN: I do apologize we are an acronym
9 heavy organization.

10 MS. ALIOTO: Well so are we at NACIQI.
11 Nobody ever knows exactly -- and the final question is only
12 somebody who is -- you had told me yes today, only somebody
13 who was a Colonel or a Major can opt into this, is that correct?

14 MR. MARTIN: The students for the first one, the
15 Theater Operations, are generally Majors. There are the occasional
16 Lieutenant-Colonels. They will be both U.S. Army, U.S. Air
17 Force, U.S. Navy, U.S. Marine Corp. There will be international
18 students and there is the occasional inter-agency student from the
19 Department of State, CIA, DIA -- different federal agencies.

20 MS. ALIOTO: And how about NATO?

21 MR. MARTIN: Yes ma'am. You guys -- who are
22 the NATO countries that you seat in the second program?

1 MR. GORMAN: They are officers from United
2 Kingdom, Germany, several other NATO countries, the
3 Netherlands.

4 MS. ALIOTO: Well I want to thank you on behalf
5 of the Committee for your service to us and to our nation.

6 CHAIRMAN KEISER: Any other comments?
7 Thank you very, very much. We appreciate you being here and
8 continue your good work and again thank you for training some
9 phenomenal military leaders.

10 **NACIQI RECOMMENDATION**
11 **Approval is granted for the Redesignation of**
12 **An Existing Degree-Granting Authority**

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1 **Renewal of Recognition**
2 **Association for Biblical Higher Education**
3 **(ABHE)**

4 CHAIRMAN KEISER: Okay we are going to
5 move right on to the next Agency which will be the Recognition of
6 -- Renewal of Recognition of the Association of Biblical Higher
7 Education, (ABHE).

8 I do want to go over before we get started to remind
9 everybody what our process is because we do that each day before
10 we start our review of the accrediting agencies.

11 The first step is that the Primary Readers introduce
12 the Agency application and in this case the Primary Readers are
13 Brian Jones and Susan Phillips. The Department staff provides the
14 briefing which in this case is Elizabeth Daggett. The Agency
15 representatives then provide comments regarding some of the
16 discussion that had already occurred.

17 The Primary Readers then question the Agency
18 including the standard questions adopted by NACIQI for initial
19 and renewal applications, then the questions by the rest of the
20 NACIQI followed by a response and comment from the Agency.

21 Then there are third-party comments which I am not
22 aware that there are any on this particular agency, then the Agency

1 would respond to third-party comments, the Department staff then
2 responds to the Agency and third-party comments and then we
3 have a discussion and votes.

4 And if the questions are not brought up in the major
5 discussions, the standard questions -- a discussion on those can
6 continue. So please recognize Brian or Susan who are going to
7 introduce the institution.

8 MR. JONES: I'll start. So this is a review for
9 Renewal of Recognition for the Commission on Accreditation of
10 the Association for Biblical Higher Education.

11 This is an Agency that accredits bible colleges and
12 institutions at the undergrad level through both campus-based
13 instruction and distance education.

14 The Agency currently accredits 89 institutions, 17
15 pre-accredited institutions including 17 institutions in Canada. So
16 the agency was last viewed in 2012 and that was the Renewal was
17 approved subject to a compliance report that was accepted in 2014.

18 Since the last review the Department has received
19 no complaints and there are no third-party comments, so
20 Elizabeth?

21 MS. DAGGETT: Thank you, good morning Mister
22 Chair and members of the Committee. For the record, my name is

1 Elizabeth Daggett and I am providing a summary of the review of
2 the Petition for Renewal of Recognition for ABHE.

3 The staff recommendation to the senior Department
4 official for this Agency is to renew the Agency's recognition for a
5 period of five years. This recommendation is based on our review
6 of the Agency's Petition and supporting documentation as well as
7 the observation of a Commission meeting in November of 2016.

8 The Department did not receive any third party
9 comments. Our review of the Agency's Petition found that the
10 Agency is in compliance with the Secretary's criteria for
11 recognition and as noted since the Agency's last review in June of
12 2014 the Department has received no complaints.

13 Therefore, as I stated earlier the staff is
14 recommending to the senior Department official to renew the
15 Agency's recognition for a period of five years. Thank you and
16 there are Agency representatives available for your questions.

17 CHAIRMAN KEISER: Thank you Elizabeth.
18 Would the Agency's representatives please come forward? Please
19 introduce yourselves and push the red button to speak and when
20 you finish speaking push the red button to stop speaking.

21 MR. KROLL: Good morning. My name is Ronald
22 Kroll and I'm the Director of the Commission on Accreditation at

1 the Association for Biblical Higher Education. With me this
2 morning are Lori Jo Stanfield, Chair of the ABHE Commission on
3 Accreditation and Vice President for Business Affairs at
4 Manhattan Christian College in Manhattan, Kansas, and Dr. Shane
5 Wood, Associate Director for the Commission.

6 I want to thank the Department, particularly Miss
7 Elizabeth Daggett for the availability and support through this
8 review process. We are pleased to be able to appear before
9 NACIQI with a Department recommendation for renewal of
10 recognition for five years with no compliance issues.

11 In that light I will focus my opening comments on
12 the standard questions for the pilot project. ABHE is a national,
13 specialized accreditor of institutions that require a core of bible
14 theology studies and practical field-base ministry formation for all
15 students.

16 We accredit and pre-accredit 89 U.S. institutions in
17 36 states, one U.S. territory plus 17 institutions in 6 Canadian
18 provinces. Annualized head count enrollment for these institutions
19 is approximately 50,000 students.

20 The accreditor dashboard presents data on
21 institutions for which ABHE is the Title IV gatekeeper, which is
22 48 institutions impacting 8,775 students.

1 Since our last appearance before NACIQI, ABHE
2 has granted pre-accredited status to 13 institutions, granting initial
3 accreditation to 12 institutions, re-affirmed the accreditation of 44
4 institutions, placed one institution on probation, removed 2
5 institutions from probation, continued one institution on probation
6 for a second year, issued a show cause order to one institution,
7 denied initial accreditation and removed pre-accredited status from
8 one institution.

9 Denied pre-accredited status and removed applicant
10 status from one institution and approved 154 substantive changes.

11 Two standards dominate the accreditation challenges for our
12 institutions. Standard 2 -- Student Learning, Institutional
13 Effectiveness and Planning which focuses on assessment and
14 outcomes -- and Standard 6B, Financial Resources.

15 As an accreditor of small faith based private
16 institutions that rely heavily on supporting churches and
17 individuals, we deal with institutions that have never experienced
18 financial abundance but manage to thrive on very modest
19 resources, some now into their second century.

20 To help institutions with financial stability we offer
21 a track of financial workshops at our February annual meeting and
22 have routinely hosted small group conferences in the fall on

1 resource development, enrollment management and fiscal
2 leadership.

3 When the Commission identifies weaknesses, the
4 institution must submit a financial recovery plan and have it
5 approved by the Committee on Financial Excellency which
6 includes a Chief Financial Officer, Chairwoman Stanfield who is
7 here today is the CFO on that Committee, and two certified public
8 accountants.

9 We also added executive coaching to the portfolio
10 of services approximately 3 years ago and that has proven to be
11 very helpful to CEO's with limited experience in dealing with the
12 institutional finances and development. To help institutions better
13 address student achievement, assessment and outcomes validation,
14 we offer two tracks of workshops at our annual meeting -- one
15 focused on accreditation expectations and the other focusing on the
16 process of assessment and best practices for conducting
17 assessment.

18 Each fall the Accreditation Journey Conference
19 includes a unit on developing and implementing an assessment
20 plan. Staff consultation visits to applicant and pre-accredited
21 institutions focus heavily on development of a comprehensive
22 assessment plan which is a requirement in hosting an evaluation

1 team.

2 Something new in the past two years is that the
3 Commission has required four institutions to host a staff visit
4 where the Commission felt that guidance was the primary need
5 rather than follow-up evaluation.

6 This approach has fostered a sense of support and
7 encouragement for the institution and has been found to resolve the
8 concerns much faster than requiring a progress report alone
9 without this advisory help.

10 Let me say a few words about student achievement.
11 In ABHE context, as defined by ABHE Standards 1 and 2, student
12 achievement is directly linked to mission fulfillment. Some of our
13 institutions focus on preparation for professional ministry careers
14 while others focus on lay ministry, avocation or life service,
15 sometimes with a second career preparation area.

16 Whether explicit or implicit in the mission, all bible
17 colleges regard achievement of foundational bible knowledge and
18 acquisition of ministry service skills a missional objective, even if
19 transfer out is the path to career fulfillment.

20 Along that line we started asking for transfer out
21 data this year and for our institutions that had information available
22 it sometimes doubled or tripled their effective graduation rate.

1 This diversity of mission means that ABHE evaluation teams and
2 the Commission must honor mission as paramount and exercise
3 appropriate flexibility in reviewing student outcomes in the context
4 of mission.

5 Another recent development is that the emphasis in
6 assessment is changing. Historically, comprehensive assessment
7 was the goal where student achievement has become the new
8 mantra.

9 The Commission on Accreditation reviews one or
10 two standards each year. In Standard 1 -- Mission and Goals and
11 Objectives and Standard 2 -- Student Learning Institutional
12 Effectiveness and Planning have been selected for the 2018-2019
13 cycle.

14 We anticipate that changes in these standards will
15 reflect more of the emphasis on demonstrated student outcomes.
16 ABHE treats all applicant and pre-accredited institutions as
17 potentially at risk and requires an annual staff visit and progress
18 report to monitor and/or assist these institutions.

19 When a reaffirmation visit or substantive change
20 petition surfaces a weakness for an accredited institution, the
21 Commission asks for a progress report to address the concerns. A
22 focused visit or staff visit may be required as well.

1 And where compliance with standards is found to
2 be deficient sanctions are applied. The Commission also monitors
3 8 specific parameters through an annual report due in November.
4 The 8 parameters monitored and the indicator thresholds for
5 follow-up are as follows:

6 Enrollment growth of 50% or more or a decline of
7 20% or more; retention rate below 25%; graduation rate below
8 25%; alternative faculty credentials greater than 20%; library and
9 learning resource expenditures less than 2% of operating expenses;
10 decline in library holdings of 20% or more; financial responsibility
11 composite score below 1.5 and ministry participation rate below
12 50%.

13 In previous years institutions that fell below a
14 particular threshold were reported to the appropriate Commission
15 sub Committee and the sub Committee decided that further
16 information was needed.

17 Some of these parameters were based on elaborate
18 calculations for 4 enrollment -- unfortunately that meant that a
19 moving target was in place for institutions. In 2016 the
20 Commission adopted fixed targets as I have just shared with you.

21 Some of these such as graduation rate, parallel the
22 benchmarks of other peer, faith related accreditors and the CRAC

1 institutions trip the triggers for requiring a response than was the
2 case with the former Cortile based computations. We are
3 experiencing a lot of false positives right now with this method but
4 it does avoid overlooking institutions that may be experiencing
5 difficulties in a given area, so at this point the change is beneficial.

6 As the accreditor dashboard notes, ABHE has two
7 institutions on heightened cash monitoring 2, 7 institutions with
8 composite graduation rates below 20%, 5 institutions with graduate
9 mean earnings below \$25,000 and 3 institutions with loan default
10 rates above 20%.

11 Approximately 60% of ABHE undergraduates
12 receive PELL and 57% receive federal student loans. ABHE's
13 aggregate Title IV volume is 65 million dollars and the per-campus
14 volume is 1.35 million dollars.

15 Median debt of completers and average net price
16 both fall below \$30,000. Let me address the actions taken with
17 regard to the institutions in the red zone on the accreditor
18 dashboard.

19 Both institutions on HCN2 are on Commission
20 review. One institution was reviewed by Commission's sub-
21 Committee in February, 2016 and again in February, 2017 and it
22 has been placed on the agenda for the full Commission meeting

1 graduates because the nature of the programs, which is ministry
2 service, does not lend itself well to the same career aspirations as is
3 found in many other disciplines.

4 We service some religious groups where poverty is
5 customary and in some cultures it is considered inappropriate for a
6 minister not to be engaged in gainful employment apart from the
7 ministerial role.

8 The Barna Group conducted a nationwide research
9 study in 2015 through 2016 of individuals who identified
10 themselves as Christians and perspective college students. A
11 statement increasing my earning potential was a goal for going to
12 college for 59% of those who said they were disinclined to
13 consider a bible college.

14 But only 28%, excuse me, only 28% of those who
15 said they were inclined to consider a bible college.

16 We think that 30 point spread -- that difference
17 there reflects a common bible college world view of placing a
18 higher priority on meaningful service than on potential earnings.

19 Of the 5 institutions with low graduate earnings, 4
20 are located in areas with depressed economies where the cost of
21 living would similarly be depressed.

22 ABHE has not tracked default rates in the past and

1 the information was -- as the information was not readily available
2 until the release of the college scorecard. All three of the
3 institutions with default rates above 20% are on the June, 2017
4 agenda for review.

5 We tried to address the standard questions from the
6 pilot project as simply as possible and if you have additional
7 questions we would be happy to respond to those.

8 CHAIRMAN KEISER: Thank you for the very
9 comprehensive review, Susan as one of the Readers?

10 MS. PHILLIPS: Thank you very much I really
11 appreciate your addressing those questions proactively. On a
12 larger scale I have been impressed with all of the accreditors today
13 that they are very prepared for these questions.

14 I only have one piece to ask in addition. You have
15 many triggers that you use and I am wondering a little bit about
16 how you arrived at them and when -- if and when you would alter
17 them?

18 MR. KROLL: Some of these were created several
19 years ago as our annual report was developing. And there were
20 things that over the years the Commission had noted, work issues
21 showing up in team reports and other areas where institutions had
22 deficiencies or had challenges.

1 And so that was the origin of some of those
2 indicators that were developed. They were reviewed last year and
3 modified and in some cases there were some things that were
4 dropped and there were some things that were added.

5 Some refinements were made in that particular
6 sense to see which indicators were more appropriate and which
7 really were telling us which institutions are struggling as opposed
8 to which institutions are doing well in the various different
9 indicators that way.

10 It is a matter of Commission decision as to whether
11 or not to revisit those and we do have a Committee on Criteria that
12 meets along with our three meetings per year and should some of
13 this come back to them, they would revisit that.

14 One of the things that we ask for are all of our
15 committees this summer as preparation for the June meeting that
16 we have next week is we asked them for their feedback on the
17 modifications that were made last year with regard to the annual
18 report indicators.

19 So that is a piece that comes back under the Criteria
20 Committee and if there is evidence of a need for making
21 adjustments to that, they would propose that back to the
22 Commission, it would go through public comment and then the

1 Commission would make decisions on that.

2 MR. JONES: I, too, want to thank for you're a
3 comprehensive presentation and proactively I think addressing
4 some of my questions and some of the data in the dashboard. One
5 thing that I found interesting is your innovation of these guidance
6 visits as opposed to just having institutions do follow-up reports.

7 So I'm curious about a couple of things. One, how
8 you make that judgment as to whether a guidance visit is
9 appropriate? And then secondly just you have done this over two
10 years, have you noticed an impact on how quickly or how
11 effectively institutions address concerns?

12 MR. KROLL: Okay certainly. We do have -- the
13 staff and so forth for all of our applicant candidate for pre-
14 accredited institutions, so that's a routine process that is handled
15 there.

16 As far as special visits that would be conducted on
17 occasions where we would send a staff members instead of let's
18 say a focused visit team to do an evaluation, that has been by
19 Commission judgment and where that has come up is where an
20 institution came before the Commission because of the re-
21 affirmation.

22 And the issues that came up from the team's report

1 and then the institution's response suggested to the Commission
2 readers that perhaps the institution doesn't have a good grasp of
3 what we are really looking for in that particular standard.

4 And so rather than require them to do a progress
5 report and perhaps miss the point and then come back to the
6 Commission again and the angst that goes through that particular
7 experience, the conclusion was to send staff members for that.

8 And I went on two of those visits I believe Shane
9 went on two of those visits. Just to comment for you the
10 experience we had with one institution is after they came back and
11 visited with the Commission -- and you know how negative of an
12 experience that can be, they left the building and one of our
13 assistants was out in the reception area and say as they went out
14 one of the person's responded to another member of their
15 colleagues there and said, "That was awesome."

16 That's not something you usually here coming out
17 of a Commission meeting. So yes, it certainly had a favorable
18 indication that way but it short-circuited the process of getting
19 from knowing what was wrong to a viable solution to that by
20 having someone who has sort of walked through that with other
21 institutions offering suggestions as to what alternatives they might
22 consider.

1 CHAIRMAN KEISER: Arthur?

2 MR. ROTHKOPF: I'd like to sort of place your
3 organization in the context of other organizations that deal with
4 religious institutions. I know we have had seminaries here and you
5 know, just a variety of institutions that deal with religiously
6 focused colleges and universities.

7 Where do you fit in all of this, what's the typical
8 institution that you have? Is it Evangelical or tell me where you fit
9 within the context of other religiously based agencies?

10 MR. KROLL: Certainly, the two agencies that
11 would be most similar to us would be the Association of
12 Theological Schools and the Transnational Association of
13 Christian Colleges and Schools.

14 What distinguishes us as being a little different is
15 that ATS is a graduate seminary accreditor. The Transnational
16 Association of Christian Schools track, accredits both bible
17 colleges, Christian liberal arts colleges and seminaries.

18 In our context we have a curriculum requirement
19 that all students must fulfill and that is they all must have a core in
20 bible theology, they all must have a practical minister service.
21 And that's sort of the context in which the bible college movement
22 got started in the 1870's - 1880's in that particular area and

1 continues to be probably what distinguishes us the most that way.

2 As far as theological context we will be described
3 as an Evangelical organization and there is a tenants of faith to
4 which our institution subscribes that identifies that they concur
5 with that particular outlook on life.

6 MR. ROTHKOPF: And do you have an affiliation
7 with any religious group? I mean are there likely to be Baptist,
8 Lutheran, Presbyterian, you name it?

9 MR. KROLL: No we have a considerable number
10 of denominations that are affiliated with us and a lot of institutions
11 that identify themselves as either non-denominational or inter-
12 denominational.

13 MR. ROTHKOPF: Alright thank you.

14 CHAIRMAN KEISER: I have a question.
15 Considering the fact that a person who would be going to an
16 institution to study and it seems to be focused to becoming part of
17 the ministry or for ministerial services -- these are pretty focused
18 and dedicated people who make a pretty strong commitment, why
19 would your graduation rate or I think it was 25% be an acceptable
20 level, it seems awfully low.

21 MR. KROLL: If the goal of all of the institutions
22 was to prepare people exclusively for professional ministry

1 service, then I would say that that is a low indicator that way. But
2 we have a lot of institutions and in fact the context of the bible
3 college movement is often some preparation for other aspects of
4 life, avocation is the element that comes into play with that.

5 And that's why it is that I made mention of the fact
6 that when we start looking at transfer-outs, those numbers
7 significantly increase.

8 CHAIRMAN KEISER: Yes but I still don't
9 understand if you are doing a good job on the intake in terms of
10 identifying the correct student and then at the same time providing
11 clear-cut understanding of what the outcomes are for each of your
12 programs, the 25% seems pretty low for a very focused individual
13 who would go to a bible school.

14 MR. KROLL: Well again I'm not sure that all
15 individuals who go to the bible college, you know, have that
16 particular focus. Again the 25% we use as a threshold in
17 identifying.

18 CHAIRMAN KEISER: I understand that but it
19 seems like a very low threshold.

20 MR. KROLL: And I think you will find that we do
21 have institutions that do have a significantly higher graduation rate
22 that come from there.

1 CHAIRMAN KEISER: I'm sure you do. Again if
2 you set the barriers so low it is pretty easy to jump over that, it
3 seems that way.

4 MR. KROLL: Well and probably the character of
5 that is fairly consistent with what -- our students at their entry point
6 would be fairly similar to what you would find to a student at a
7 regionally accredited or one of the other faith-based associations
8 and we have used the same criteria basically that they have.

9 CHAIRMAN KEISER: So you are benchmarking
10 against the traditional liberal arts institutions?

11 MR. KROLL: And faith-based accreditors.

12 CHAIRMAN KEISER: I'm sure you would like to
13 take on that.

14 MR. WOLFF: I had a similar question but I would
15 like to follow-up. I would agree that 25% but I want to go back to
16 your opening comments. I'm not sure I tracked it all but I thought
17 at the very beginning you said that the -- not that the data or the
18 number of students who are Title IV is a very small percentage,
19 remarkably small compared to the total of 50,000 students.

20 So I want to go back to Art's question about the
21 25%. What are you using as the data set because it sounds as if
22 that end is going to be inappropriate for making evaluations? So

1 what kind of data are you getting from institutions that enable you
2 to even make the cut at 25% because the Title IV eligible would
3 not be the relevant data set it seems.

4 MR. KROLL: Exactly. We do as part of our
5 annual report every year ask them for a computed graduation rate.
6 We provide the formula for them, we ask them to compute that and
7 then that is the data that we have used on that.

8 Now we did a reset on our annual report a couple of
9 years ago so we are building a new catalogue of data, if you will, at
10 this point.

11 Our intention is to track that over multiple years so
12 that we are not having anomalies that come into play. We do have
13 institutions where you will have, you know, 250 or 300 institutions
14 and you will only have a full-time cohort of 2 or 3 students.

15 So I have seen numbers where you have one year
16 the graduation rate was zero percent and the next year the
17 graduation rate was 100%. That's part of the reason why we use
18 those triggers to identify institutions to provide an explanation to
19 the Commission and then the Commission starts dealing with the
20 question is that a reasonable explanation as to why your rate is
21 there or is there some intervention that is needed to encourage you
22 to improve that rate?

1 MR. WOLFF: I would just add that to the extent
2 that if you are relying on the regional accreditors, I'm no longer
3 associated with one, but my understanding of the CRAC policy is
4 that their identification of Associate Degree level and 4 year
5 degree level data sets was based on the lowest performing
6 institutions that would trigger institutions not as a benchmark of a
7 median.

8 And so they are looking at all institutions so I want
9 to associate with the notion that it seems that as you collect further
10 data there's a difference between a heightened concern, kind of
11 like heightened cash monitoring HCM2 when an institution falls
12 below a certain level.

13 But it does seem you need to collect where is the
14 median point and who are the best performers and in what ways is
15 the benchmark established that's higher than 25% because even
16 though they are not all receiving Title IV it seems pretty hard to
17 justify a 25% figure as an acceptable norm?

18 MR. KROLL: Right. Yeah and actually I would
19 agree with you with that and both of you actually. The issue here
20 is that we are on the front end of doing that with data and it is very
21 hard to establish a benchmark until you have some sense of what
22 does this look like and what are the indicators of performance with

1 that.

2 So I am anticipating that there will be further
3 review of this you know in the next couple of years.

4 MR. WOLFF: Just one other question --
5 transferability -- do many of your students come from community
6 colleges or regionally accredited, do they go into them for graduate
7 level work or do they come in and out or do your students tend to
8 stay within the -- I mean your accredited institutions and are the
9 credit and the degrees accepted by regionally accredited
10 institutions?

11 MR. KROLL: Yes we have students that go both
12 directions so we do have a lot of students that will go to a public
13 university. They are sort of trying to figure out what they want to
14 do with their life and then a year or two later they will transfer into
15 one of our institutions to you know, pursue something related to
16 ministry.

17 Also we do have students who will start at one of
18 our institutions, take a couple of years of study, and then pursue a
19 career that is unrelated to ministry and then utilize their ministry
20 experience for some other lifetime of service that goes along with
21 that that is not necessarily career related.

22 So we do have a lot of transfer in both directions

1 with that and had pretty decent success with that. We also have
2 approximately 30% of our institutions that have dual accreditation.
3 They are accredited by ABHE as well as another recognized
4 accreditor.

5 MR. WOLFF: Regional is that what you mean?

6 MR. KROLL: Yes.

7 CHAIRMAN KEISER: Any further questions?

8 Sensing none we thank you very much for appearing before us. I
9 would like to call back Valerie -- oh I'm sorry Elizabeth, I'm sorry.
10 I'm so used to Valerie for this afternoon, you have no more
11 comments?

12 Is there a Motion that you would like to place on the
13 floor?

14 MS. PHILLIPS: This is a recommendation to
15 renew the Agency's Recognition for five years.

16 CHAIRMAN KEISER: And there's a second, the
17 second is by Brian, sorry George. Further discussion -- Ralph?

18 MR. WOLFF: I don't want to limit the
19 recommendation but I do want the -- I hope that the Agency
20 representatives heard that 25% is a very low figure and I just want
21 to restate that.

22 CHAIRMAN KEISER: I agree and I think there is

1 a danger here when you look at bright lines that are triggers and if
2 you set them too low then you are not going to catch a whole lot,
3 but 3 out of 4 failures in anything seems to be a high degree of
4 failure. But any other discussion, Claude?

5 MR. PRESSNELL: Just and I know that we could
6 have had this conversation I guess a little bit earlier when they
7 were up here but just my own personal experience, you know
8 religious studies undergraduate and I had a lot of colleagues in
9 school who were going into the ministry.

10 The in and out happens a lot. And a lot of people
11 were very much bi-vocational and they would come in just to get a
12 couple of classes with no intention of being able to graduate
13 whatever. So it gets very, very complicated and I think one thing it
14 does expose to us that we could talk about at another time, maybe
15 tomorrow is that the declaration of degree-seeking students to be
16 eligible for Title IV aid, it forces them into a category when they
17 honestly may not have that intention in the first place.

18 CHAIRMAN KEISER: And that will be the second
19 level discussion tomorrow because bright lines are obviously a big
20 issues for this group and something we need to talk about. Any
21 other issues on this particular agency, sensing none all in favor of
22 the Motion signify by raising your hand, all of those opposed, the

1 Motion carries, thank you very much and congratulations. I am
2 four minutes early, that's amazing.

3 Wow I didn't think we would do that. We are going
4 to go to lunch. Our goal is to be back here at 1 o'clock, that is our
5 goal, I'm not sure we have our checks in time, have a good lunch.

6 (Lunch - 11:55 a.m. - 1:00 p.m.)

7 **NACIQI RECOMMENDATION**

8 **Renew the Agency's Recognition for five years.**

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1 **Renewal of Recognition and Expansion of Scope**
2 **Commission on Collegiate Nursing**
3 **Education (CCNE)**

4 CHAIRMAN KEISER: Welcome back, we are
5 going to continue in our review of agencies. The first agency this
6 afternoon will be the Renewal of Recognition and Expansion of
7 Scope of the Commission on Collegiate Nursing Education.

8 The Primary Readers are Ralph Wolff and Frank
9 Wu, the Departmental staff is Nicole Harris and there are Agency
10 representatives who will be appearing before us. Ralph, Frank you
11 are up.

12 VICE CHAIRMAN WU: Okay briefly CCNE is a
13 programmatic accreditor and this is an expansion in scope with
14 respect to 129 certificate programs in 49 states, Washington D.C.
15 and Puerto Rico. So the request for the Expansion of Scope was
16 initiated in 2014 and they last appeared before us in 2012 so that's
17 a brief intro and I will turn it over to our very capable staff.

18 MS. HARRIS: Thank you. Good afternoon Mister
19 Chair and members of the Committee. For the record my name is
20 Dr. Nicole S. Harris and I will be presenting information regarding
21 the Renewal Petition submitted by the Commission on Collegiate
22 Nursing Education also referred to as CCNE or the Agency.

1 The staff recommendation to the senior Department
2 official is to continue the Agency's current recognition and require
3 the Agency to come into compliance within 12 months and submit
4 a compliance report 30 days after the 12 month period that
5 demonstrates the Agency's compliance with the issues identified
6 below.

7 In addition the Agency must cease its practice of
8 retroactive accreditation, remove all reference to retroactive
9 accreditation from its website, policy, procedures, manuals and
10 accreditation standards no later than 60 days after the senior
11 Department official makes a decision on the Agency's
12 Recognition.

13 The Agency must provide documentary evidence of
14 these actions to the Department. If such documentation is not
15 provided the Agency will continue to be out of compliance and
16 will be scheduled for review in accordance with 602.33 at the next
17 available NACIQI meeting.

18 Regarding the Agency's request for an Expansion
19 of Scope, while the Agency continues to be out of compliance with
20 the Secretary's criteria for recognition, Department staff has been
21 able to determine that CCNE has adequate standards and the
22 capability to accredit certificate programs in nursing.

1 CCNE has also provided documentation
2 demonstrating its review and approval of nurse certificate
3 programs. It is also important to note that CCNE is already
4 approved to accredit nursing programs at the Doctorial level and
5 these nurse certificate programs appear to be below the Doctorial
6 level.

7 The staff recommendation is based upon my review
8 of the Agency's Renewal Petition and supporting documentation as
9 well as observation of a CCNE's site visit in New York April of
10 2017.

11 During the current accreditation cycle the
12 Department received 7 third-party comments regarding the
13 Agency's Renewal Petition and no complaints. The third-party
14 comments submitted in regards to the Agency support continued
15 recognition of the Agency and their standards that measure the
16 quality of collegiate nursing education.

17 Based upon the review of the response to the draft
18 analysis supporting documentation, site observations and follow-
19 up communication with the Agency, Department staff has
20 identified four remaining issues.

21 One issue that remains is related to missing
22 documentation and the need to demonstrate extensions for good

1 cause in 602.20B.

2 The other remaining issues pertain to amendments
3 needed to be made to the practice of retro-active accreditation by
4 the Agency in 602.15A2 -- Competency of Representatives, 602.28
5 Enforcement Timelines and 602.23A Public Information.

6 The Agency's website in the May 2017 procedures
7 for accreditation of Baccalaureate and Graduate Nursing Programs
8 states that, "CCNE accreditation actions are retroactive to the first
9 day of the program's most recent CCNE on-site evaluation." The
10 use of retroactive dates for accreditation decisions is non-
11 compliant with the Secretary's criteria.

12 In an effort to ensure the Agency came into
13 compliance with the Secretary's criteria, the analyst and the
14 Accreditation Director reached out to the Agency via conference
15 call and explained the need to revise its policy in March of 2016.

16 The Director of the accreditation group followed up
17 with correspondence to the Agency in July of 2016 and the Agency
18 responded in September, 2016 with reasoning for its use.

19 However, the accreditation group sent a final letter
20 in November of 2016 informing the Agency that they remain non-
21 compliant with the use of retroactive dating of accreditation
22 actions back to the first day of the program's most recent on-site

1 evaluation.

2 This communication further stated that the Agency
3 needed to provide in its renewal petition documentary evidence
4 that it has amended its policies and no longer awards accreditation
5 retroactive to the date of the site visit.

6 However, the Agency has not addressed the
7 requested change in the petition narrative and evidence provided
8 within the petition demonstrated that the Agency is still not
9 compliant, specifically the Agency provided an updated version of
10 its procedures for accreditation of Baccalaureate and Graduate
11 Nursing Programs dated May of 2017 which continues to reference
12 the use of retroactive dating as policy.

13 Thus, the training of Agency representatives on the
14 accreditation process which includes training of the Agency
15 members on procedures, timelines that are enforced and the public
16 information provided by the Agency pertaining to retroactive
17 accreditation is non-compliant with the Secretary's criteria.

18 June 6 of 2017 the Department of Education's
19 expectations regarding the accreditation effective date used by
20 accrediting agencies was sent to the accrediting agencies from the
21 Director of the accreditation group which was vetted and supported
22 by the senior leadership of the Department.

1 This letter states that the purpose of this
2 correspondence is to clarify the U.S. Department of Education's
3 expectation regarding the accreditation effective date used by
4 accrediting agencies.

5 The Department of Education requires an
6 accreditation decision to be effective on the date an accrediting
7 agencies decision-making body makes the decision. It cannot be
8 made retroactive except to the limited extent provided in CFR34-
9 602.22B with respect to changes in ownership.

10 Some questions have arisen as to whether the
11 accreditation effective date can be the date of the on-site review.
12 This answer is no. Section 602.15A 3 through 6 of the Secretary's
13 criteria for recognition clearly references and distinguish an
14 evaluation body and a decision-making body.

15 The team that conducts the on-site review is an
16 evaluation body and does not have decision-making authority.
17 Establishing the accreditation date as the date of the on-site review
18 is essentially giving that team decision-making authority which is
19 not in accordance with the criteria.

20 As noted in 34 CFR602.18 the Department expects
21 the decision-making body to review the entire record which
22 includes information and documentation other than the on-site

1 review team report when making its accreditation decision. The
2 on-site review team does not have the information necessary to
3 make an accreditation decision for an accrediting agency nor is it
4 authorized to do so by the criteria.

5 Therefore, any accrediting agency that does not use
6 the date that an accrediting agency's decision-making body makes
7 a decision as the accreditation effective date, must amend its
8 policies and cease this practice going forward.

9 In addition, Department staff has explained to the
10 Agency within the analysis that accreditation affords institutions
11 and programs certain privileges such as access to federal funding
12 allowing institutions or programs access to federal funds, including
13 grants or Title IV funds based on a back-dated accreditation
14 approval date is problematic and would allow institutions and
15 programs pre-mature access to federal dollars.

16 It could also allow access to federal funds that the
17 institutional program would not have qualified for but for the back-
18 dating of the accreditation approval date. Therefore, the staff
19 recommendation to the senior Department official is as I stated
20 earlier, and there are Agency representatives present today and we
21 will be happy to answer the Committee's questions thank you.

22 CHAIRMAN KEISER: Thank you Nicole, Frank,

1 do you have any questions?

2 VICE CHAIRMAN WU: I defer to my senior
3 colleague. Actually as Art points out in this context I am senior to
4 Ralph so I defer to the gentleman from California.

5 MR. WOLFF: Thank you for that very thorough
6 review. I just want to clarify the central issue here that I want to
7 talk about in a second is around retro -- the concept of retroactive
8 accreditation or setting a date for accreditation.

9 But before we get to that I want to make sure all of
10 the staff recommendations or findings of non-compliance, I
11 believe, save one relate to the whole issue of retroactivity. And the
12 only one -- I just want to verify, is with respect to good cause for
13 the extension and that is independent of the retro activity.

14 And the finding with respect to that is that they have
15 not demonstrated the application of their policy and I just wonder,
16 it would be a question I want to ask the Agency representatives
17 have there been opportunities to implement it and if not how can
18 they be expected to demonstrate implementation if not.

19 We may want to come back to that if there have
20 been opportunities or is it just a policy change where they have to
21 demonstrate implementation?

22 MS. HARRIS: It wasn't stated in the narrative so I

1 can't conclude what the document has sent. The request was for
2 them to provide an example of a good cause extension and the
3 information they provided didn't explain in its letter that it was a
4 good cause extension and they didn't explain in the narrative
5 whether they had had one or they hadn't had one in the past.

6 MR. WOLFF: Thank you so I think that's the
7 question I hope I don't forget to pursue in light of the larger
8 questions around this. Let me just say to the members of the
9 Committee the June 6th colleague letter is in our packet that Nicole
10 read and so I just want to say this was circulated to as I understand
11 it, and I think it would be Herman that maybe could give the
12 foundation for it.

13 But it seems to me the decision of the staff around
14 this issue is being challenged so I want to draw our attention to
15 some of the issues. One is the correctness if you will of our
16 judgment about the correctness of the judgment or interpretation
17 made by the Department.

18 And the second is there are procedural questions
19 about where there are consequential determinations made, what is
20 the appropriate process? So at least as I understand the Agency's
21 questions but I think worthy for us in relation to yesterday's
22 conversation is well, when there are changes of existing practice

1 by a number of agencies and to my knowledge after the circulation
2 of this "Dear Colleague" letter some agencies have already made
3 changes to the effect and so the question here is how we might
4 opine or determine the staff recommendation.

5 But the -- it seems to me given the significance of
6 the interpretation or determination that staff has made that led to
7 the "Dear Colleague" letter not just the recommendation for this
8 Agency, but a clear declaration that any setting of a date other than
9 the date of the action is inappropriate and arguably illegal.

10 Then it seems to me it would be helpful to find the
11 foundation for that and I would draw your attention to the "Dear
12 Colleague" letter so it would be the basis for our conversation. My
13 junior colleague wishes to comment.

14 VICE CHAIRMAN WU: So I'll preface this just
15 by saying my sense is this tremendous goodwill between NACIQI
16 and staff and so nothing I say I hope will in any way be taken other
17 than as supportive of NACIQI as a body and staff working together
18 closely and positively.

19 I'll follow-up directly on what Ralph has said to
20 note that I see two issues here. The first is when something like
21 this changes and agencies have been doing something that either
22 has been approved of or not noticed.

1 So whether it was just passed over or whether it was
2 expressly considered and approved of in this case, the retroactivity.
3 How much notice has to be given, how much process, does this
4 have to go to rule-making, or can it just be announced in a “Dear
5 Colleague” letter.

6 As Ralph has alluded to there is a reason to do this
7 it is not just arbitrary. Agencies might want to have retroactivity
8 exactly as with the military case that we looked at even
9 conceptually although I understand it is a different rule section to
10 help the students.

11 The reason is if you don’t have the retroactivity
12 there is a risk that a cohort of students will have some problem.
13 That is they will either have to stay in school an extra semester or
14 an extra year to ensure the institution is properly accredited at the
15 time they leave or they will leave and have a degree that is if not
16 worthless than really compromised.

17 So a good example of this would be someone who
18 has to sit for a professional exam. In order to sit for the bar exam
19 or for many other types of licensure you have to have graduated
20 from an institution accredited at the time you graduated.

21 So because the bar examiners won’t grant you
22 retroactivity if you are at a law school that is waiting for that and

1 so this is not a trivial problem. When you add up all the number of
2 accrediting agencies, when you add up all the number of
3 institutions, all the number of programs and the number that are
4 waiting in the pipeline you will have a sizable -- we are not talking
5 millions but we are probably talking thousands of people affected
6 over a period of time who somehow the timing is off.

7 So the first issue here is if a decision is made to
8 alter a long-standing practice that lots of agencies have engaged in,
9 is the "Dear Colleague" letter from staff the appropriate means to
10 bring that about or does there have to be more notice, more
11 discussion, more deliberation?

12 The second issue is what is the allocation of
13 authority between NACIQI as a body and staff? Can and should
14 this be done unilaterally by staff or is there a NACIQI role for
15 input on this and how will that be received when it goes back to the
16 Department of Ed?

17 And this isn't again to provoke any unnecessary
18 conflict between NACIQI and staff and I say this with just I hope a
19 reservoir of good will between all of us and between me in
20 particular and staff. But this almost certainly caught accrediting
21 authorities by surprise because I think it is undisputed a number of
22 agencies have been doing this for rational reasons, not arbitrary,

1 there is a reason to do this.

2 And any of you who had institutions where you
3 have had a program awaiting this approval you know that you have
4 a little issue during the pendency of that and you have to figure out
5 what to do about the students who are coming through before
6 everything has been settled and so the retroactivity is pro student
7 so I will leave it at that.

8 And I invite Ralph if I have misrepresented his
9 views or mischaracterized this but I wanted to try to frame those
10 issues.

11 MR. BOUNDS: So I think before Ralph asks me to
12 give some background but before I give the background, Frank we
13 thought about those issues too and we talked -- I met with the
14 CRAC folks who accredit some institutions are pretty large and
15 they talked about the way they could deal with that is they could
16 change their Commission meetings to accommodate those
17 graduating students.

18 So instead of having 2 a year they could have 3.
19 We said they could have them telephonically, they could do them
20 you know, they could do them virtually, so there are ways that the
21 students are not affected.

22 Again, before I really get into the history the reason

1 that this came up -- is because we discovered this and I will talk
2 about how that came about but the bottom line is I could not justify
3 this as the Accreditation Group Director.

4 If any Agency conducted an audit or a review came
5 across this and they said, "Hey are these folks accessing federal
6 money ahead of time," there was no way I could go to anybody
7 and defend this process.

8 And honestly I didn't want folks to be caught in the
9 middle and then you know, not be made aware there are other
10 implications, you know, with this issue. So the way this came
11 about is actually through a couple of complaints that we got.

12 And through the complaint reviews we noticed that
13 the accreditor of those accreditors, who the complaints were
14 against were, you know, they were practicing retroactive
15 accreditation. So that's not right especially when you look at the
16 definition of accreditation.

17 A lot of people say well what points to not being
18 able to do that and if you look at 602.3 it is pretty definitive it says
19 the status -- a public status that the Agency awards to an
20 institutional program on the data determined that program or
21 institution meets its standards, so I mean that's just pretty
22 straightforward.

1 So we contacted a couple of agencies they looked at
2 it, they agreed to fix it, they asked us if they could have some time
3 to come up with a plan and I said sure because through talking
4 with CCNE we understand that this permission was given by a past
5 accreditation group Director.

6 Now I am going to say it was given by a past
7 accreditation group Director. This decision was bigger than
8 Herman Bounds, because I knew I could not make this decision on
9 my own so that's why I ran this decision up the flagpole to get the
10 opinions and approvals of other folks in the Department.

11 Because I can tell you that if an agency did get
12 called on it and there was an issue of federal dollars being taken
13 back, I don't anybody to say that Herman is aware of this policy
14 and didn't bring it up. I mean that's just, you know, that's just
15 something I needed to do.

16 So we understood that this information had been put
17 out so that's why we told agencies hey look if you are doing this,
18 come to me with a plan. If you want to get a cohort of students
19 through how you want to get this done before you enact this we
20 understand that you may have gotten some bad information
21 previously.

22 But I can't defend this situation going forward so

1 that's why I brought this, you know this situation up and this is
2 how we decided to address it. In the meantime I had staff look at
3 all of their agencies, each one of those guys you know have a
4 portfolio of about 10 or 12 agencies so they started looking
5 through.

6 I will tell you that I have had agencies call me and
7 go, "Well who the heck is doing that?" So it is varied. Some
8 agencies are not doing it, some agencies think that wow, that
9 doesn't make any sense to do, some are saying yeah we have been
10 doing it and to different degrees.

11 Some back to the day of the site visit, some further,
12 some within a month so it has been -- you know that part has been
13 really sporadic. The other thing that you will see in the staff
14 analysis is that -- and Sally is here she can probably speak more
15 about this better than I can.

16 But there are no rules governing retroactive
17 accreditation except for that one spot and we know that is under
18 sub change but there is no other guidance. So if an Agency is
19 going to backdate their accreditation date a year or two years
20 there's no limit. Now is that reasonable? I don't know.

21 But right now there is no governing end to that if
22 the practice is allowed, so there are just some circumstances

1 around that. But I just want to let the Committee know that we did
2 contact agencies, we told them to explain to us how they could best
3 alleviate the problem. We didn't demand that it happen right
4 away, we said put together a plan and let us know.

5 And we apologized that, you know, about the
6 information that they may have gotten previously from internal
7 within the group. Again, my decision is a decision that has been
8 through several -- not my decision but my bringing this up has
9 gone through several sessions of the Department so that's where
10 we are at.

11 CHAIRMAN KEISER: Brian and then John?

12 MR. JONES: Just a quick clarifying question for
13 you Herman. So when you say this went up the flagpole -- tell me
14 was this viewed fundamentally as a policy question or a legal
15 question? Was this an OGC decision?

16 MR. BOUNDS: Well it went through OGC but it
17 really harps around the definition of accreditation and how do you
18 get around that. It went through, of course I consulted with OGC
19 and then it also went up to the folks that are in acting positions
20 now, it went through my boss.

21 And then it went through and we waiting until we
22 got that approval to send out a broad based letter because that's a

1 different type of decision. So I don't know if Sally wants to jump
2 in or not but I hope that answered your question.

3 MS. MORGAN: I guess that it is an interpretation
4 of our rule. It is not inconsistent with any official publication that
5 we have put out in the past. It is supported by the definition of
6 accreditation which says -- means the status of public recognition
7 that an accrediting agency grants to an educational institution or
8 program that meets the agency's standards and requirements.

9 And, you know, until the grant is made there's no
10 accreditation. You either have it or you don't and that's the whole
11 purpose of accreditation from a federal point of view. And as
12 Herman said it is also reiterated specifically in the substantive
13 change.

14 You would think it would be sort of a self-evident
15 point that you can't say, "Alright we are noting that you were
16 blessed six years ago or two years ago," but it is in the substantive
17 change because we had that exact case come up in substantive
18 change were an accrediting agency purported to accredit a vocation
19 6 years retroactively.

20 So that's the background. It is a legally supportable
21 interpretation of the statute. It has been blessed up the chain and I
22 have no reason to think that the Department would repudiate it.

1 CHAIRMAN KEISER: Ralph oh I'm sorry John,
2 then Ralph.

3 MR. ETCHEMENDY: I have a question -- I
4 understand the hesitation to allow an unlimited retroactive
5 accreditation that is crazy. You can't. We obviously could not
6 allow that.

7 These more limited cases -- it's not only the
8 students that are in jeopardy but you have to understand that this
9 whole system is based on volunteer labor so the Commissioners
10 and so forth and so on are all volunteers.

11 It is very easy to say oh you can solve this by
12 having three meetings a year or schedule special meetings and so
13 forth and so on. That's not so each. And usually, I believe the
14 cases where there is a retroactive granting of accreditation are
15 cases where because of schedules it becomes complex and it ends
16 up being a little off schedule -- the meeting where the vote is taken
17 ends up being a little off-schedule and so it is retroactively granted
18 back to some earlier date within a fairly short period of time.

19 So it seems to me that the real question is whether
20 the institution meets the standards and then yes that is recognized,
21 granted, so to speak at the time of the vote. But if for example in
22 the current case, if at the time of the last visit, that's the last bit of

1 evidence that comes to the Commission, presumably at that time
2 the institution did in fact meet the standards of accreditation and
3 then the meeting with the Commission ends up being somewhat
4 later and it is then formally approved.

5 So I guess I don't see what damage is done by
6 allowing within a fairly narrow window retroactive accreditation.

7 CHAIRMAN KEISER: Ralph?

8 MR. WOLFF: I THINK John picked up I was
9 going to raise the same question that in reading the definition Sally
10 that you read and that I have in front of me it says, "Grants to an
11 institutional program that meets the agency's standards."

12 I think the issue may be calling it a retroactive
13 accreditation is less accurate than setting the date of the
14 determination of when the program or institution met the
15 standards.

16 In the case of SACS Dr. Wheelan said yesterday or
17 talked to me privately or whatever, I'm not quite sure if it was
18 public that they just set it automatically at January 1 and depending
19 on whatever your view is that's a very different issue than arguably
20 could be made that based on the evidence that we had at the time
21 of the site visit we are saying that our action is based on a
22 determination that it met our standards at the time of the visit.

1 At least that's a possible interpretation. In this case
2 there is a factual issue and the Agency itself will need to argue this
3 but there was an exchange with the Department in which the
4 Department expressly ruled that it was permissible to grant
5 accreditation.

6 And I think that exchange may need to occur and so
7 this is a fundamental change from that exchange. And others had
8 gone through the recognition process so to me there seems to be as
9 I said earlier, that could the interpretation have gone a different
10 way or re-defined or defined in a much more-narrow context.

11 But secondly there is a question of our role in
12 second -- and it is not second guessing but evaluating a new
13 interpretation that would affect a large number of agencies and
14 what's the proper process particularly since all agencies have been
15 in a sense ordered to change their process prior to any public
16 discussion of what could be a material change.

17 And as I understand the financial aid implications,
18 for a non-profit institution it would presumably have been eligible
19 for financial aid under Title IV as a candidate to the accredited
20 status.

21 For a for-profit institution it would not have been
22 eligible in pre-accredited status unless it was preliminary

1 accreditation or provisional but not for candidacy. So it is my
2 understand and their limited case the concern would be if the date
3 were set earlier that the student could or the institution could apply
4 financial aid to a period of time during which the student had not
5 received but which was later declared to be accredited.

6 I'm just trying to understand if that is the
7 foundation -- is it likely to happen and is it really about financial
8 aid being at risk or is it about more of a declaration of when does a
9 program or institution "meet" the Agency standards and
10 requirements which is a change from a lot of agency's past
11 practices.

12 CHAIRMAN KEISER: George?

13 MR. FRENCH: Thank you Mr. Chairman. I just
14 wanted to weigh in in support of the presentation by both Ralph
15 and John noting thank you for giving us the background Herman,
16 but in listening to the background I hear the interpretation real
17 clear on the Department's interpretation of what the rule is.

18 But I think the gray area comes in to what has been
19 the practice and what the own admission of the DOE even twice
20 today to say we understand that you may have been given bad
21 information by the Department in the past, you acted upon that
22 information.

1 I think that's valid. I think that's something that we
2 have to really consider and I also agree with John that it has to be
3 limited, there has to be some limit. We can't do unlimited
4 retroactive accreditation but I think in certain situations like this it
5 should be a consideration.

6 So perilous of all things being equal unless an
7 agency drastically has improved, implemented some new policies,
8 but basically if everyone was equal at the time I wouldn't see a
9 problem with the limited retroactivity as well.

10 CHAIRMAN KEISER: We can do that or we can
11 ask the Agency to come up and then we will have this conversation
12 again at the end, but Susan I'm not going to cut you off.

13 MS. PHILLIPS: Yeah I would like to encourage
14 languaging that says a discussion is about the effective date of
15 accreditation not about whether it is retroactive. So there's just a
16 different way of thinking about it and perhaps more consistent with
17 the process of accreditation.

18 CHAIRMAN KEISER: Sally?

19 MS. MORGAN: I just would like to make two
20 quick points in response to what Ralph said. Is it a matter of
21 federal student aid -- absolutely money can be spent and misspent
22 on this basis.

1 Secondly, I think well I'll stop there.

2 CHAIRMAN KEISER: I'm not sure you are
3 correct on that because the program is programmatically --
4 institutionally accredited as most of their institutions are. They
5 would be, it doesn't require programmatic accreditation to get the
6 financial aid.

7 And if it is an institutional recognition, then the
8 institution once it gets its accreditation has to go to the Department
9 to apply for recognition to get the funding. So the date of
10 accreditation is really not impacting the financial aid distribution.

11 MS. MORGAN: Yes it is. And I misspoke in
12 talking about this particular agency but we are talking in broad
13 terms here and this letter went out to all agencies. And if an
14 institutional accrediting agency could support the misspending of
15 federal funds.

16 CHAIRMAN KEISER: Herman?

17 MR. BOUNDS: The other thing that I want
18 everybody to ask understand is that each agency has a federal link.
19 That federal link is for in 99.9% of the times to access the federal
20 funds, whether that is Title IV or grants.

21 And grant requirements vary widely and if -- where
22 this would affect money for a programmatic agency is accessing

1 federal grant fund, not Title IV, based on this retroactive data.

2 And we have seen this situation before here recently. The other
3 thing Ralph I just want to clearly make clear is that that past
4 decision was not a Department decision.

5 That was a decision made by -- and that's what we
6 understand that it wasn't correct. That was sent out by -- well
7 there was no formal letter. I think that was done in an email
8 exchange between the Agency and a past Director.

9 Right but what I am saying is this decision was put
10 through the process, it was reviewed and vetted so we sent this
11 decision out. All I am saying is based on a past decision you
12 know, I can't again look at that and say, you know, okay I'm not
13 going to address that issue just because somebody made a bad
14 decision in the past.

15 I mean that's just -- that would be probably neglect
16 on my part if I did that. So that's the only thing I wanted to bring
17 up.

18 CHAIRMAN KEISER: John?

19 MR. ETCHEMENDY: So let me just challenge
20 Sally -- I understand your point. But let me just challenge it in the
21 sense that --

22 MS. MORGAN: I've been in litigation on these

1 issues.

2 MR. ETCHEMENDY: Set aside litigation. I'm a
3 logician I'm not an attorney. So when is the federal -- where are
4 the federal funds misspent? Well presumably they are misspent if
5 they are allocated to an institution that does not mean the standards
6 of accreditation.

7 And what we are seeing here is the actual decision
8 is that yes this institution meet the standards of accreditation back
9 at the time of the last visit. It is not as if the money is being spent
10 on an institution that is not worthy of receiving federal funds or
11 having students who receive federal funds.

12 So I think it is a confusion of what is it for the
13 federal funds to be misspent? I think it is when they are spent on
14 an institution that is not deserving and the decision is a decision --
15 is an accreditation, it's a recognition.

16 VICE CHAIRMAN WU: So I have a lawyerly
17 point to make and then a request but it is a friendly one. So the
18 lawyerly one is I would worry that this isn't an appropriate use of a
19 "Dear Colleague" letter so that the Department could be vulnerable
20 to a challenge brought by an agency because of a reversal of a
21 long-standing practice that many accrediting authorities have relied
22 on and this has been running for decades like this.

1 But even that aside, so it may be that it is an
2 appropriate use of a "Dear Colleague" letter rather than a more
3 formal process. But I wonder if we, NACIQI, so it is a request not
4 a question -- if we NACIQI want to be more involved when staff
5 decides to do something like this, do we as a body want to be
6 consulted? Do we want to play a role? Or are we okay with it
7 being done at the staff level because it may be that some of us at
8 the table might want to weigh in or opine or offer some expertise.

9 And the request I have even if it is not vetted in
10 advance, I wonder if staff could alert us about this will some more
11 lead time so that we could mull over these issues. I think that
12 might be desirable.

13 CHAIRMAN KEISER: George? Do you mind to
14 yield to Herman?

15 MR. FRENCH: No, go ahead.

16 MR. BOUNDS: So the other thing that I wanted to
17 bring up is that many times we see that the Commission makes a
18 different decision than the site team. We also see many times
19 where agencies have levels of review.

20 You may have a site team that makes a decision on
21 the evaluation it goes before a review committee, that review
22 committee then makes a different decision. We say we are not

1 going to recommend you for accreditation, we need more
2 information.

3 There are many times when a Commission defers a
4 decision so when you then automatically back date that
5 accreditation date you disregard those periods where that program
6 was clearly not compliant.

7 So it is not just an issue that every time a site team
8 votes, that the Commission agrees -- those changes in that process
9 clearly indicate that the institution or program was not in
10 compliance on the date of the site visit.

11 MR. ETCHEMENDY: No if it was started in
12 compliance then the Commission is not going to vote that it was in
13 compliance that's the point.

14 MR. BOUNDS: But what I am getting at is the day
15 that the Commission meets is when that final decision is made, it
16 wasn't -- it couldn't have been made at the site visit because the
17 institutional program was not deemed compliant at that time.
18 That's the only point of that. There is too much stuff in between
19 that happens between the site visit and when the Commission
20 makes its decision.

21 There are a lot of phases or levels that go on in that
22 process.

1 MR. LEBLANC: Herman you are describing the
2 process between the site visit and the granting. That doesn't mean
3 that the institution wasn't in compliance at the time of the site visit,
4 it just meant that there are steps and processes that occurred.

5 And I think to Susan's point if we don't think about
6 this as retroactive which is a phrase I think that gets everyone in
7 trouble here, rather, and I think to Sally's language there is nothing
8 in the word grant that speaks of the question of a time period.

9 If I think what you read only says the granting of so
10 I think there is actually latitude here where you did not land but I
11 think there is latitude for the agencies to do what makes an
12 enormous amount of sense given the reality of what they are trying
13 to do and the requirements of institutions to get students through
14 graduation before being able to come forth for approval.

15 MS. MORGAN: I'll just make a couple of points.
16 Number one is it says grants. I mean is there accreditation or isn't
17 there accreditation before that decision?

18 No that's what I am asking you. Yes, I said the
19 status of public recognition that an accrediting agency grants to an
20 educational institution or program that meets the agencies
21 standards and requirements. When you grant it they have it.
22 Before you grant it you don't.

1 Right, going forward.

2 CHAIRMAN KEISER: I'm going to try to cut off
3 conversation because I think we are starting. Yeah I think that's
4 appropriate I agree with that.

5 MR. FRENCH: I've actually let like five people go
6 before me and I would like to go ahead and make my point now.

7 CHAIRMAN KEISER: Okay George.

8 MR. FRENCH: It's real simple for me. I think
9 Herman did the diligence. I think the separation, the apparently
10 alienation though in the conversation to say that what occurred in
11 the past was almost personal. That was a Department practice -- a
12 long-standing Department practice like you said.

13 The individuals who worked for the Department,
14 that was the Department practice. And I think we have to kind of
15 own that and own that it has been going on as we make a
16 determination as to what steps we are going to take in the future. I
17 think we have to own it.

18 I think on account of here now that's number one.
19 The second point is real simple it goes back to Mr. Chairman what
20 Art was saying before he left. My question really is after if we put
21 in an inordinate amount of time on this, what's really going to
22 happen if we had this much diversion of opinion with staff on this,

1 what's really going to happen at the end of the day anyway,
2 regardless of what we decide as NACIQI, is this going to be that
3 individual is going -- Department person is -- senior Department
4 official is going to make the determination anyway.

5 So that will be one of my concerns.

6 CHAIRMAN KEISER: Okay I appreciate all of the
7 debate. I think it is important and it is an issue we will discuss
8 tomorrow about the issue of regulatory or sub-regulatory issues but
9 I would like to invite the members of the Commission to come
10 forward, please come forward and introduce yourselves and we
11 would like to listen to what you have to say.

12 MS. BUTLIN: Good afternoon members of the
13 National Advisory Committee. For the record my name is Dr.
14 Jennifer Butlin and I am Executive Director of the Commission on
15 Collegiate Nursing Education, referred to as the Commission or
16 CCNE.

17 I have been before this Committee many times. I
18 have been in my role for more than 19 years previously serving
19 also with another health profession's accrediting body before
20 coming to nursing.

21 CCNE has been in good standing and has a long
22 history of compliance with the Department of Education's criteria

1 and I would like for each of our representatives to introduce
2 themselves and then we would like to propose a plan for how to
3 tackle these questions and issues.

4 MR. MURRAY: Good morning my name is
5 Benjamin Murray and I am Director of Accreditation Services at
6 the Commission on Collegiate Nursing Education. I have been
7 with CCNE since 2009 and working in the accreditation
8 community since 1999.

9 MS. RUPPERT: Good afternoon to the
10 distinguished members of NACIQI. My name is Dr. Susan
11 Ruppert. I am the current Chair of CCNE Board of
12 Commissioners. In my regular position I am a Professor and
13 Assistant Dean at the University of Texas Health Science Center in
14 Houston, School of Nursing where I also coordinate our Master of
15 Science in Nursing Program.

16 I am pleased to be here today to discuss our
17 continued Recognition and Expansion of Scope and to answer any
18 questions that the Committee may have. CCNE is recognized as a
19 leader in accreditation and we accredit over 90% of Baccalaureate
20 and graduate programs in nursing.

21 We are celebrating our 20 year anniversary as a
22 nursing accreditation body, thus we have a lengthy experience as

1 an accrediting body in evaluating the quality and integrity of
2 nursing programs at multiple levels. As a leader, CCNE has at its
3 disposal a rich body of experts that serve on our Board and on our
4 Committees as well as our site evaluation teams.

5 Our focus is, as it has always been, on educational
6 quality and support of continuing improvement in nursing
7 programs thus contributing to the overall health of the public to the
8 preparation of experienced nurses at multiple educational levels.

9 MS. BUTLIN: So what CCNE had envisioned is a
10 process whereby we would answer the questions posed to all
11 agencies in the Federal Register, those questions that are of interest
12 to you that you have been asking of all of the bodies as they come
13 forward.

14 And Dr. Ruppert is prepared to address those
15 questions first but given the substance of the discussion that has
16 occurred already on the issue related to effective date I would like
17 some guidance about whether you continue.

18 Our preference is for us to respond to the Federal
19 Register questions that you are asking all agencies to respond to or
20 if you would like to stick on the issues related to CCNE's
21 Recognition Review and Expansion of Scope request. We can
22 accommodate whichever way you wish to proceed.

1 CHAIRMAN KEISER: Primary Readers do you
2 have a --

3 VICE CHAIRMAN WU: If I may I would rather
4 that we continue, since this is on everyone's mind, but it is solely
5 up to the Chair.

6 CHAIRMAN KEISER: It's fine you are the
7 Readers.

8 VICE CHAIRMAN WU: Ralph, may I just ask
9 one?

10 MR. WOLFF: Yeah the primary questions are to
11 follow-on their pilot. I think we need to deal with the compliance
12 issues and I would like for you to address so that we can deal with
13 the issue of the good cause and then focus on the data of
14 accreditation issue.

15 MR. BUTLIN: Very well.

16 VICE CHAIRMAN WU: So may I ask just one
17 preliminary question which is do you care about this issue because
18 this is very different if you say you don't care and you are happy to
19 change and indeed if every agency who has received this letter just
20 rolls over and says fine, you know we are not looking to create a
21 problem between NACIQI and staff. So do you care about this?

22 MS. BUTLIN: We don't care about this issue we

1 are absolutely passionate about this issue. And the reason that we
2 are so passionate about the issue is because protecting students has
3 been at the center of the policy to assign an appropriate effective
4 date for our accreditation decisions.

5 And the other reason that we are passionate about
6 this is this is not just about nursing. And I hope that the
7 Committee members understand this is a much bigger issue for
8 colleagues behind me in the room in many other health professions
9 for not only regional accreditors, but institutional accreditors and
10 specialized accreditors such as CCNE who are not Title IV
11 gatekeepers.

12 This is a major issue, it may be unprecedented and
13 one of our goals was to bring this issue because of its importance
14 here today for the NACIQI to consider it. And from the
15 outstanding questions that you have formulated already I can see
16 that you are prepared and you already have a good understanding
17 of what some of the major issues are and the reason that a
18 recognized agency would adopt a policy such as CCNE's.

19 And I would also add that I completely agree with
20 what you have introduced Dr. Phillips that -- and I'm just going to
21 say this for the record. Retroactive is a naughty word in
22 accreditation. It is not the word of choice and what we are really

1 talking about is an agency's authority to set an appropriate
2 effective date of the accreditation action and you have already
3 touched on that I think in the preliminary questions that you have
4 formed.

5 CCNE did what -- I'm totally losing our script. I
6 want you to know that I have thrown it out the window because I
7 want to be able to respond to your questions but I'm also sensitive
8 to Dr. Wu or Dr. Wolff that you want to start with the show cause
9 extension for a good cause issue rather.

10 So to answer your question simply we are
11 passionately wedded to this. And it is not because we are
12 stubborn, it is not because we are self-serving, it is because
13 thousands of students could be at risk based on your
14 recommendation today and that is not just limited to the nursing
15 profession.

16 So let me stop there and my colleague, Mr.
17 Benjamin Murray is prepared to walk you through those citations
18 that we believe are unrelated or misplaced because of this effective
19 date issue on which CCNE has been cited.

20 And so before we move into those first three
21 citations including an extension for good cause, I want to thank the
22 Department staff. We have a long history of compliance as I

1 mentioned. We have had numerous phone calls with Mr. Bounds
2 and Dr. Harris, our staff analyst. They have all been collegial, they
3 have all been honest and I agree with the point made earlier that
4 there is goodwill on the part of Mr. Bounds and Dr. Harris and all
5 of the Council and staff on this issue.

6 I believe there are concerns about the potential for
7 my and your tax dollars to be misused. We have no evidence that
8 those concerns have occurred and we will address that, that they
9 could not in fact occur for our body Title IV, non-Title IV
10 gatekeeper.

11 We will address that but I do want to acknowledge
12 the staff and their work and their interest, genuine interest in being
13 consistent in the decisions. But I think as you will hear there have
14 been some inconsistencies and the record shows that we received
15 prior approval for changing our policy the way we did back in
16 2010.

17 And we also have evidence that many accreditors
18 recognized by the Department are engaged in very similar
19 activities and we will discuss that soon.

20 So before we get into the citations I want to draw
21 your attention to the final staff report that Dr. Harris reviewed with
22 you and this is the item on the top of page 2 of the staff report that

1 relates to CCNE's request for an expansion of scope. CCNE is
2 pleased that the Department agrees that CCNE has "adequate
3 standards and the capability to accredit certificate programs."

4 The Department clearly indicates that CCNE has
5 provided the documentation demonstrating its expertise and
6 experience in this area. We agree. And that the level requested by
7 CCNE at this time for the accreditation of certificate programs is
8 similar to those levels for which CCNE is already recognized
9 which are graduate levels, educational programs.

10 The Department staff has not raised any concerns
11 specific to CCNE's review of certification programs. Dr. Harris
12 observed the full day workshop on writing self-studies that CCNE
13 offered in the spring.

14 She also observed a comprehensive on-site
15 evaluation of our accreditation of all degree levels as well as
16 certificate programs. No concerns were brought forth regarding
17 those observations and for these reasons CCNE looks forward to
18 NACIQI recommending at this meeting that the requested
19 expansion of scope be granted and we are happy to answer
20 questions along the way that you may have regarding the request
21 for an Expansion of Scope.

22 With that Mr. Murray can address our issues of

1 compliance including extending for a good cause.

2 MR. MURRAY: Thank you Dr. Butlin and I would
3 just like to echo her sentiments about the collegiality between the
4 Department staff Mr. Bounds and Dr. Harris and others and how
5 much we appreciate their time working with this in preparation of
6 submission of our materials and clarification of requests that they
7 have made and we do appreciate that.

8 As Dr. Butlin mentioned we will be walking
9 through the four cited areas. The first three are while referencing
10 the effective date of accreditation we believe are not necessarily
11 applicable and then we will move more into the effective date
12 issue.

13 So at the moment I would like to draw your
14 attention to 602.152 and that's in the areas of Administrative and
15 Fiscal Responsibility specifically as pertaining to competent and
16 knowledgeable individuals.

17 In the final staff report you could find the analyst's
18 remarks on pages 6 and 7. If you will go ahead and draw your
19 attention then to the second paragraph of the analyst's remarks on
20 this section please.

21 So in its staff report the Department is taking issue
22 with a particular CCNE policy, specifically the one relating to the

1 effective date of accreditation. The Department is not asserting
2 that CCNE does not train its representatives to carry out their
3 responsibilities. This criterion does not pertain to the effective
4 date of accreditation so citing CCNE here is not appropriate. It
5 would not be logical.

6 The Department’s guidelines published in 2012
7 identified the review elements for this criterion. Specifically, and I
8 am quoting, “Review Elements -- In assessing this area
9 Department staff looks to see if Agency discussed and
10 demonstrated the processes, procedures, qualifying criteria it has in
11 place as appropriate for selecting and training its evaluation, policy
12 making and decision-making entities and that training covers the
13 Agency’s accreditation standards, policies and procedures.

14 How it’s recurring, structured, consistent and
15 systematic training conducted prior to individuals assuming their
16 duties covers the Agency’s expectations regarding the
17 responsibilities associated with each individual’s role in
18 conducting the review of an institution/program and decision-
19 making.

20 If the Agency’s recognized scope includes the
21 evaluation of distance education or correspondence education, the
22 Agency’s approach to training the team members and assessing

1 these modes of delivery and applying the Agency standards,
2 criteria and policies.”

3 So we have also gone back and reviewed the
4 Agency’s prior version of these Department guidelines which were
5 published in 2010. This section was virtually identical except for
6 the addition of the words “qualifying criteria”. Neither the 2010
7 version nor the 2012 version indicate the effect date of
8 accreditation is at all relevant to this criterion.

9 This criterion on which the Department is citing
10 CCNE is about selection and training of our Agency
11 representatives. No concerns of any kind have been raised about
12 CCNE practices, policies or procedures related to the selection and
13 training of Agency representatives.

14 Clear and comprehensive evidence of selection and
15 training was provided in CCNE’s Petition and in its response to the
16 draft staff report. By citing CCNE on this criterion because of its
17 effective date policy it sets a new precedent that each and every
18 accrediting agency pursuing recognition by the Department must
19 also be cited on this criterion if cited on any other criterion related
20 to the Agency’s procedures or standards.

21 So in other words, the Department is indicating that
22 if any Agency is cited for reasons related to lack of a particular

1 provision in standards or procedures, the Agency must also be
2 cited for having the lack of training Agency representatives on this
3 non-existent provision on their own policies and procedures.

4 We would like to point out though that the
5 Department has not been consistent in this line of thinking. For
6 instance, yesterday it was noted that SACS has been using a
7 similar procedure for effective dates of decisions however there
8 was no discussion or expression of concern by the Department that
9 SACS had not trained its representatives on these revisions just
10 made to SACS's procedures.

11 That they had not retrained their representatives
12 based on this procedure that they had just implemented.

13 MS. BUTLIN: I would just like to add that it sort
14 of sets precedent if CCNE is cited on this particular criterion which
15 focuses on training of its evaluators and we have I think a premiere
16 training of our 700 evaluators.

17 Other agencies and state boards and others come
18 and observe our training because it is face to face, it is
19 comprehensive. We do re-training -- we specifically bring team
20 leaders in for training after their regular training so we invest a lot
21 of resources in the training of our evaluators.

22 If CCNE is sited on this compliance concern

1 because of its effective date policy it sort of opens the door we are
2 afraid to any agency that comes before you for being cited on any
3 other policy that they would also have to be cited on this criterion
4 because they haven't changed their policy and retrained all of their
5 people to their new policy and so that is something for you to think
6 about.

7 MR. MURRAY: So now we would like to move on
8 to 60.20A 1 and 2 and this is Enforcement of the Standards and
9 Related Timelines. And I will give you a moment to get to that.
10 The analyst remarks in the staff report are on pages 8 and 9.

11 If you turn your attention to the second paragraph
12 which begins at the bottom of the page, the last two sentences of
13 that paragraph read and I quote, "Department staff has found the
14 Agency non-compliant for retroactive accreditation in 602.23A.

15 However, since the Agency has been practicing
16 retroactive accreditation it is unclear what date the Agency has
17 been using to calculate its enforcement timelines. Because of this
18 it is possible with the document it could indicate noncompliance
19 for more than two years."

20 So CCNE requires all programs I'm sorry -- not all
21 program, CCNE requires programs to submit special reports at 12
22 months. Those are required when a program has a "not met"

1 standard. This affords CCNE ample time to review the submission
2 and determine whether the program has demonstrated compliance
3 within two years as is required by this criterion.

4 CCNE has provided evidence in its material
5 submitted to the Department that the Board determines if a
6 program has brought itself into compliance with a “not met”
7 standard within two years after the Board’s original determination
8 was made.

9 In the updated special report example that was
10 included in CCNE’s response to the draft staff report, there’s a
11 letter that gives the Board’s original determination made on April
12 27, 2013 and then CCNE notified the program that the Board had
13 determined that the standard was now met on December 1, 2014.

14 This is well within the two year rule and in fact
15 more than four months prior to the two year deadline.

16 So if you could now please look down to the third
17 paragraph, this begins approximately one-third of the way down
18 page 9. This paragraph of the final staff report is unclear to CCNE
19 and as a result CCNE does not know what type of information is
20 being sought by the Department and what information to present to
21 you today.

22 That said, we will try to address some areas that are

1 brought up in this text. The paragraph references issues identified
2 in 602.16A1 which is a section of the recognition criteria relating
3 to accreditation and pre-accreditation standards. The 2012 general
4 guidance published by the Department regarding the section states
5 and I quote, “Under these criteria agencies are expected to
6 demonstrate that their accreditation and pre-accreditation standards
7 are rigorous measurements of the quality of the educational
8 institution or program in each required area.”

9 The Department staff report has not cited CCNE for
10 any concerns related to criteria in 601.16A1. It is not clear how
11 this pertains to 602.20A which relates to enforcement timelines.

12 This paragraph goes on to link 602.16A1 to and I
13 quote, “Granting accreditation with what appears to be
14 deficiencies.” However, that section is not related to the
15 procedural process of granting accreditation and the Department’s
16 own published guidance specifically states what the focus is.

17 Again that document states on the top of page 29,
18 “Under these criteria” -- in other words, meaning those that fall
19 under 602.16A1, “Agencies are expected to demonstrate that their
20 accreditation and pre-accreditation standards are rigorous
21 measurements of the quality of the educational institution or
22 program in each required area.”

1 The published guidance document goes on to state
2 for 602.16A1 that, “In assessing this area Department staff look for
3 whether the Agency has written published standards. How clearly
4 as written do the standards describe the Agency’s expectations
5 regarding the quality of an accredited institutional program,
6 whether the standard appears to be written with sufficient clarity
7 and/or specificity to be understood by others, whether the
8 standards and criteria appear to be appropriate for the type of
9 institution or educational program and level being accredited.

10 Whether there is a reasonable basis for concluding
11 that the standard is an effective measure of quality of the
12 institutional or programmatic characteristic it addresses.”

13 So as described in CCNE’s Petition and Procedures
14 on page 12 accreditation is granted by the CCNE Board to the
15 degree or certificate program that “Demonstrates substantial
16 compliance with the CCNE standards and key elements.
17 Accreditation is an indication of CCNE confidence in the overall
18 integrity of the program that demonstrated success of the program
19 and achievement of program outcomes and engaging in continuous
20 self-improvement and the ability and wherewithal to continue as an
21 accredited program for the foreseeable future.”

22 Importantly CCNE does have the ability to accredit

1 programs when compliance concerns have been identified but the
2 accreditation decision is made based on the Board's belief in the
3 overall efficacy of the program.

4 CCNE does not grant accreditation or continued
5 accreditation to programs that are not in substantial compliance
6 with the standards. This is widely accepted in the accreditation
7 community as an appropriate practice and has been accepted by the
8 Department each time CCNE has petitioned for Renewal of
9 Recognition.

10 There is nothing in the Secretary's recognition
11 criteria to preclude an accreditor from doing this. And in fact there
12 have been agencies reviewed by the Department staff and NACIQI
13 last year and at this very meeting that engage in similar practices to
14 CCNE in this regard and these agencies have not been cited on this
15 criterion.

16 Importantly CCNE does have a comprehensive
17 monitoring program and through this program CCNE is able to
18 review a program's movement towards resolution of the
19 compliance concerns and when resolution is not achieved, CCNE
20 has the procedural provisions in place to move toward a show
21 cause directive and/or withdrawal of accreditation importantly
22 within the timeframe required by the criteria.

1 As noted in the CCNE accreditation procedures and
2 in the Petition for Continued Recognition, CCNE uses the
3 following methods for program monitoring of compliance
4 concerns: Continuous improvement of progress reports, special
5 reports which are required when there is an unmet standard,
6 compliance reports required when there are concerns that a
7 program may be out of compliance with a specific key element,
8 focused on-site evaluations or early comprehensive on-site
9 evaluations.

10 CCNE's hands are by no means tied in this area
11 once an accreditation action has been taken. These program
12 monitoring activities are robust and effective and CCNE has
13 systems in place to monitor and track receipt of these reports and
14 result in actions.

15 If CCNE became concerned with any deficiencies
16 that were not resolved or worsened after an accreditation action
17 was made, CCNE has an array of options available and all of these
18 are documents extensively in the CCNE accreditation procedures.

19 For example, CCNE can request reporting, require
20 programs to host focused on-site evaluation or if the concerns are
21 more widespread or called into question, the overall efficacy of the
22 program CCNE can require a program with the host of an early

1 comprehensive on-site evaluation.

2 CCNE can also modify a program's existing term of
3 accreditation if concerns warrant. Specifically on page 17 under
4 the section title, Accreditation Term, the CCNE accreditation
5 procedures state, "The Board may also elect to modify a program's
6 accreditation term when an institution or program has undergone a
7 substantial change, deterioration and the program has occurred, the
8 program requests an earlier evaluation or a formal complaint
9 against a program requires an on-site evaluation of these issues
10 surrounding the complaint.

11 The Board reserves the right to conduct an
12 evaluation of the program whenever in its judgment, circumstances
13 require such review. This evaluation may have an impact on a
14 previously granted accreditation term resulting in a reduced
15 accreditation term."

16 Importantly the Department has not raised any
17 concerns with the efficacy of the CCNE monitoring activities as
18 part of this review. CCNE has proven time and again that it has
19 appropriate monitoring activities in place to determine the
20 deficiencies are rectified.

21 So now I invite you to refer to 602.20B and this is
22 Enforcement of Standards specifically regarding good cause

1 extensions.

2 The analyst remarks to the response are on pages 9
3 and 10 and if you can move to the second paragraph which is on
4 page 10. Here the staff report indicates that the referenced
5 documentation “does not clearly demonstrate evidence of a good
6 cause extension.”

7 The reason for this is that the example that was
8 provided that the report refers to did not involve a good cause
9 extension.

10 CHAIRMAN KEISER: Sir, I hate to interrupt you.
11 We have read all of this material. I would rather you get to an
12 analysis of where you have the concerns rather than reading us
13 your rules. I think an analysis would help us do a better job for
14 you if we understood the concerns specifically rather than reading
15 what we have in front of us.

16 MR. MURRAY: Sure. So I appreciate that thank
17 you. So here on this good cause extension the reason that there is
18 not one or the Department stated that there was not one reference
19 in the document is because that example did not involve a good
20 cause extension.

21 So we searched back through the draft staff report
22 and did not see a request nor one in the follow-up final staff report.

1 But we have searched our records and we have found that seldom
2 does CCNE need to extend the time for a program to demonstrate
3 compliance with an unmet standard on a special report.

4 In fact we found one such instance since our last
5 recognition review. In that instance the Board determined upon
6 review of the special report that the program had made substantial
7 progress in rectifying the identified compliance concerns.

8 In fact the Board determined that based on that
9 progress good cause does exist to extend the time given for the
10 program to demonstrate compliance.

11 I have that letter here sir, I would be more than
12 happy to forward it to you to enter into the record or I can read, I
13 promise, very excerpted references.

14 CHAIRMAN KEISER: It may be good for the
15 record but not necessarily for the decisions that are going to be
16 made today. We don't normally allow information that hasn't
17 been reviewed by the staff at the meeting so you still are going to
18 have to provide that to the staff for them to review after this
19 meeting, Frank?

20 VICE CHAIRMAN WU: May I try to help in a
21 simple way. Is there anything other than the effective date issue
22 that you want to speak to because I think everything that flows out

1 of the effective date issue NACIQI members are aware of and
2 there is -- now that we understand that you are passionate about,
3 and you have explained why, I think we need to have a further
4 conversation as to process and authority between staff and
5 NACIQI.

6 So is there anything other than the effective date
7 retroactivity that you want to direct our attention to?

8 MS. BUTIN: Yes, thank you for that question.
9 This is it. It's the providing evidence of whether CCNE has
10 granted an extension for good cause is the only issue in question
11 beyond the effective date as Dr. Wolff pointed out earlier.

12 We have been cited on four areas, three of them
13 relate to effective date. We are arguing that we shouldn't be cited
14 on any of those areas. On the one area that is unrelated to effective
15 date it said we didn't provide an example of an extension for a
16 good cause letter.

17 We weren't asked to provide that letter in the draft
18 staff analysis which is why we didn't furnish the letter. When we
19 received the final staff report and it said you are now cited on this
20 for not providing the letter we did a search of our system, all of our
21 records and discovered there has only been one such action.

22 We redacted and brought the letter with you and it

1 does show evidence of compliance. I would hate, since we have
2 the letter here today to not read the aspects into the record so that
3 we could wipe away this compliance concern. Usually when
4 agencies are able to show evidence of compliance before this body
5 you would accept that so that we don't have to come back in 12
6 months to show you this letter.

7 CHAIRMAN KEISER: That's not an accurate
8 statement. I think well over 10 years on the Committee and
9 anytime, we make it very clear that you don't bring materials with
10 you. We believe you. We understand but that is not normally the
11 process of this group.

12 Let's see if they can finish and then we can ask the
13 questions, Ralph?

14 VICE CHAIRMAN WU: May I add something to
15 support you?

16 CHAIRMAN KEISER: You don't need to support
17 me.

18 MR. WOLFF: I'm just actually -- I'm just hoping
19 you will finish. I think we have got the message on the good cause
20 issue it is a matter of documentation we need to move on and focus
21 on the primary issue.

22 So I just want to say that's the issue that's primary

1 before us and even with that we have your memorandum so I think
2 it would be important to highlight the key points of that to enable
3 us to ask you questions and to have our own discussion.

4 VICE CHAIRMAN WU: So I want to reinforce
5 what the Chair just said but also point out that we, NACIQI, have
6 undermined ourselves, which is we don't accept materials at this
7 meeting.

8 Agencies often try to present, third-parties too and
9 we have just been very consistent in saying no, that's not the right
10 process. However, in the past 24 hours we have said to agencies
11 oh your stuff is going to be coming in, we will kind of trust that it
12 is coming in, so I just want to note if we are going to do that, we
13 can't be sympathetic to some agencies but not others.

14 CHAIRMAN KEISER: That's another
15 conversation that's included in tomorrow.

16 VICE CHAIRMAN WU: We have to be mindful of
17 this otherwise people watching us are going to say, "Hey, how
18 come you treated one agency one way with greater leniency and
19 another agency with real strictness and that's just not right."

20 CHAIRMAN KEISER: Susan -- we will get back
21 to the Agency but again the critical issue we have is that there is a
22 debate, I don't think it is critical to this Agency it is internal and it

1 is going to be there are issues and I think they have a lot of
2 sympathy on the Committee here but go ahead, Susan.

3 MS. PHILLIPS: I just want to reiterate the
4 dialogue, my part of the dialogue that Frank and I have had
5 yesterday about the issue is not about letting something slide, the
6 issue is what this body recognizes as evidence.

7 CHAIRMAN KEISER: If you could tie up your
8 conversation and make it very clear about the issue of I think data
9 recognition that seems to be the primary issue that you are facing.

10 MS. BUTLIN: Okay so let me tell you the story
11 briefly about how we got to where we are today. CCNE was
12 receiving questions from Chief Nurse Administrators, Deans and
13 Directors of Programs saying that if CCNE didn't do what other
14 recognized accreditors do and backdate it's decision to protect the
15 first class of students we will be harming initial students who were
16 enrolling into our program.

17 And in good faith can't tell them that we may have
18 an accreditation decision by the time they graduate that would
19 protect them -- and so taking this information forward to Dr. Carol
20 Griffiths who was Chief of the accreditation group at that time.

21 I emailed her and I asked for the Department's
22 position on this. Now keep in mind that most accreditors don't ask

1 permission when they are contemplating a policy change. Most
2 accreditors work with their own constituents, communities,
3 professions, changes of policy send it out for comments and so on.

4 CCNE thought it was the right thing to do because
5 we saw this as you know, this is a change. We were recognized
6 under our old policy previously. It's not working that well because
7 some students aren't being protected and let's reach out in writing
8 to the Department and find out if we can do this.

9 Because we knew that other accreditors were doing
10 it and those accreditors were recognized by the Department. When
11 Dr. Griffith responded to my email and I'm not going to read the
12 correspondence to you, you have it, but her response was, "We are
13 comfortable with the process by which a recognized Agency
14 established the date of the comprehensive site visit as the effective
15 date for the accreditation granted. Assuming that the vote on
16 accreditation is made no later than the next regular decision
17 meeting."

18 We implied to CCNE that this is not Carol
19 Griffith's opinion, this is the Chief of the accreditation group
20 responding to our question do we have your permission to move
21 forward to change the policy? The answer was yes.

22 We have no concerns and no problem with you

1 applying this policy okay. We were good to go. We
2 communicated with our constituents. We did everything a
3 responsible accreditor should do.

4 We proposed the change we got comment on it, we
5 adopted the change, it went into effect as of a certain date and we
6 have been implementing that policy since 2010. Thousands of
7 nursing students have benefitted from this and we are aware of no
8 harm, no federal money that could possibly be awarded to one of
9 our nursing programs or their parent institution because of this
10 policy.

11 And let me give you an example of why it's correct
12 as a Committee member stated earlier that CCNE is not a Title IV
13 gatekeeper and all of the nursing programs we accredit are housed
14 in colleges and universities that already are institutionally
15 accredited by an accrediting agency recognized by the Department
16 of Education, that's their title for a gatekeeper.

17 So already qualifying for federal monies before we
18 even go in and do our visit, let alone render the decision -- and
19 there are grants for example with the U.S. Public Health Service,
20 there are other federal monies that can be awarded to faculty but
21 none of that can be awarded until the program gets their
22 affirmative, positive accreditation action in hand from CCNE.

1 So CCNE conducts a visit several months later --
2 we are not talking about a year later, we are not talking about 5
3 years later, 10 years, we are talking about a few months after the
4 visit the CCNE Board makes the final determination about
5 accreditation and it is based on what occurred at that visit.

6 And it is not until 30 days after the Board meeting
7 where the Dean and the President of the University receives the
8 action letter saying you were accredited. That program therefore
9 could not apply to qualify for any federal funding to show
10 evidence that they are accredited until 30 days after the meeting
11 when they have the letter in hand.

12 For a program that's denied accreditation they are
13 obviously not going to get the letter that says you are accredited,
14 they are going to get a denial letter in which case they couldn't
15 apply for federal money to begin with.

16 So for our profession and for many other agencies
17 that are in our situation we can't see the harm. You will see that
18 you know, just as I said there has been goodwill I think with the
19 Department staff wanting to do the right thing and trying to
20 explore this area.

21 There's been good faith at CCNE in terms of
22 writing in advance and seeking an understanding and permission

1 and moving forward once that was done. We have studied our
2 current new applicants for accreditation and if we were to change
3 our policy today there are almost 500 students under review right
4 now that could be impacted if we were forced to change our
5 policy.

6 We believe that we have a very strong argument,
7 that there is no basis in the regulation for this citation. You will
8 not see any language saying that accreditors cannot make a
9 determination about their effective date once the Board acts.

10 And I do want to correct something that Dr. Harris
11 read into the record in her opening remarks. She said that the
12 CCNE procedures dated May of 2017 state that accreditation is
13 retroactive, that is incorrect.

14 The accreditation procedures state and I quote,
15 “That CCNE accreditation actions are effective as of the first day
16 of the programs most recent CCNE on-site evaluation, there’s no
17 retroactive language. That’s sort of non-substantive but I do want
18 you to know that when we researched what other accrediting
19 bodies recognized by the Department were doing we found out that
20 hardly any of them use the word retroactive, but they were all
21 doing it.

22 CHAIRMAN KEISER: Dr. Butlin I think you have

1 made your point and I don't like to you know, try to change it, you
2 know, but we do understand your concerns. We do understand
3 your point and it is starting to get repetitive so I think it would be
4 time either we could continue the conversation or take a break and
5 then come back on the conversation and ask the questions because
6 we have been -- this has been a very intense period.

7 VICE CHAIRMAN WU: So may I ask for a nature
8 break. I think we have been seated for 90-some minutes and a
9 break would be good. It doesn't look like NACIQI members really
10 have more questions.

11 CHAIRMAN KEISER: Well we might have more
12 discussion.

13 VICE CHAIRMAN WU: Right, right, right,
14 discussion but not questions from the Agency, is my point. So I
15 am formally requesting a break.

16 MR. BOEHME: Does that require a second?

17 CHAIRMAN KEISER: That's a 10 minute break
18 and that's the Chairman's discretion, thank you.

19 (Break 2:43 - 2:52 p.m.)

20 CHAIRMAN KEISER: Okay we are back in
21 session. Let's see, 1, 2, 3, 4, 5,6,7,8, 9, 10 we are fine, hey I can
22 count that's pretty good.

1 Okay we have you know we are at the point of
2 asking questions of the team and Claude, real quickly because I
3 think we have some ideas of where we want to go with this.

4 MR. PRESSNELL: Yes I just want to make one
5 clarification. So based on what you read before in terms of the
6 effective date of accreditation I just want to be clear, your policy
7 states that the effective date is when the team finished the visit.

8 So, in other words, so the team makes the visit, gets
9 all the material and then it has to go to the Board for a decision.
10 Your policy states that the effective date is based on the visit not
11 on the final decision of the board, is that correct?

12 MS. BUTLIN: That is absolutely correct. Our
13 Board is the decision-making body. We have never contended that
14 the team is the decision-making body. And when the Board takes
15 the action it is effective as of the on-site evaluation yes, that's
16 accurate.

17 CHAIRMAN KEISER: Jennifer?

18 MS. HONG: Just real quick, Jennifer. Did you
19 attach that email from Carol Griffith on to your Petition? I see that
20 you have quoted it and embedded it, I don't know if you have the
21 actual email?

22 MS. BUTLIN: It's actually attached to our

1 communication to Mr. Bounds in September of 2016 in response to
2 his letter to CCNE of July, 2016. Plus we have pulled out the
3 relevant excerpts verbatim and included them in our Petition.

4 MR. KEISER: Okay any -- okay.

5 MS. ALIOTO: Did I understand that all of these
6 programs have been accredited by other agencies, so is this
7 somewhat a moot point? If their body is accredited so the money
8 would be going to them because they have been accredited by
9 other agencies, why is this a problem?

10 MS. BUTLIN: Exactly.

11 VICE CHAIRMAN WU: Isn't it a problem for
12 licensure though potentially because they have to graduate from an
13 accredited program?

14 MS. BUTLIN: Well it depends on what you mean
15 why is it a problem? Is it the retroactive or are you talking about --

16 MS. ALIOTO: Well if they have already been
17 accredited by other agencies then it is not retroactive.

18 VICE CHAIRMAN WU: But if they graduated
19 from a nursing program that isn't accredited at the time they
20 graduated it causes a problem.

21 In other words if you don't have an earlier effective
22 date that's what causes the problem, not for the financial aid but

1 for the licensure and other things.

2 MS. BUTLIN: Correct, for example for the nursing
3 profession you may not sit to become an advanced practice nurse.
4 Think about all the nurse practitioners and the clinical nurse
5 specialists, nurse midwives and so on. You can't sit for the exam
6 to actually practice unless you have graduated from an accredited
7 program.

8 And so there is significant harm that could come if
9 we were forced to change the policy. You heard from Dr. Pete
10 Vlasses from Pharmacy yesterday and you might recall that he said
11 the facts they make the effective date on the date the Board acts is
12 actually problematic for them because they have residencies with
13 the VA and students are being disenfranchised and they can't
14 qualify for that.

15 But he also said it is less of an issue for them as
16 some other professions because pharmacy allows the exam to
17 become a pharmacist when you sit for the licensing exam to
18 become a pharmacist. They allow you to sit without having
19 accreditation.

20 You can be a candidate. With nursing that is not the
21 case you have to graduate from an accredited program to sit for
22 certification, but keep in mind that's just one of multiple issues.

1 You can't be enrolled in graduate school in nursing, you can't get
2 jobs in certain hospital settings. We have a letter following the
3 memorandum from the VA that they will not hire you. They are
4 the largest employer of nursing in the world of nurses with 5300
5 nurses that they are hiring at the VA Boston facility.

6 They can't hire you if you didn't graduate from an
7 accredited program. So it's not just about certification.

8 MR. JONES: Can I just say one thing? To put it in
9 practical terms I think there is actually one other challenge. So my
10 institution we are regionally accredited. We launched a nursing
11 program about a year and a half ago.

12 We got CCNE accreditation a month ago. We had
13 our visit in the fall, last fall. But the fact of the matter is without
14 that retroactivity it also is very difficult to recruit that first class of
15 students which of course is essential to get their visit and get the
16 program approved.

17 So from an institutional perspective to be able to
18 say, "Hey come to our program, we are working on accreditation
19 and if you come and join and participate in the program you know,
20 the accreditation if we earn it will in fact apply to you."

21 So I think that too is a very practical indication for
22 an institute.

1 CHAIRMAN KEISER: Jennifer?

2 MS. HONG: Just for the record again. So if the
3 actual email -- because I know a lot of this hinges on official
4 written correspondence from the Department to you giving
5 guidance on this issue, is the actual email attached to the Petition,
6 I'm just having trouble finding it.

7 I see you quoting the email and embedding it in
8 your memo and I don't see the actual email I'm just curious.

9 CHAIRMAN KEISER: While they are talking we
10 do have three commenters that we want to hear and then I think a
11 lot of this can be in the discussion once we have a Motion,
12 Federico?

13 MR. ZARAGOZA: I just want to ask a couple of
14 real simple direct questions. So we all concur that the Commission
15 is a decision-making body, one of the staff recommendations was
16 pretty direct and that is could the Commission be meeting more
17 often, would that address the issue?

18 And they even suggested virtual -- are those
19 practical considerations?

20 MS. BUTLIN: No.

21 MR. ZARAGOZA: Could you elaborate please?

22 MS. BUTLIN: I would be happy to but I'll try and

1 keep it brief. What I think you will notice as we noticed in the
2 staff report is that the Agency staff I think with the intention to be
3 helpful is trying to propose solutions for how accrediting bodies
4 might be able to change their practices so that they are not
5 accrediting with an effective date prior to the Board issue.

6 I think the issue is much different which is that
7 there is no regulation that says anything close to the fact that
8 CCNE and any other recognized agency shouldn't have the ability
9 to determine what the effective date is.

10 And you will see that the Department has linked the
11 citation to a criterion that first of all only addresses Title IV
12 gatekeepers which CCNE is not. That only speaks to issues of
13 substantive change decision and also only speaks to issues of
14 change in ownership.

15 The entire criterion is not even a relevant criterion
16 for CCNE yet that is I think the best link that the Department has
17 come up with to demonstrate that there is a concern here. So we
18 really fundamentally disagree but there is a concern.

19 I prefer not to get into solutions.

20 CHAIRMAN KEISER: Dr. Butlin, we understand
21 and we have heard that. There's still the question we do not have a
22 copy of that -- that's a very critical document obviously but if from

1 us we don't have any other questions I think a lot of this issue is
2 going to be on more policy and on, you know, the statute rather
3 than the individual agency.

4 Sensing no more discussion I want to thank you for
5 being up here. We do understand your concerns and the passion
6 you have for these issues. So thank you and if I can I would like to
7 call up from the audience a Doctor Carol Urban who is from
8 George Mason University.

9 Dr. Urban you have three minutes and I will try to
10 be as nice as possible if you go over.

11 MS. URBAN: I will speak, hopefully not too fast,
12 but within the three minutes. As you have heard I'm Dr. Carol
13 Urban from George Mason University in Fairfax, Virginia. I thank
14 you for having us here to make some public comment. We are a
15 public university.

16 Our school of nursing has been in place for 43
17 years. We offer programs at the Baccalaureate, Master's and
18 Doctoral level include PhD and the new Doctor of Nursing
19 Practice Degree.

20 That degree in particular was just launched in 2012.
21 We had our site visit by CCNE in April of 2012 and accreditation
22 for that new program became effective in October of 2012 when

1 the Board Commission met. If that effective date had not gone
2 back to April of 2012 our first graduating class would be
3 significantly impacted.

4 In that class we had family nurse practitioners and
5 adult gerontology nurse practitioners who would not have been
6 able to sit for certification. We also had one nurse who was hoping
7 to be commissioned who would not have been eligible for that
8 commissioning.

9 And so to us it has tremendous impact. It has also
10 been extremely valuable to us to have CCNE have the standard
11 that we have a graduating class occurring before they come out and
12 do our site visit. While that sounds like -- Gee it would be nice to
13 have earlier - without those outcomes and especially as a nurse to
14 have such solid outcomes is really not appropriately evaluating the
15 program effectiveness.

16 As a nurse I have to say that would be like sending
17 somebody home from the operating room directly and saying well
18 you looked pretty good when you left. And so it is very valuable
19 for us to demonstrate we have solid program outcomes that we can
20 speak to as to the effectiveness to attract students to our program,
21 to ensure our clinical agencies that we are putting out a solid nurse-
22 educated practitioner.

1 And so I fully in support as George Mason is fully
2 in support of CCNE's continuing ability to effective date the
3 accreditation to the site visit.

4 MS. MATTHEWS: Good afternoon. Thank you
5 for this opportunity to speak with you. My name is Doctor Jean
6 Matthews and I am the Dean of the Malek School of Health
7 Professions at Marymount University. I'm also a nurse.

8 Marymount University is a small private
9 independent Catholic university across the Potomac from here in
10 Arlington, Virginia. We have approximately 400 nursing students
11 at any point in time many of whom would be impacted by the
12 decision to change the current practice of CCNE of setting their
13 own effective date.

14 As a public health nurse I am concerned about
15 protecting the health of the public in addition to protecting students
16 who make a significant financial investment in their nursing
17 education.

18 Changing the current practice would have
19 significant long-term impacts on both of those groups that I think it
20 is important to note. It would put students at risk as you have
21 heard, who might graduate in the gap between a CCNE visit and
22 the decision by the Board.

1 It's important to recognize that the effective date of
2 using the site visit for that effective date. The effective date for a
3 positive accreditation affects those students in a good way.
4 Without a positive decision by the Board there is no conversation
5 about when the effective date is.

6 My concern is that for students who graduate from a
7 non-accredited nursing program, they are unable to get a job in a
8 healthcare facility which puts their own financial investment at
9 risk, their ability to pay back student loans.

10 I will share with you that at Marymount we have
11 well over 40% of our students who are either first generation
12 college students or they are from disadvantaged backgrounds. This
13 would be incredible problematic for these students.

14 In addition to that, having fewer students and
15 graduates from an accredited nursing program will put fewer
16 nurses in the work force, will limit the pool from which we can
17 draw nurse educator faculty and ultimately will harm the public by
18 not having a sufficient number of nurses being prepared.

19 CHAIRMAN KEISER: Thank you.

20 MS. MATTHEWS: Thank you.

21 CHAIRMAN KEISER: I would like to also
22 recognize now Dr. Marie Nolan from John's Hopkins University.

1 MS. NOLAN: Thank you Mister Chairman. I'm
2 Marie Nolan, the Executive Vice Dean at John's Hopkins
3 University School of Nursing. I've been in academia for 15 years.
4 My current responsibility is to ensure the quality of the academic
5 programs in addition to faculty development.

6 I want to speak to the importance of the effective
7 date issue from a faculty student and public perspective from a
8 faculty perspective to give an example of how this rule is enacted.

9 We introduced a 6 semester program back in 2008.
10 In the 5th of the 6th semester the faculty conducted a very rigorous
11 self-study of the program including how the program was being
12 enacted.

13 We had already spent two years planning the
14 program but it was important for the faculty to look in the self-
15 study of how the program actually had been enacted. After that we
16 sent our self-study to the CCNE.

17 CCNE was able to have a highly qualified group of
18 reviewers review our self-study within 8 weeks and come on site
19 for a self-study within the 6 semester program. Within two months
20 after the visit the full Committee, the Board, was able to approve
21 our program.

22 That was exactly 2 months after the first class

1 graduated. The importance of graduating from an accredited
2 school has already been emphasized. What has not been
3 emphasized is what the results are if the schools are forced to back
4 up the self-study and the on-site visit.

5 If we were forced to back up the self-study to say
6 the second semester of a 6 semester program, we really would not
7 be reporting on the curriculum as enacted, we would be reporting
8 on the curriculum as planned.

9 So from a faculty perspective we would not be
10 following the spirit of accreditation which is inviting highly
11 qualified colleagues to review our program in the most rigorous
12 way.

13 From a student perspective I have been present
14 speaking to students at multiple open houses when we launched the
15 new program and by far the most common question in launching
16 the new program is -- is your program accredited?

17 Especially at a private institution like John's
18 Hopkins where students invest thousands of dollars and come from
19 all areas of the country to be with our school, the second most
20 common home state of our students is California.

21 We were ranked 2 years ago as the number 1
22 graduate school in the country by U.S. News and World Report.

1 Despite that, many students were unwilling to come to the first
2 cohort of our program because they so feared that if the school did
3 not get accredited in time they would have a degree that had no
4 meaning for them.

5 So from a student perspective it is essential. And
6 then finally from the public perspective we are able to produce
7 high-quality students who are very effective in delivering the
8 highest quality of care to patients, families and populations
9 because of the accreditation process we have now and its focus on
10 evaluating the curriculum as enacted, thank you.

11 CHAIRMAN KEISER: Thank you that was a long
12 sentence, that last one. Thank you very, very much. We need to
13 bring up the staff do you have a question -- staff? Thank you very
14 much.

15 But we have one more step. Comments, Nicole?

16 MS. HARRIS: Yes, just briefly I just wanted to
17 back track on some of the things that were mentioned prior by the
18 Agency in their decision of why they feel they are compliant. Just
19 to document for the record, just to let everyone know.

20 The draft staff analysis -- I received documentation
21 from the Agency with the dates blocked out and a lot of
22 information redacted and it is documented in my response. So and

1 them updating their documentation there was a lot requested they
2 were found out of compliance in the draft in 17 areas.

3 To speak to the good cause extension piece the staff
4 determination for the draft the Agency mentions that they were
5 never asked to provide any information and the staff determination
6 was that the Agency needs to provide documentation without
7 redacted dates and program identifiers to the Department to
8 determine the Agency's compliance with the good cause section
9 which is 602.20B enforcement action.

10 And the Agency must also provide its written
11 policies and procedures describing the length of time for
12 extensions for good cause and evidence of good cause extensions.

13 I'm sorry --

14 CHAIRMAN KEISER: Go ahead.

15 MS. HARRIS: Oh and evidence of good cause
16 extension -- so it was requested in the draft so I am not sure if they
17 might have not understood but it is written here that that was
18 requested and they updated their policies to reflect what was
19 requested in the staff determination but they just didn't provide an
20 example.

21 And their update to their procedures was received in
22 May of 2017. And to your question Claude their effective date is

1 to the first day of the site visit, not the end of the site visit, it is the
2 first day before it begins and so it is the first day of the site visit.

3 So that's to that point and also the reason that they
4 were found non-compliant in the Competency of Representatives
5 602.15A-2 is not because they don't have procedures which we
6 know they do have procedures, but when you are training staff you
7 are training staff on what's required and the non-compliant
8 reference that the Department has already discussed with the group
9 about the back dating is something that they are trained on.

10 And at the site visit it was plastered on a
11 PowerPoint to the program, the program staff and the program
12 leadership that was being reviewed that this is a practice of theirs
13 and this would be their date of -- their effective date would be the
14 date of the first day of the on-site review.

15 So I did want to reference that, that's the reasoning
16 behind them being found non-compliant. Not that they don't have
17 procedures it is just the training of their staff on procedures that
18 has been deemed non-compliant with the Department.

19 VICE CHAIRMAN WU: Super quick comment. I
20 did notice that issue and I want to back up staff. It was probably
21 not a good idea for the Agency to redact things that aren't
22 confidential and that sort of undermine the Agency's position so I

1 just want to say for all the agencies that are still here, probably not
2 a great idea to do that unless there is some really compelling
3 reason.

4 MR. PRESSNELL: Just to make sure I kind of
5 understand the process. So what you are saying is that the
6 accreditation would go to the first date of the on-site visit. After
7 that site visit between the site visit and the Board decision is the
8 institution able to take any corrective action or are there things that
9 can be submitted between those periods of time?

10 MS. HARRIS: Yes actually I have a decision letter.
11 They do actually have an Accreditation Review Committee that
12 can disagree with the site visit determination and the school would
13 need to go back and submit additional information which is
14 reviewed some more and then they have additional issues that they
15 would have to address but they will still go to the Board.

16 And as an example they have a letter that was
17 submitted into evidence, just to read an excerpt. The Agency -- the
18 CCNE granted accreditation to a Master's Degree program in
19 nursing for five years extending them to June 30th of 2020 and at
20 this meeting the Board determined that the program met all four
21 accreditation standards.

22 However, they also include a sentence that the

1 Board additionally determined that there is a compliance concern
2 with respect to one of the key elements of the standard. So if you
3 have a -- you are granting full accreditation with a compliance
4 concern, I'm concerned if the deficiency that they are identifying is
5 something that we should be looking at as you backdate their
6 accreditation to the first day when you still have issues that are
7 lingering but they still get this first day of the site visit as their
8 accreditation date.

9 So that was my concern and that's the reason why I
10 think the discussion has gone on.

11 MS. PHILLIPS: Just a question about what you
12 just mentioned. I understood the Agency to be making
13 accreditation decisions on substantial compliance, not 100%
14 precise compliance?

15 MS. HARRIS: That's not referenced in their letter.
16 In their letter -- what I read verbatim they don't make a distinction
17 they just give their full accreditation.

18 MS. PHILLIPS: No, no, in their procedures at least
19 that's my understanding was that the CCNE procedures, operating
20 procedures, provide for the decision-making body to grant an
21 award of accreditation based on substantial compliance.

22 MS. HARRIS: Okay well I do so I have another

1 reference. I get that. I do also have another reference where they
2 have a decision letter where they grant accreditation for three years
3 for a program that has not met all four standards.

4 So they get accreditation but they also are non-
5 compliant with one of the standards but they are getting granted
6 the accreditation so I don't know if that is considered substantial as
7 well. It wasn't made clear.

8 MS. MORGAN: Yeah I just wanted to make a few
9 points as far as retroactive accreditation. The regulations and the
10 statute have one term its accreditation. There is not a separate kind
11 of accreditation based on the type of agency or how long
12 retroactively that the effective date is set.

13 You are either accredited or you are not. So we -- if
14 the Department were to change its policy from what it is
15 announced it would have no limit on how far back an accrediting
16 agency could set an effective date or in what circumstances it
17 could do that.

18 The second thing is of course there has been a lot
19 said about injuring students -- that is the very last thing we want to
20 do. We believe that accrediting agencies can take care of these
21 problems by timing their meetings. We have given them time to
22 come into compliance.

1 The problems are not I mean as articulated the
2 problems are not with Title IV, with worries about Title IV funding
3 instead they are about problems with for example the Veteran's
4 Administration and state licensing, they could come to
5 accommodations with them.

6 They could even grant accreditation for these other
7 purposes that weren't within our recognition. There are lots of
8 potential possibilities beyond us accepting a retroactive
9 accreditation process that is not consistent with federal interests
10 and not supported by our regulations.

11 CHAIRMAN KEISER: I think we -- thank you
12 very much. Ralph you have a Motion?

13 MR. WOLFF: I have a Motion but I just want to be
14 clear we received information in the memorandum in support of
15 the objections of the Agency about the email correspondence from
16 Carol Griffith. As I understand she held a very senior position
17 within the accreditation unit, was the Director.

18 I do not feel that if it were the case a personal
19 decision, it is an action of the Department having received such
20 emails I can say that. So I just would say that I want to know --
21 were you aware of this email exchange at the time the "Dear
22 Colleague" letter was issued just so we know the record of -- given

1 Jen's request about was it part of the Petition?

2 I would just like to know at what point did you
3 become aware of it at least from the Agency given the fact you
4 might not have been aware of it in your own internal record
5 keeping about correspondence with this Agency?

6 MR. BOUNDS: Well I'm stating what, you know,
7 the Agency, you know, quoted what Carol said I think in their
8 response. Now I think Jennifer said it was in previous
9 correspondence, I don't recall or I don't know that.

10 MS. HARRIS: No, I'm sorry Herman it was an
11 excerpt. I included it in the draft.

12 MR. BOUNDS: Okay thank you.

13 MS. HARRIS: What was sent to the Department I
14 included the draft which is a duplicate of what was included in a
15 memo which is excerpts, it is not the original email.

16 MR. BOUNDS: So either way I acknowledged that
17 -- I mean I acknowledged it and I understand the point about
18 having the documentation and the email. I'm just saying sure, I
19 was made aware that there was an exchange between CCNE and a
20 former accreditation group Director.

21 The reason for the, you know, the additional
22 documentation out to the agencies was to make sure that we

1 appeared we were handling this situation fairly by sending this
2 notification to everybody, thus we are leveling the playing field.
3 Nobody -- folks now know what the letter said and they could
4 make adjustments to their policies to come into compliance.

5 Again this letter is representative of all types of
6 accreditors, not just one single type. And as Sally said the decision
7 will affect all accreditors.

8 MR. FRENCH: Going back it was you said
9 between CCNE and the Director it was between the Department
10 and the Agency.

11 MR. BOUNDS: The only difference is I think that I
12 don't have any other documentation saying that that conversation
13 was between any other accrediting entity?

14 MR. FRENCH: I mean the Department isn't the
15 point. I'm making the same thing Ralph was --

16 MR. BOUNDS: Oh there's no -- between that
17 person. It was between --

18 MR. FRENCH: You get where I am going?

19 MR. BOUNDS: I absolutely do 100%.

20 MR. FRENCH: Thank you.

21 MR. BOUNDS: But it was between the
22 Department official and accreditor but I can tell you that in other

1 places I'm sure things have been relooked and thought about and
2 said that probably wasn't the right decision and then folks try to
3 change and make corrections as compassionately as we can.

4 CHAIRMAN KEISER: Does anybody else --
5 Claude? Because I would like to move to a Motion and then we
6 can have the same discussion.

7 MR. PRESSNELL: Okay if you want to get the
8 Motion on the floor go ahead.

9 CHAIRMAN KAISER: Yeah I would prefer to do
10 that rather than have the discussion.

11 MR. PRESSNELL: Then so be it.

12 CHAIRMAN KAISER: This is the time just to ask
13 the staff who was involved. Thank you very much now, if one of
14 the Readers or if someone would like to make a Motion, Ralph?

15 MR. WOLFF: I don't know if Frank will agree but
16 let me put this out. And as a preface I want to say that I want to
17 distinguish between I think the larger policy questions around
18 which or about which I think there are several procedural,
19 substantive and the need for us to take action with CCNE.

20 My resolution is focused on CCNE. And it has a
21 little preamble but so let me read it and I can send it -- I don't
22 know who I sent it to but Jen, to you or to Herman to put it up on

1 the screen.

2 MS. HONG: Pat.

3 MR. WOLFF: Pat. But so let me read it. The
4 Committee does not --

5 CHAIRMAN KEISER: This is a Motion?

6 MR. WOLFF: Pardon me?

7 CHAIRMAN KEISER: You want to make a
8 Motion?

9 MR. WOLFF: This is a Motion. The Committee
10 does not support the interpretation made by the staff with respect
11 to CCNE's decision-making body. It should be with respect to the
12 authority -- excuse me -- CCNE's decision-making body to set the
13 date of effective accreditation at the time of the site visit. If this
14 decision-making body determines that at the time of the site visit
15 the program met the Agency standards, the Council meaning
16 NACIQI, should be Committee -- the Committee's reading of
17 6.02.3 permits such an interpretation.

18 And I could go into detail but I believe our
19 discussion earlier about grants and meets expectation could fall
20 within that interpretation.

21 Moreover, the Committee finds that the rationale of
22 protecting financial aid does not apply to CCNE since it is not a

1 Title IV gatekeeper and all programs accredited by CCNE are
2 already regionally accredited. As a consequence, the Committee
3 acts to grant CCNE continued Renewal for five years including
4 approving its requested Expansion of Scope to Accredit
5 Certificates.

6 Finally with respect to documentation of the
7 Agency's implementation of the Good Cause Extension following
8 a show cause the Agency is directly to file all necessary
9 documentation within 10 days following this meeting.

10 I think that's just a ministerial documentation issue
11 not an issue of non-compliance. And then to the policy question
12 that I think we need to talk about. But the bottom line is to not
13 accept the staff determination and to grant five year continuation of
14 recognition.

15 VICE CHAIRMAN WU: I'll second.

16 MR. WOLFF: And I'll sent that to Pat.

17 CHAIRMAN KEISER: Now there is discussion,
18 John?

19 MR. ETCHEMENDY: I want to speak in favor of
20 this Motion in spite of the fact that I just heard it. And I want to
21 make a simple point, I think it is a simple point, and that is when a
22 Board or a Commission Accreditation Board or Accreditation

1 Commission votes, it votes to recognize that the institution meets
2 the standards of accreditation. The vote itself is not part of
3 meeting the standards. It can't be because otherwise you could
4 never vote that it meets the standards because prior to the vote up
5 until the vote it has not met the standards.

6 The vote is not part of meeting the standards. So as
7 long as an organization as the Agency has a policy that it is
8 recognizing that it meets the standards as of the effective date of
9 accreditation, then I think it is in perfectly well in compliance with
10 the regulations.

11 And Nicole's examples are interesting examples
12 and I think they don't speak to the issue of the effective date.
13 Because notice that in her example -- so take the example where
14 apparently it sounds like an institution was granted accreditation in
15 spite of the fact that they didn't entirely meet the standards.

16 That may be a problem, but it would be a problem
17 even if the accreditation took place as of the vote just as much as it
18 would be a problem if it took place as of the earlier date of
19 recognition.

20 So, really the example does not speak to the issue of
21 the effective date, and so I think we should just set that aside.

22 CHAIRMAN KEISER: Brian?

1 MR. JONES: So I will not support the Motion. So
2 you know look I find myself torn here. You know as I said I
3 represent an institution with CCNE accredited program and I do
4 think that there is merit to the retroactivity and I do agree with the
5 argument that in many respects it serves students well.

6 But I also have the perspective of having spent four
7 years as the General Counsel of the Department. And it seems to
8 me sort of far beyond the authority of this Committee to purport to
9 interpret the regulations of the Department.

10 That is the purview of the Office of General
11 Counsel. The policy decision again -- whether I agree with it or
12 not again I think it is the purview within the purview of the
13 Department's policy and legal leadership.

14 So I am very uncomfortable with an advisory
15 committee, again our job is to make recommendations to the
16 Secretary of the designated official but to have a Motion that says
17 that while we disagree with the Department's interpretation of its
18 own regulation and so we are going to substitute our own judgment
19 strikes me as just far beyond our authority here.

20 And you know, to this point that well we had a prior
21 representation from the Department about its practice of the way it
22 interprets its reg. It happens all the time. Administrations change,

1 administrations change the way they interpret the regs, the way
2 they enforce the policies of the Department and again that's
3 something that I said gave me headaches when I was the GC here.

4 I did have the sense that sometimes we were too
5 casual in the way that we purported to communicate policy like in
6 an email to one institution. And so I think what Herman has I
7 think very appropriately said is look, they have come to a
8 conclusion about what this regulation's interpretation reasonably
9 ought to be and what they have set about to do is to try in a fair
10 way that is conscious of due process for all institutions, to give
11 them an opportunity to bring themselves in compliance and that
12 that standard applies to all agencies going forward.

13 And so you know, again agree or disagree on the
14 merits of the underlying policy but I think that the Department is
15 conducting itself appropriately here.

16 CHAIRMAN KEISER: Claude then Frank?

17 MR. PRESSNELL: Yeah I'm going to speak in
18 favor of the Motion. I think that the actual language of, you know,
19 excluding the document that Herman sent out the actual language
20 is not incredibly clear.

21 I think that it actually -- that and also that the
22 practice of the accrediting agencies have been basically that they

1 have the authority to set the effective date based on when they
2 determined the institution has met the criteria. And so if we have
3 an organization that says the substantial portion, the substantial
4 foundation of our decision is based on that site visit at that time
5 they were fully compliant, they are therefore accredited then so be
6 it.

7 But it does not, the language was not clear until the
8 guidance letter which has come after this that that -- no we have to
9 wait until the Board vote. So what we have is we have an
10 accrediting agency saying at the point of the site visit they were in
11 compliance, substantially in compliance if we want to go with
12 Susan's language.

13 So I speak in favor of the Motion and I would say
14 that honestly it has been inconsistently applied, we are switching
15 here a little bit is my perspective on it and I hope we can get, you
16 know, move forward on some clarity but I will speak in favor.

17 CHAIRMAN KEISER: Frank then George then
18 Paul.

19 VICE CHAIRMAN WU: A question for Brian and
20 for others. What if Ralph's Motion which I seconded had the
21 language about the policy issue stripped out? In other words what
22 if it just dealt with the Agency would that make you comfortable,

1 it's just a question?

2 Because one way to approach this would be just to
3 do it without the other language because that's already been fully
4 aired in this conversation?

5 But another point which we will talk about
6 tomorrow which is something that Art Rothkopf raised before he
7 left which is not new, it's been kicking around NACIQI ever since
8 we were reconstituted which is should we have some more
9 authority here and this is a question not rhetorical to Brian,
10 especially given that he was the former GC and given that there is
11 a sister body to us which does have that authority, what if we urged
12 Congress in the next Higher Ed Act change this so that we had
13 more primacy in these discussions, would that be good, bad, would
14 you oppose it support it, et cetera?

15 The main question Brian what if Frank's Motion
16 just had all the verbiage stripped out of it?

17 MR. JONES: Well I think even stripping out the
18 verbiage at the end of the day I think that for us to vote suggesting
19 that the Agency is in compliance even though the Department is
20 clearly certain that it has an interpretation of its regs that puts the
21 Agency and other similarly situated agencies out of compliance
22 again seems problematic to me.

1 VICE CHAIRMAN WU: Say the language -- it is
2 our recommendation to the senior official that this be changed. In
3 other words if it were softened up so it wasn't we are grabbing
4 power?

5 MR. JONES: Yes and I have no problem with a
6 recommendation to the Agency that it rethink its interpretation,
7 given all that we have heard about how this benefits students. And
8 I agree with that but ultimately I think that has got to come in the
9 form of a recommendation and let them make the decision through
10 their policy and legal shops.

11 CHAIRMAN KEISER: George -- you're okay,
12 Paul?

13 MR. LEBLANC: I have to speak in favor of the
14 Motion. I think that with enormous respect for the work of staff on
15 this but if we can't form our own opinions on these matters which
16 are not rigidly or clearly set out then I am not sure why we meet at
17 all.

18 And I think as Claude has pointed out not only is
19 the language not as clear as some might suggest, there is no
20 language that suggests one can't set the effective term and in fact
21 on the statute -- the language around substantive change, a labor of
22 pains were taken to actually delineate the effect of the term starts.

1 So the absence of that effort in this language seems
2 to me to strengthen Claude's case. I also think I mean having sat
3 on a Commission of a learning institution I have gone through this
4 process. This is not only sensible it is common sense, it serves
5 students well. This feels like a bit of bureaucracy getting in the
6 way of good thinking and good practice by well-intended people.

7 CHAIRMAN KEISER: If I may comment before
8 you Frank, I would support the Motion even though I can't vote on
9 it unless you guys tie.

10 First of all our job is to make a recommendation not
11 to make the final decision. I think we make -- and Ralph's Motion
12 makes a good case for us to at least and most importantly have the
13 senior Department official look at this and look at the process
14 because this has a huge impact upon a lot of accrediting agencies
15 and I think this tees it up for them and if for no other reason they
16 need to change it or if they feel strongly enough as the senior
17 Department official to adopt, you know or maintain the policy that
18 the staff has taken then that takes it out of our hands and it makes it
19 very clear to the agencies what the policy is.

20 So I think it is incumbent upon us to advance this,
21 not to pull it back but to advance this to the designated Department
22 official, because the students are the ones impacted by it.

1 VICE CHAIRMAN WU: So I actually have a
2 Motion to amend Ralph's Motion and then something I want to
3 state for the record because I want to see this actually get through.

4 So the first is an effort to win Brian's vote. So my
5 Motion is that Ralph's Motion and his language be amended to add
6 at the end, "The policy recommendations here are made by
7 NACIQI as a fact advisory body with the understanding that that is
8 its role."

9 So I'm making a Motion. Then I have a comment
10 to try to increase the appeal of this position to the current
11 Department of Ed which is the position consistent with less
12 regulation, more autonomy, less federal government bureaucracy is
13 the one that favors the accrediting authority.

14 So the administration with the articulated
15 philosophy that it has had should find it appealing to lessen the
16 regulatory burden here. So and we are not a partisan body and we
17 are very mixed but I think we are sending a signal that there's no
18 reason to needlessly bureaucratically rigidly interpret rules in a
19 way that adversely affects students, does not clearly produce a
20 benefit and questions the expertise of accrediting authorities and
21 long same practice.

22 So my Motion is to amend Ralph's Motion with just

1 the language at the end, the policy recommendations here are made
2 by NACIQI as a fact body understanding that that is its role.

3 CHAIRMAN KEISER: Ralph, would you accept
4 that as a friendly amendment?

5 MR. WOLFF: Not yet. I want to make it clear I
6 tried to say at the onset.

7 CHAIRMAN KEISER: Yes or no because if we
8 have a second that would solve the problem. If you don't accept
9 this friendly -- that's fine.

10 MR. WOLFF: No.

11 CHAIRMAN KEISER: There's a Motion to accept
12 the amendment so there is a Motion, Second to amend it, any
13 discussion on the amendment?

14 MR. BOEHME: I do not support it, this is Simon.

15 MR. PRESSNESS: Yeah I don't support it either. I
16 think it's inherent it's in our title, that's who we are. But I think to
17 call the vote on the amendment.

18 CHAIRMAN KEISER: That's what we do first,
19 Ralph do you have discussion on the amendment?

20 MR. WOLFF: I just want to say that I tried to say
21 at the onset there's a distinction between the policy issues which
22 include procedural and an actual decision on CCNE. So I would

1 support a separate way of approaching the larger policy question
2 around the procedure and how this all came about, the role and
3 relation to NACIQI but with respect to this recommendation I
4 think we need to be very clear this is what we are recommending
5 for this specific Agency so that's why I opposed it.

6 MR. JONES: But doesn't the Motion include
7 language expressing our disagreement with the interpretation of the
8 RAC?

9 CHAIRMAN KEISER: It does.

10 VICE CHAIRMAN WU: So Ralph, why not just
11 strip that language out?

12 CHAIRMAN KEISER: No, Frank let's just --
13 there's an amendment to the Motion let's stay on task. Any further
14 discussion on the amendment -- sensing none, all in favor of the
15 amendment signify by raising your hand -- 1, 2, 3, 4, it looks like
16 the amendment fails.

17 We now still have the Motion on the floor any
18 further discussion on the Motion -- Claude is recognized?

19 MR. PRESSNELL: You know I think that we may
20 get into this tomorrow but this is germane to this that I think the
21 language that we are bound to is the language in the statute and not
22 the language of a memo.

1 And we talked about this before about sub-
2 regulatory influence and I don't want to go there. And so I think it
3 would be incumbent upon changing the statutory language to make
4 it more clear if that is what we need to do. But I think that it's
5 intentionally the way it is because I think agency's should have the
6 right to determine when an institution meets its criteria regardless
7 of a Board vote, per se.

8 CHAIRMAN KEISER: Frank?

9 VICE CHAIRMAN WU: So I hesitate to make
10 another Motion to amend but I will.

11 CHAIRMAN KEISER: You are going to make me
12 work.

13 VICE CHAIRMAN WU: No, no, no, it's a very
14 simple Motion and remember -- I seconded Ralph's Motion so if it
15 passes as is I am fine with that. But it will be futile if the senior
16 Department official doesn't accept it.

17 So I am trying to increase the likelihood that this
18 will actually happen. So my Motion is that we reach the result
19 with no extra verbiage. That in one sentence we recommend
20 approval of the extension of scope period. No reference to policy,
21 none of this.

22 Because Brian is right we are picking a fight here if

1 we load it up with all of this language and this goes up and the
2 senior official will be briefed for five minutes and the briefing will
3 say, "Staff said this and it was fully vetted and NACIQI who you
4 don't really even know or care about, they disagree and intruded
5 into policy."

6 And you know, the result is just going to be clear --
7 the official is going to say, "Alright well I'm going with staff."

8 CHAIRMAN KEISER: What you recommended
9 doesn't solve the problem because we also have a re-recognition
10 situation not just expansion of scope.

11 Are you going to make a Motion?

12 VICE CHAIRMAN WU: So my Motion is to
13 amend to say the Agency is re-recognized with the expansion of
14 scope period, nothing else -- the standard Motion that we have --
15 no other verbiage about policy, staff, disagreement, et cetera.

16 CHAIRMAN KEISER: There's a second by
17 George.

18 MR. BOEHME: I'd like to comment on that
19 Motion.

20 CHAIRMAN KEISER: You may.

21 MR. BOEHME: NACIQI after tomorrow will not
22 be involved in the process of staff being able to come back to the

1 senior Department official and comment on our record --

2 MS. HONG: They don't do that.

3 MR. BOEHME: Well so then the accreditors get to
4 come back and respond to the NACIQI recommendations.

5 MR. HONG: Right formal comments, I'm sorry I
6 thought you were talking about briefing.

7 MR. BOEHME: No. It is so important as an
8 advisory panel that we make it expressly known the way that we
9 feel about this. I 100% support Ralph's Motion. I do not support
10 Frank's Motion in any regard.

11 Because this has serious implications about students
12 in ways that institutional leaders and former accreditor leaders
13 know much better than I do. But I can just tell from this
14 conversation students are going to get -- I'm not going to swear but
15 really messed up and caught in the bind.

16 So I 100% am behind Ralph's Motion. I think we
17 need to make it knock the senior Department official over the head
18 with the way that we feel about this and how potentially
19 devastating this could be to students across the country.

20 CHAIRMAN KEISER: George you seconded the
21 Motion?

22 MR. FRENCH: Yes I seconded the Motion fully in

1 support because I think there is a need to disaggregate as Ralph
2 said this Agency. We have to deal with the Agency and if we keep
3 the Agency with the almost -- the first part of the Motion I don't
4 agree with, I do agree that we need to get the Agency through is
5 my point but we don't need to indicate that we disagree with the
6 staff's interpretation and go through that whole thing.

7 I think that if we want to deal with it like Simon is
8 saying we can deal with it separately than this Agency. We can get
9 it through.

10 MR. BOEHME: But my only concern to George,
11 and I agree with George, is that how do we do that? Because the
12 accreditor is going to be able to respond after this NACIQI
13 meeting and then the staff through formal -- that's my only point.

14 CHAIRMAN KEISER: Yes we recognize. George
15 on that we will have come across and we will have disagreed with
16 the staff recommendation so it only has that specific language that
17 we disagree and what we want. It doesn't express the reason why.

18 So I think Ralph's -- my belief and again I don't
19 vote until you guys vote and tie, I believe that Ralph sends the
20 message to the designated official that there was a significant and
21 serious difference and that you should look at this conversation
22 because this is all transcribed and this is important stuff because it

1 will have serious impact all across the community.

2 It is not just the -- unfortunately poor CCNE is
3 caught in the middle of this but the fact is this has much greater
4 impact on many other agencies and I think that's the key to this
5 thing and teeing it up for the Secretary or the designee to make a
6 good decision.

7 MR. FRENCH: If I can respond to you. I concur
8 with you that it is going to be an issue and I think it needs to be
9 brought to their attention. I'm just wondering if there's a way to
10 separate these two to let them know that we have an issue with
11 interpretation to be sure but to also deal with this specific Agency.

12 The second thing I would just say is that it has been
13 my experience in dealing with accrediting agencies what I do like
14 about them is they are not prescriptive. They don't come and tell
15 you what to do.

16 What they do is they tell you to follow your own
17 policies and in this case we have an agency that has a policy and
18 we have DOE saying no, that cannot be your policy and they are
19 being prescriptive so I have an issue with that.

20 CHAIRMAN KEISER: That goes to the original
21 Motion or even to the amendment but they haven't gotten there yet
22 to make that determination. So is there any more discussion on the

1 amendment?

2 MR. FRENCH: Call the question.

3 CHAIRMAN KEISER: Thank you, thank you,
4 thank you. A Motion has been called -- what? No we are on the
5 amendment to the Motion to strip out everything but the final
6 recommendation. All in favor of the amendment please signify by
7 raising your hand, 1, 2, 3, 4, 5 all opposed, the amendment fails.

8 I would like to go to the main Motion now and we
9 have it up on the Board, it is long so I won't read it, I think you all
10 know it, yes Susan?

11 MS. PHILLIPS: Would you entertain an alternate
12 amendment?

13 CHAIRMAN KEISER: We don't need an alternate
14 we just need to maintain an amendment. You don't need an
15 alternative because we only have a Motion. You can entertain as
16 many Motions and amendments as you want but it just takes time
17 and we have already lost two. We are batting zero for two.

18 The inning will be over at the end of this one, okay.

19 MS. PHILLIPS: I would like to propose an
20 Amendment that recasts the first two paragraphs in the existing
21 Motion to simply say that NACIQI accepts the authority of
22 CCNE's decision-making body to set the effective date of

1 accreditation at the time of the site visit, end of that sentence and
2 then go on to as a consequence the Committee recommends
3 granting.

4 CHAIRMAN KEISER: Was that a friendly
5 amendment?

6 MS. PHILLIPS: No.

7 CHAIRMAN KEISER: Is there a second to the
8 amendment?

9 MR. FRENCH: I'll second it.

10 CHAIRMAN KEISER: Any further discussion on
11 the amendment, Ralph?

12 MR. WOLFF: I just want to say that there has been
13 an official ruling by the Department with all due respect through
14 its procedures that have gone out to every accrediting agency that
15 is recognized. We need to speak to that. This is not a be nice, let's
16 hope that we at least I believe strongly and in fact if I were to
17 amend it I would add the implications to the students is severe
18 were the Department's action to be completed.

19 And I do think, I feel deeply that regardless of the
20 process and the good intentions the impact of this is so severe that
21 the consequences, not just in nursing but to so many others is so
22 important and that there is the possibility of reasonable

1 interpretation of 602.3 that would permit this Agency and others to
2 continue what they are doing, that we need to make clear that we
3 support a different kind of interpretation.

4 And we can't ignore the fact that a "Dear
5 Colleague" letter has gone out, with all due respect there was the
6 best effort of the Department, the staff but this is our role to say we
7 can't support that based on the knowledge that we have, that's my
8 opinion thank you.

9 CHAIRMAN KEISER: There's an amendment on
10 the floor and it has been seconded. Is there any more discussion on
11 the amendment? All in favor of the amendment please signify --

12 MR. FRENCH: Mr. Chairman can we get a just a
13 recap?

14 CHAIRMAN KEISER: The amendment strips out
15 the --

16 MR. FRENCH: First two paragraphs?

17 CHAIRMAN KEISER: First two paragraphs -- I
18 wouldn't put it up until we have it.

19 MS. PHILLIPS: The amendment was to replace the
20 first two paragraphs so the Committee paragraph.

21 MR. FRENCH: And basically you want to say
22 basically what are you going to say?

1 CHAIRMAN KEISER: No it just was to replace
2 the two paragraphs.

3 MS. PHILLIPS: To replace those first two
4 paragraphs with simply a statement that the Committee supports
5 CCNE's -- the right of CCNE's Advisory Board Commission to
6 make decisions about the effective date. I didn't say that right.

7 CHAIRMAN KEISER: Is that clear to everyone
8 because we can wordsmith --

9 MS. PHILLIPS: It takes out the controversy.

10 MR. JONES: So the language would be we support
11 CCNE's right or we support the wisdom of CCNE.

12 MS. PHILLIPS: I think actually the Motion spoke
13 about the authority of it so there it is. So if I can just take the first -
14 - no. So the Motion was to take those first two paragraphs out,
15 don't do it please and to replace it with starting on the second line
16 of the first paragraph that NACIQI respects the authority of
17 CCNE's decision-making body to set the effective date of
18 accreditation yada, yada, yada.

19 And then just as a consequence the Committee has
20 to grant.

21 MR. FRENCH: Brian what were you saying, Brian
22 what did you say about respect?

1 MR. JONES: So again as I said, so I'm in the
2 position of agreeing on the merits with the wisdom of that policy
3 but also wanting to be very mindful about this body purporting to
4 interpret their reg's and such.

5 And so all I'm saying is to say -- if we were to say
6 that we respect CCNE's right to set the effective date of its
7 accreditation in my mind that's at odds with their interpretation of
8 the reg and so I would not support that language.

9 I would however support language that says, we
10 support you know, the benefit of this policy to students and would
11 urge the Department to rethink its position.

12 CHAIRMAN KEISER: Please if you need, I would
13 rather not have the conversations if we can try to keep it in line.
14 Are there any further questions or concerns on the amendment?

15 MR. ZARAGOZA: Brian, were offering that as an
16 amendment?

17 MR. JONES: No that's the old one.

18 CHAIRMAN KEISER: One amendment at a time.
19 You can have an amendment to the amendment I mean it gets
20 complicated. So there is an amendment on the floor --

21 MR. BOEHME: And that's this one?

22 CHAIRMAN KEISER: Yeah.

1 MS. PHILLIPS: Actually the sentence, that first
2 sentence would end with everything that was in that sentence
3 previously. So just go back to that sentence.

4 CHAIRMAN KEISER: Well we understand the
5 idea I think we can wordsmith it.

6 MS. PHILLIPS: So take from authority all the way
7 down through standards.

8 CHAIRMAN KEISER: Brian just out of curiosity
9 when a rule, when a statute is interpreted a rule is written doesn't it
10 have to in the Department of Ed doesn't that go to negotiated rule-
11 making?

12 MR. JONES: No only if well again what we are
13 doing here is changing the interpretation of a RAC and that does
14 not have to go to --

15 CHAIRMAN KEISER: Is that clear?

16 MR. JONES: And I should say because the initial
17 interpretation wasn't --

18 CHAIRMAN KEISER: Does anybody have a
19 question on the Motion?

20 Okay there's an amendment to the Motion, the
21 original Motion, all in favor of the amendment to the Motion raise
22 your hand, just the amendment. There is 1,2, 3 okay all in favor of

1 defeating the amendment signify by raising your hand, I did not
2 vote. So the amendment failed we are back to the original Motion,
3 back to the original Motion. Any more discussion on the original
4 Motion, we have done a good job with this one.

5 MR. ZARAGOZA: Brian can you follow-up I liked
6 where you were going with your comments on reconsideration?

7 MR. JONES: Okay, yeah. So, again as I said I
8 agree with the merits of the position that the retroactive date of the
9 accreditation benefits students. It has benefitted my own students
10 however I am just -- I'm concerned and again it goes far beyond
11 this issue.

12 It just it is a question of our authority as a body to
13 interpret the regulations of the Department which I think is wholly
14 in their purview. And so I would favor something along the lines
15 of indicating that while the Committee disagrees with the
16 Department's interpretation that we support renewal of the
17 Agency's approval, you know, again subject to this interpretation
18 of the regulations.

19 So I guess where I am at a difference with many
20 around this table is I agree with the Department that as they
21 interpret the reg's today, CCNE is out of compliance as is any
22 other similar situated agency.

1 And so under the current interpretation they have to
2 get into compliance. But I would urge the Department to
3 reconsider its interpretation because of the impact of its
4 interpretation on students.

5 CHAIRMAN KEISER: Claude, Jill, Frank?

6 MR. PRESSNELL: Yeah I would first of all I think
7 I need clarification. Tomorrow we are going to have a big policy
8 discussion and I think this would go into that bucket. I think we
9 need to make it very clear and even if we instruct to write a
10 memorandum related to that discussion we can.

11 CHAIRMAN KEISER: We are capable of doing
12 that.

13 MR. PRESSNELL: The other is that we are an
14 Advisory Committee. We are to advise and we are not bound by
15 an interpretation. We can engage in interpretation and say we
16 advise you against that interpretation.

17 But I think this is a tomorrow discussion. I know
18 you have other people in the que here but boy I would make a
19 Motion, I'd call the question.

20 CHAIRMAN KEISER: I do have two people
21 recognized, there is a Motion to call the question but I will
22 continue with Jill and then Frank and then I will entertain that

1 Motion.

2 MS. DERBY: Well it's my sense that we are all in
3 agreement here but it seems to me the point Brian has made is
4 about couching on the language of advising in a way that is
5 probably more in line with the way we are defined as an Advisory
6 Committee.

7 At the same time I have been part of this body and
8 we many times had this discussion on the point that Arthur made
9 earlier about having the final say. And we have sought that
10 authority but it seems to require Congressional approval of it so I
11 think that Brian's point about couching it in the language of
12 advising -- strongly advising, clearly we are all in agreement here
13 about this might be the more appropriate language.

14 I just want to say it that way and my support for the
15 amendment has been looking for the kind of language that I think
16 might be more effective when it reaches the senior level.

17 CHAIRMAN KEISER: Frank and then I'll
18 entertain your Motion.

19 VICE CHAIRMAN WU: Super quick question for
20 Brian. Brian, what would persuade the senior official to ultimately
21 do this because if we have lots of language and we all feel good
22 about what we said and the senior Department official just rejects

1 it we have just wasted 6 hours of our time.

2 So what would persuade that individual to say,

3 “Hey, let’s go with this decision”?

4 MR. JONES: Well again I think focus on the
5 impact on students. Sally already explained to us that from OCC’s
6 perspective this is a permissive interpretation not a mandatory one
7 so clearly there is room for reinterpretation.

8 Now, again I presume that they have considered the
9 impact on students and so it may well be that we don’t impact -- it
10 may well be that we can’t change their mind but I certainly think
11 that by saying that we think that you have misinterpreted the reg’s
12 or we don’t agree with your interpretation of the reg’s I think is
13 just again not appropriate for an Advisory Committee in my
14 humble opinion.

15 CHAIRMAN KEISER: I did ask you know, we
16 now got back into another heavy discussion. I’m not sure we want
17 to go there. I would rather if we want to vote up or down the
18 Motion and then if we have to go back to more discussion we can
19 do that.

20 The Motion has been made by Ralph, it has been
21 seconded by Frank.

22 MR. BOEHME: A point of information I have not

1 yet expressed my specific opinions on this Motion and I would like
2 to do so before.

3 CHAIRMAN KEISER: The question has been
4 called. We certainly have had -- you certainly had plenty of
5 opportunity.

6 MR. BOEHME: I think this is a departure from -- I
7 do not agree with this. I think you have been very fair in the past
8 about allowing other people to say how they feel about Motions
9 and I have commented on amendments to the Motions.

10 VICE CHAIRMAN WU: It's going to be faster if
11 Simon just speaks.

12 CHAIRMAN KEISER: Actually I'm going to cut
13 you down, call in security. Go Simon, go, go, no please after all of
14 that you have to .

15 MR. BOEHME: I make a Motion to call the
16 question.

17 CHAIRMAN KEISER: Well the question has been
18 called, all in favor of the original Motion signify by raising your
19 hand -- all those opposed to the Motion raise your hand. George
20 this is the opposition to this Motion so there are four -- no Brian is
21 not part of it, we are on Ralph's Motion. That Motion is passed the
22 discussion is over. Wow, you guys made me work too hard.

1 **NACIQI RECOMMENDATON**

2 **The Committee does not support the**
3 **interpretation made by the staff with respect to CCNE's**
4 **decision-making body. It should be with respect to the**
5 **authority of CCNE's decision-making body to set the date of**
6 **effective accreditation at the time of the site visit. If this**
7 **decision-making body determines that at the time of the site**
8 **visit the program met the Agency standards, the Council**
9 **meaning NACIQI, should be Committee -- the Committee's**
10 **reading of 6.02.3 permits such an interpretation.**

11 **Committee finds that the rationale of protecting**
12 **financial aid does not apply to CCNE since it is not a Title IV a**
13 **gatekeeper and all programs accredited by CCNE are already**
14 **regionally accredited. As a consequence, the Committee acts to**
15 **grant CCNE continued Renewal for five years including**
16 **approving its requested Expansion of Scope to Accredited**
17 **Certificates.**

18 **Finally with respect to documentation of the**
19 **Agency's implementation of the Good Cause Extension**
20 **following a show cause the Agency is directly to file all**
21 **necessary documentation within 10 days following this**
22 **meeting.**

1 **We do not accept the staff determination and to grant five year**
2 **continuation of recognition.**

3 MR. FRENCH: Mr. Chairman must amend the
4 policies and cease this practice going forward. This letter was June
5 the 6th and they were almost through the process at the time. So
6 would it be if this Agency said that they are looking into amending
7 their policies going forward wouldn't that satisfy this particular
8 Agency?

9 CHAIRMAN KEISER: If the Secretary doesn't
10 uphold our suggestion and reinforces and significantly says that
11 this policy is appropriate then the June 6th letter would be enforced
12 for all Commissions going forward.

13 MR. FRENCH: Right.

14 CHAIRMAN KEISER: At least that's how I
15 understand it is that correct Herman?

16 MR. BOUNDS: It would support what was said on
17 the record.

18 CHAIRMAN KEISER: But I will forward and
19 reviews will be looking at this issue of retroactivity.

20 MR. BOUNDS: So the letter went out to the broad
21 accrediting community so those agencies right now they will
22 amend their policies going forward or tell us how they are going to

1 do it and what's easy for them.

2 This, I guess once the senior Department official --
3 she will be ruling on our recommendation which was specific to
4 CCNE because they determined that they didn't think the policy
5 was correct.

6 So they would have -- and I don't know what she is
7 going to rule but that recommendation of hers would be specific to
8 what we put in the staff recommendation. It is still going to be
9 change of policies but in our recommendation we recommended a
10 time limit.

11 MR. FRENCH: Can I --?

12 CHAIRMAN KEISER: George, we are going to
13 have a whole part of tomorrow to discuss exactly this.

14 MR. FRENCH: Well Mr. Chairman I'm not talking
15 about, I'm talking about you are right the whole policy but I am
16 talking about this particular agency.

17 CHAIRMAN KEISER: This agency we are
18 finished. We have given them a 5 year recognition, approval -- no,
19 no of course but we had made the recommendation to five years. It
20 is contradictory to the staff recommendation now it is the
21 Department officials -- the designated Department official's job to
22 work it out and they will make the final decision, we don't, so it is

1 out of our hands.

2 MR. FRENCH: Now Jennifer shook her head. My
3 simple question still is -- I know we are finished with it I'm just
4 asking a simple question. Is this agency has said yes we will look
5 at our policies going forward the staff could agree with that, we
6 wouldn't have two different things going up to the senior official.

7 MR. BOUNDS: That's correct.

8 MR. FRENCH: Right so what's going up to the
9 senior official right now is what we all described and we know
10 what's going to happen and I'm just trying to like Frank, avoid
11 that. If this agency is saying they are going to look at their policies
12 going forward the staff would agree.

13 MR. BOUNDS: They are saying they don't want
14 to.

15 CHAIRMAN KEISER: And most of us disagree
16 with the fact that the Department's interpretation is correct. I
17 certainly do. Okay we have got to move on.

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1 **Renewal of Recognition**
2 **American Occupational Therapy Association**
3 **Accreditation Council for Occupational**
4 **Therapy Education (AOTA ACOTE)**

5 CHAIRMAN KEISER: We are now moving into
6 another Agency, thank you, we are sorry it took so long but that's
7 the way we are. And I honestly want to congratulate the
8 Committee. I think you folks really flushed this out and I think it
9 was a really effective discussion and we should be proud of our
10 Committee.

11 VICE CHAIRMAN WU: This was important, this
12 was a good discussion. It was collegial, it opens up all the issues
13 of policy that we need to talk about. There's nothing to be sorry
14 about it is good we spent this time.

15 CHAIRMAN KEISER: Okay the Renewal
16 Recognition of the American Occupational Therapy Association,
17 Accreditation Council for Occupational Therapy Education,
18 George French and Steven Van Ausdle are the Primary Readers.
19 Elizabeth Daggett is our staff person and we have a number of
20 Agency representatives and one third-party commenter.

21 MR. FRENCH: Mr. Chairman, American
22 Occupational Therapy Association Petition for Continued

1 Recognition. This organization is actually celebrating their
2 Centennial -- 100 year anniversary this year. The Agency is
3 engaged in the accreditation of occupational therapy educational
4 programs for Master's Degrees -- am I supposed to be going now?

5 CHAIRMAN KEISER: You are doing fine.

6 MR. FRENCH: A Bachelor's, combined Master's
7 and Bachelor's and the Doctorate of Therapy Education. They
8 currently accredit almost 400 programs throughout the United
9 States, D.C. and Puerto Rico, first recognized 1952 the Agency last
10 recognized by this body in 2012.

11 Staff has no problems, no issues and they are
12 recommending the five year recognition.

13 CHAIRMAN KEISER: Thank you George,
14 Elizabeth?

15 MS. DAGGETT: Thank you. Good afternoon Mr.
16 Chair and members of the Committee. Again for the record my
17 name is Elizabeth Daggett and I am providing a summary of the
18 review of the Petition for Renewal of Recognition for the Agency,
19 the Accreditation Council for Occupational Therapy Education
20 under the American Occupational Therapy Association.

21 As noted the staff recommendation to the senior
22 Department official for this Agency is to renew the Agency's

1 recognition for a period of five years. This recommendation is
2 based on our review of the Agency's Petition and its supporting
3 documentation as well as observation of an on-site evaluation in
4 February of 2017.

5 The Department did not receive any third party
6 comments. Our review of the Agency's Petition found that the
7 Agency is in compliance with the Secretary's criteria for
8 recognition. Since the Agency's last review in June of 2010 the
9 Department had received no complaints until last month. That
10 complaint is currently under review and the I believe the third-
11 party commenter is commenting on that particular complaint.

12 Therefore, as I stated earlier, the staff is
13 recommending to the senior Department official to renew the
14 Agency's recognition for a period of five years. Thank you and
15 there are Agency representatives available for your questions.

16 CHAIRMAN KEISER: Any questions, Valerie?
17 Seeing none will the Agency Representatives please come
18 forward? Please introduce yourselves.

19 MS. ROBERTS: Mr. Chair, members of the
20 Committee, we would like to thank you for this opportunity to
21 speak on behalf of the Accreditation Council for Occupational
22 Therapy Education, otherwise known as ACOTE.

1 My name is Dr. Pamela Roberts and I am the
2 current Chair of ACOTE. I would like to take this opportunity to
3 introduce Dr. Heather Stagliano to my left who is the Director of
4 Accreditation at the American Occupational Therapy Association,
5 otherwise known as AOTA and Dr. Neil Harvison to my right who
6 is the Chief Officer for Academic and Scientific Affairs at AOTO.

7 We would like to express our appreciation to Miss
8 Elizabeth Daggett for her assistance in developing our Petition.
9 Her knowledge of the regulations was clearly evident and her
10 guidance proved invaluable during the process.

11 The ACOTE accreditation process is designed to
12 assure that there are appropriate and quality practices in place to
13 safeguard students, patients and the public. As a result of our
14 accreditation process patients in the public are assured of high
15 quality occupational therapy services.

16 Before I address the standard questions I would like
17 to give you a little background on ACOTE. ACOTE accredits
18 occupational therapy known as OT programs at both the Doctoral
19 Master's Degree level as well as the Occupational Therapy
20 Assistant known as OTA programs at the Associate's Degree level.

21 ACOTE is made up of 24 members, 20 of whom are
22 certified and licensed occupational therapists or occupational

1 therapy assistance with academic and practitioner backgrounds.
2 The remaining members include three public members and one
3 higher education administrator member.

4 Now I would like to address NACIQ I's questions
5 regarding our accreditation decision and data gathering student
6 achievement, standards performance and outcome data and our
7 efforts to improve program quality.

8 Every accreted OT and OTA program is responsible
9 for complying or maintaining compliance with all ACOTE
10 accreditation standards related to its degree level. Any program
11 failing to comply with any ACOTE standard is cited with an area
12 of non-compliance.

13 If a program is in substantial compliance with the
14 standards or in non-compliance with one or more standards
15 believed to be readily correctible within a mandated correction
16 period it is not denied in the show accreditation or placed on
17 probation but is given a shorter accreditation term and monitored
18 with plans of correction and progress reports until it comes into
19 full compliance.

20 However, an accredited program that is cited with
21 one or more areas of non-compliance, not deemed correctible
22 within a mandated correction period is placed on probation. Since

1 ACOTE's last Petition in 2012, 165 programs were granted a
2 reaccreditation term of 5, 7, or 10 years. 76 programs became
3 initially accredited and 172 programs progressed through the initial
4 accreditation process.

5 Overall in 2016 ACOTE took action on 1,194
6 accreditation reports pertaining to 520 OT and OTA programs.

7 Over the past five years and including ACOTE's most recent
8 meeting in April of 2017, the Council has placed 23 accredited
9 programs on probation.

10 11 of the probationary actions were due to non-
11 compliance with Standard 8.5.6. which relates to NBCOT exam
12 pass rates. Trial programs were placed on probation due to
13 approaching the end of mandated correction period which to come
14 into compliance with the standards or due to the number and nature
15 of the areas of non-compliance.

16 The area of non-compliance most frequently cited
17 and resulting in probationary action includes standard related to
18 faculty, strategic planning, program evaluation and curriculum.
19 ACOTE has withdrawn accreditation from two programs since
20 2012.

21 In April of 2013 accreditation was involuntarily
22 withdrawn from a program for failure to correct or demonstrate an

1 upward trend for the certification pass rate during the allotted
2 correction period. The failure of the program to return to full
3 compliance and its inability to meet the criteria for extension for
4 good cause, led ACOTE to vote to change the program status for
5 probationary accreditation to accreditation withdrawn
6 involuntarily.

7 In December of 2016 ACOTE voted to involuntary
8 withdraw accreditation from a program due to school closing
9 without warning. ACOTE worked with the program's national
10 accreditor and other programs to assist the transfer of students into
11 qualified programs to complete their education.

12 Next I would like to address ACOTE's standards of
13 practice related to student achievement and performance in
14 outcome data. ACOTE's standards of practice related to student
15 achievement insures student success based on close monitoring,
16 the requirement that every program systematically collect specific
17 outcome data that is analyzed and incorporated into the program's
18 evaluation report, strategic plan and curriculum.

19 Every program must report on student achievement
20 measures through their interim report, self-study and annual report.
21 The student achievement measures including retention and
22 graduation rates, work level 2 competency and completion, pass

1 rates on the national certification exam and employment rates.

2 Prior to the spring ACOTE meeting, ACOTE
3 established an expert panel to calculate and compare the student
4 achievement data benchmarks between like programs which are
5 subsequently reviewed within the context of each program's
6 mission.

7 Typically the benchmarks are established at
8 approximately two standard deviations from the mean. Any
9 program reporting retention or graduation rates, Level 2 pass rates
10 or low on point rates that do not meet the established benchmark
11 must provide additional information to ACOTE that specifically
12 addresses the issues and includes a program evaluation to address
13 the low rates.

14 If a program fails to address the issue, the program
15 is cited with an area of non-compliance and is closely monitored
16 through the more frequent reporting. As with all citations for non-
17 compliance a program is required to return to full compliance
18 within a mandated correction period as required by the U.S.D.E.
19 and ACOTE policy.

20 Failure to maintain the required student
21 achievement standards is one of the primary reasons behind
22 adverse program actions taken by ACOTE. ACOTE's continued

1 monitoring of student achievement through multiple reports allows
2 it to maintain high student achievement in OT and OTA education.

3 Next I would like to address the student
4 achievement measures individually. I'll begin by discussion the
5 retention and graduation rates. Graduation rate is defined as the
6 number of students that complete the program within 150% of the
7 stated program length.

8 The graduation rate must be reported on the
9 program's website and through all reports, annual, interim and
10 self-study. Retention and graduation rates have remained
11 consistent over the past five years with Doctoral student retention
12 staying within the 96 to 98% range, Master student retention
13 staying within the 94 to 97% range and OTA student retention
14 remaining within the 84 to 86% range.

15 Regarding the experiential component of the
16 educational program known as Level 2 field work, ACOTE
17 standards dictate that each OT student must complete at least 24
18 weeks or 6 months of full-time Level 2 field work and OTA
19 students must complete at least 16 weeks or 4 months of full-time
20 Level 2 field work as a requirement to complete their educational
21 program.

22 Our latest annual data shows that 98% of the OT

1 students and 97% of the OTA students pass their experiential
2 component after being evaluated by the field work sites to possess
3 the necessary skills for entry level competency, clinical
4 competency.

5 Additionally these rates have remained consistent
6 over the last five years. ACOTE has one bright line standard, the
7 national certification examination pass rates which are reported
8 directly to ACOTE by the certification body, the National Board
9 for Certification Occupational Therapy which is better known as
10 NBCOT.

11 ACOTE standard 8.5.6 requires that each program
12 maintain an average pass rate of 80% over the three most calendar
13 years for graduates attempting the national certification exam
14 within 12 months of graduation from the program regardless of the
15 number of attempts.

16 Overwhelmingly the majority of our programs
17 exceed this benchmark. ACOTE instituted this bright line standard
18 in 2006 and in 2011 changed the three year, 80% pass rate within
19 one year of graduation after analyzing credentialing examination
20 results data made available from NBCOT.

21 When the benchmark was first established in 2006
22 the standards stated the average total pass rate of graduates taking

1 the national certification exam for the first time over three most
2 calendar years must be 70% of higher.

3 In 2011 based on extensive feedback from
4 stakeholder groups, ACOTE introduced a new benchmark of the
5 three year average of 80% pass rate within one year of graduation.
6 ACOTE defines the employment rate as the number of graduates
7 employed in occupational therapy practice within 6 months of
8 graduation.

9 The United States Department of Labor, Bureau of
10 Labor Statistics and AOT's 2015 salary and workforce survey both
11 report the job market for OT's and OTA's is very strong. The
12 Department of Labor reported that the job outlook for OT's and
13 OTA's between 2014 and 2024 will increase by 27% and 40%
14 respectively with an expected increase in the number of OT
15 positions by 30,400 and 16,800 for OTA positions.

16 ACOTE is currently in the midst of comprehensive
17 standards revision. In the process of this revision ACOTE is
18 analyzing the validity of the existing standards relating to student
19 achievement and is gathering input from our communities of
20 interest regarding these standards.

21 The revised standards will still require all programs
22 to maintain high student achievement.

1 Finally I will address ACOTE's efforts to improve
2 program quality. ACOTE defines a program as "at risk" if one --
3 has areas of non-compliance that are so series, that the capability
4 of the program to provide acceptable educational experiences for
5 the student is threatened.

6 Two -- is at risk for carrying a cited area for areas of
7 non-compliance outside the mandated timeframe or three -- has
8 poor accreditation history.

9 In addition to being monitored through annual and
10 interim reports, at risk programs are provided with shortened
11 accreditation terms, monitored through increased reporting and
12 potentially subject to a fact-finding visit.

13 ACOTE offers multiple resources to assist at risk
14 programs and documenting full compliance and to promote
15 program improvement, including accreditation workshops
16 throughout the year and individual consultations with the
17 accreditation staff to address specific standards of concern.

18 As a vast majority of our at-risk programs maintain
19 accreditation we believe the resources provided have been
20 beneficial in assisting their programs and successfully reversing
21 their at risk status.

22 This concludes our remarks. Once again on behalf

1 of the Accreditation Council and staff we would like to thank the
2 Department and the Committee for the opportunity to present
3 additional information in support of our Petition for Recognition
4 and we are happy to answer any questions you may have.

5 CHAIRMAN KEISER: Thank you. Any further
6 conversation, questions? Steve you were one the Readers?

7 MR. VAN AUSDLE: I want to start by
8 commending you for past performance, relationship to this
9 organization and commend you for the use of information in
10 decision-making and the influence that it appears your Agency has
11 had on your member institutions in terms of helping them use data
12 in that decision-making format.

13 You covered a lot of the student outcomes and a lot
14 of the student achievement and how you are measuring it. And
15 certainly, when you look at your completion rates, you would be
16 commended for the successful levels and the relevance that you
17 have.

18 Could you expand just a little bit on you talk here
19 how you encourage your member institutions to use information
20 and data in their strategic planning, how you have tied evaluation
21 to future planning and what difference that has made and maybe
22 specifically focus on how that is helping institutions that have

1 room for improvement to improve?

2 MS. STAGLIANO: Hello, what we do is we
3 educate our programs into what you do with program evaluation
4 data. So you don't just collect data, look at it and say, "Oh that's
5 interesting." You take that data and you use it to inform your
6 program so you will understand that students are struggling in this
7 aspect of the curriculum or on field work with these clinical skills
8 and that incorporating that into the curriculum, looking at the
9 different faculty members -- are they, do they have the
10 competency?

11 Do they have the expertise to be teaching a topic?
12 Do they need additional training or whatever it is and incorporating
13 all of that into the strategic plan and into the professional
14 development plans and then looping around again to collecting
15 more data to see what you are doing, is it working?

16 And we do that with all of our programs, any
17 program that calls up and is struggling with strategic planning or
18 understanding where they are having trouble with their data, then
19 we walk them through that process of making sure that everything
20 links together.

21 MR. VAN AUSDLE: And what I think I observed
22 in your report this is an on-going systematic process of collecting

1 information and using it in decision-making. It goes beyond just
2 the self-study. What other reports and communication do you have
3 that's making this effective?

4 MR. HARVISON: Just to add this comment -- 10
5 years ago the most frequently cited standard outside of the
6 certification pass rate would have been related to
7 curriculum/curriculum design so we do a lot of work on curriculum
8 enhancement.

9 Currently the most frequently cited standard is
10 related to strategic planning and it's failure of the program to
11 demonstrate when they have systematic outcomes, learning
12 outcomes that demonstrate there's an issue but they haven't
13 reflected it in the strategic plan and they haven't reflected it in their
14 program enhancement strategies.

15 And that is the most frequently cited area. And then
16 it comes back to staff to work with the program to explain why
17 they received that area of certification and recommendations as to
18 what sort of strategies they need to implement to get themselves
19 out of that area of non-compliance.

20 MR. VAN AUSDLE: So what's your strategy for
21 improving your graduation rate significantly? It's kind of a
22 rhetorical question -- what's your graduation rate, 96-97%, that's

1 incredible.

2 MS. STAGLIANO: To answer your other question
3 we have annual reporting, then there are interim reports and then
4 there is the self-study report.

5 MR. VAN AUSDLE: Okay.

6 MS. STAGLIANO: And we have workshops
7 throughout the year that the program directors can engage in or
8 other faculty members. They can call staff at any time to walk
9 them through the process -- where they may be struggling, where
10 they want to perform better.

11 And each annual report asks a question about what
12 they are doing to improve their program and their outcomes so we
13 are making them re-evaluate it annually.

14 MR. VAN AUSDLE: So my final question is so
15 student achievement kind of has two dimensions. One is how well
16 your cohorts of students are doing and the other is you expand
17 more students and provide access.

18 You are in an emerging field correct? Are there
19 strategies with your member institutions finding those needs and
20 opportunities and growing their programs?

21 MS. STAGLIANO: We do see a lot of growth in
22 our programs. We are also seeing that there is a lot more of a push

1 to move into community-based practices so that working with
2 individuals in their communities versus working with them in a
3 medical type of model.

4 So going down into the community level and going
5 to where those individuals are and helping them to live their life
6 mostly.

7 MR. HARVION: And something we have also
8 modified the last time around -- the standards are related to the
9 experiential learning requirements -- the field work Level 2.
10 Traditionally they mostly occurred within traditional medical-
11 based facilities or health related facilities or school systems.

12 But now we have standards in place that allows
13 programs to be more innovative in taking students into settings
14 where OT's haven't traditionally been provided those services.

15 And then there are requirements that go with the
16 scope and back through the aspects of practice relate to the scope
17 of practice of OT. If they bring in a supervisor in OT for that
18 aspect, but they can use other community based providers to
19 provide that experiential component, which is really expanding
20 practice into those non-traditional areas between community-based
21 practices.

22 CHAIRMAN KEISER: Any further questions?

1 MS. ALIOTO: You certainly are doing some
2 impressive work. Could you tell me, does occupational therapy --
3 does that involve drugs at all with this OP thing, I'm sort of --

4 MR. HARVISON: Every health profession in this
5 country at the moment is addressing the issue with the opioid
6 addiction and the issues that are going on with that. Quite honestly
7 when I was listening to your questioning yesterday I was thinking
8 about the fact that the focus is really primarily on continuing
9 professional development in the current workforce that is
10 addressing those issues.

11 If you go to the entry level educational standards --
12 the standards are designed to prepare a graduate to deal with any
13 societal issue that comes up and have that flexibility, have the
14 skillset to deal with that.

15 Because really the students that are in our pipeline
16 now are going to be facing some other societal issue when they
17 finally come out of school in a few years' time -- I don't know
18 what that will be but there will be something else.

19 MS. ALIOTO: Hopefully it won't be opioid.

20 MR. HARVISON: Hopefully the current workforce
21 will have addressed a lot of that issue for us because it is
22 constantly changing. So we are really preparing our graduates to

1 think on their feet and deal with whatever the issue is of the day.

2 MS. ALIOTO: And the second question -- I
3 strongly support using data to actually change behavior instead of
4 just getting all of this data but you said you would do that as part
5 of the annual plan. Do you ever look at the data and intercept early
6 -- like you get the data in November so then you could help the
7 students so they don't -- obviously whatever you are doing is
8 working but when do you make interventions?

9 MS. STAGLIANO: So the programs are required
10 to complete an annual report and they are looking at their programs
11 annual data and they are going to take that information and then
12 analyze all of that, provide us with an annual report of how they
13 are performing.

14 And so every April the Council will look at every
15 program that we have, all of their reports of their data. And we
16 then also look at how they performed last year to see if there's an
17 upward trend or a downward trend.

18 And if we notice a downward trend the Council
19 may cite an area of non-compliance if it is non-compliant. They
20 may ask for additional information from the program to say we
21 need to know a little bit more about what's going on and that opens
22 the door to investigating are they looking at this data really

1 closely?

2 What are they finding? What are they doing about

3 it?

4 MS. ALIOTO: Thank you.

5 MR. FRENCH: My colleague was saying you
6 engage in both formative and substantive evaluation, correct? I
7 saw that. I did see the evidence.

8 CHAIRMAN KEISER: Can you get a little closer
9 to your microphone.

10 MR. FRENCH: I did the evidence of formative and
11 substantive evaluation in reviewing the case which I think is part
12 of that success.

13 CHAIRMAN KEISER: Thank you, any other
14 questions, comments? Well thank you very, very much for
15 agreeing to be with us. We have a third-part commenter, Mary G.
16 Hardy?

17 MS. HARDY: That's me.

18 CHAIRMAN KEISER: You have three minutes.

19 MS. HARDY: Good afternoon. I'm a former
20 student of an OTA program recognized by ACOTE as one with no
21 areas of non-compliance and of exceptional educational quality.
22 Unfortunately that was false and a lot of people were harmed. I'm

1 here to describe how this Agency has repeatedly protected a
2 program.

3 I do so in hopes that you will take action to ensure
4 that this Agency changes its behavior to comply with the USDE's
5 criteria for recognition. I turned to ACOTE for help. I filed a
6 complaint documenting non-compliance with 14 standards.

7 After their alleged investigation Dr. Stagliano
8 advised me that my complaint had been fully evaluated and that
9 the program was found to be compliant. That was wrong. I knew
10 the program was not fully compliant. I challenged Dr. Stagliano.

11 She refused to discuss ACOTE's decision with me.
12 She refused to let me see the evidence. She would only say that
13 the information was confidential and the decision final. I obtained
14 a copy of the evidence from my college. I was shocked.

15 ACOTE's investigation was fraudulent. I filed a
16 complaint about ACOTE's process. ACOTE's panel dismissed my
17 complaint. They advised me that ACOTE's ruling could not be
18 challenged.

19 Why? Because and I quote, "ACOTE will not
20 consider complaints that include matters pertaining to an adverse
21 accreditation action or citing of areas of non-compliance." This
22 interpretation defies the U.S.D.E. criteria.

1 I wasn't challenging an adverse action -- there
2 wasn't one. I was seeking the citation of areas of non-compliance.
3 Why was ACOTE lying to me? I began to wonder whether their
4 review of reaccreditation had been properly done.

5 I obtained the report of self-study. To my horror I
6 discovered non-compliance with 18 standards, far from being fully
7 compliant. I filed a complaint and guess what? That's right,
8 ACOTE dismissed that complaint too for the same reason -- but
9 again there wasn't an adverse decision and no areas had been cited.

10 Dr. Pamela Roberts, ACOTE Chairperson filed with
11 a letter stating that ACOTE would not process or consider any
12 other complaints by me. I am appalled at ACOTE's and AOTA's
13 outrageous behavior. They do not uphold the standards of the
14 profession, they are not fair or objective in their reviews, they
15 ignored the report of self-study.

16 They lack integrity. These actions are in violation
17 of the U.S.D.E.'s criteria for recognition. The Agency's behavior
18 is reprehensible, thank you for this opportunity to address you.

19 CHAIRMAN KEISER: Thank you for doing that
20 under three minutes. Questions from the Committee, from us the
21 Committee -- yes Claude?

22 MR. PRESSNELL: Yeah the complaint is clear but

1 it is vague. So I mean you say so many numbers of standards and
2 that you found it you know in compliance and when you say you
3 read something and you found it non-compliant with 18 standards,
4 you know, what did you read? What was non-compliant? What
5 was your experience precisely what happened?

6 MS. HARDY: Well the report of self-study is what
7 I read which is part of the reaccreditation process and in reading
8 that and in looking to each of the exhibits in there I could see that
9 this was not compliant and that was before I entered the program
10 and they got this stellar recommendation.

11 I am the one who filed the complaint within the last
12 month. That was done so late because I was not aware of the
13 criteria for recognition. I knew my program had been out of
14 compliance but I wasn't aware of it. I was talking with an attorney
15 about where do I go next with this and he said, "What do you
16 want?"

17 What I want is for them to do their job. I want the
18 program to be brought into compliance and all programs brought
19 into compliance. This is my experience. I am only representing
20 one student in one program but so I learned about it about a month
21 ago. I found out -- oh my goodness this meeting is coming up and
22 they are coming up for a reaccreditation.

1 I want to be there, I have submitted a complaint
2 background, volumes, but it is also digitalized that they will
3 present.

4 MR. PRESSNELL: I'm sorry, so just to clarify you
5 are saying in the self-study they had that the institution, the
6 program, was not compliant with the self-study that went to
7 ACOTE?

8 MS. HARDY: Well for all of the standards the
9 colleges respond to all of the standards.

10 MR. PRESSNELL: Correct.

11 MS. HARDY: And there's some evidence so one
12 of them was that there needed to be a complaint process for
13 complaints against the program and the college pointed to the
14 grievance procedure for students who disagree with their grades
15 and there is another standard that deals with the grievance
16 procedure.

17 They are not the same thing but it was accepted as -
18 - it was accepted by ACOTE, by the college and essentially when I
19 was having problems I was trying to find out what the complaint
20 process was, well there wasn't any.

21 CHAIRMAN KEISER: Ralph?

22 MR. WOLFF: I'm not sure if you are an aware we

1 are not an adjudicatory body for complaints so I am wondering if
2 you are aware that the Department of Education has a complaint
3 process. Having gone through the Agency's complaint process that
4 you have the right, if you so choose, to file a complaint with the
5 Department of Education around the Agency's non-compliance
6 with its own procedures and Department criteria.

7 MS. HARDY: I became aware of that about a
8 month and a half ago. I knew that U.S.D.E. accredited, you know,
9 recognized accreditation. I didn't really know much more about it
10 and it was really through the discussion with my attorney that I
11 started to follow-up more and I again have submitted a complaint
12 to the Department which is what Elizabeth acknowledged but they
13 have not had a chance to take a look at it and I fully understand
14 that.

15 CHAIRMAN KEISER: John and then I would like
16 to ask a question.

17 MR. ETCHEMENDY: I just want to say thank you
18 for taking the trouble to come and I am glad that you have
19 submitted the complaint to the Department of Education. As
20 Ralph said we are not an adjudicatory body and of course we could
21 not possibly judge the evidence based on a three minute
22 presentation.

1 And as you know or maybe I don't know whether
2 you know, but the evidence -- the external evidence of the success
3 of this Agency is really quite positive in terms of the success with
4 the graduates of the programs that they accredit.

5 So based on that, that's how probably most of us are
6 going to have to vote, but I do want to thank you and I do want to
7 wish you luck in -- I know the Department of Education will pay
8 great attention to your complaint.

9 MS. HARDY: Thank you.

10 CHAIRMAN KEISER: Thank you very much.
11 Elizabeth? Oh the Agency has a chance to respond.

12 MR. HARVISON: Just that the third-party
13 commenter did actually file three separate complaints against the
14 school from which she was dismissed. This was investigated fully
15 and the program was found in compliance with the standards at the
16 time that the complaint was filed.

17 A second complaint was filed but was withdrawn by
18 the complainant before the investigation was completed. A third
19 complaint was filed again to different standards in each case and
20 again the third one was withdrawn by the complainant before we
21 completed the investigation. And there have been several legal
22 actions that have been taken by the complainant.

1 CHAIRMAN KEISER: Thank you, any questions
2 of the Agency, George?

3 MR. FRENCH: You said the third one was
4 dismissed, withdrawn by the complainant?

5 MR. HARVISON: Correct.

6 MR. FRENCH: So there is not one currently?

7 MR. HARVISON: There is none currently no.

8 MR. FRENCH: There's one with the Department
9 currently?

10 MR. HARVISON: There's one filed -- oh there
11 was also a complaint filed against ACOTE that went through the
12 process as to our procedures and that was dismissed, I guess that
13 would be the right term. I'm not sure that's the actual term.

14 And then recently we learned that within the last
15 month a complaint was filed against the Department. There was a
16 small claims suit filed in the state of Connecticut against the parent
17 organization so there have been numerous different actions taken.

18 CHAIRMAN KEISER: Thank you. No further
19 questions? Elizabeth, are you up -- thank you very much.

20 MS. DAGGETT: I have nothing further to add. I
21 did say earlier we had received a complaint and it is under review.

22 CHAIRMAN KEISER: Thank you. Readers would

1 you like to make a Motion -- Steve?

2 MR. VAN AUDDLE: I would move for Renewal of
3 the Agency's Recognition for five years.

4 CHAIRMAN KEISER: Your microphone, do it
5 again.

6 MR. VAN AUDDLE: Excuse me, I move Renewal
7 of the Agency's Recognition for five years.

8 CHAIRMAN KEISER: Second by George. The
9 reason we use the mic is it is being transcribed so it is important
10 for the transcribers to hear though your voice carries. There is a
11 Motion and a second, is there further discussion of the Motion?

12 Sensing no further discussion, I'm sorry --

13 MR. FRENCH: I just want to thank John for his
14 empathy with the lady who brought the complaint and I want to
15 thank you for coming as well and I concur with John we base our
16 decisions based on the full scope of what the Agency has done, but
17 thank you anyway, thank you.

18 CHAIRMAN KEISER: Yes Jill?

19 MS. DERBY: Yes just following-up on that. I
20 know this has been brought up before but often we hear these but
21 we don't have an opportunity to know what is the resolution of the
22 complaint -- just like we are always anxious to know how the

1 senior Department official acted in the face of our
2 recommendations, that sort of follow-up information is I think
3 important and relevant for us.

4 CHAIRMAN KEISER: Okay Jennifer you can do
5 that without a Motion -- let us know what happens.

6 MS. HONG: Of this particular?

7 CHAIRMAN KEISER: Yes. Okay any further
8 discussion? All those in favor of the Motion raise your hand? All
9 of those opposed -- Motion is unanimous we are on to the next one,
10 thank you Elizabeth, thank you members of the AOTA.

11 **NACIQI RECOMMENDATION**

12 **Renewal of the Agency's Recognition for a period of five years.**

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1 **Renewal of Recognition**
2 **Association for Clinical Pastoral**
3 **Education, Inc. (ACPEI)**

4 CHAIRMAN KEISER: The final -- it's hard to
5 believe we are coming to our final and we are almost on time. We
6 still have a quorum that's fine. This is a Renewal of Accreditation
7 for the Association of Clinical Pastoral Education, ACPEI.

8 Neither of the Primary Readers are here but Simon
9 is it you that has agreed to fill in for Bobbie and Anne? The
10 Department staff is Valerie, thank you very much Valerie. We
11 have three Agency representatives and no commenters. Valerie
12 you are up -- oh no, Simon you are up.

13 MR. BOEHME: The Accreditation Commission is
14 the accrediting body within the Association for Clinical Pastoral
15 Education, ACPE. ACPE is a multi-cultural, multi-faith
16 organization devoted to providing education and improving the
17 quality of ministry and pastoral care offered by spiritual caregivers
18 in clinical settings where ministry is practiced.

19 The Commission accredits 267 centers, 5 candidate
20 centers and 23 accredited systems with 78 components. The
21 accreditation does not enable the ACPE centers or programs to
22 establish eligibility to participate in the Title IV HEA programs.

1 However, recognition by the Secretary enables the
2 Agency's accredited centers and programs and /or students of these
3 programs to participate in non-HEA programs such as the
4 International Exchange Visitors Program.

5 CHAIRMAN KEISER: Now it is your turn
6 Valerie, sorry.

7 MS. LEFOR: Good evening Mister Chair and
8 members of the Committee. For the record my name is Valerie
9 Lefor and I will be presenting a summary of the Petition for
10 Continued Recognition submitted by the Association for the
11 Clinical Pastoral Education referred to as ACPE or the Agency.

12 The staff recommendation to the senior Department
13 official for the Agency is to renew the Agency's recognition for a
14 period of five years. Based on review of the information in the
15 Agency's Petition and observation of the Agency's Conference and
16 a site visit, Department staff found that ACPE is in compliance
17 with the Secretary's criteria for recognition with no issues or
18 concerns.

19 The Department did not receive any written third-
20 party comments and has received and resolved one complaint
21 during this review cycle regarding the Agency. Therefore, again,
22 the staff recommendation to the senior Department official for the

1 Agency is to renew the Agency's recognition for a period of five
2 years. Representatives are here from the Agency and I am happy
3 to answer any questions that you may have. This concludes my
4 report, thank you.

5 MR. HAYTHORN: Somebody has to be last today.
6 Thank you very much. Mr. Chairman my name is Trace Haythorn,
7 I serve as Executive Director for ACPEI.

8 MR. MEDWED: My name is Marc Medwed, I
9 serve as the Program Manager for ACPEI.

10 MR. MAYBERRY: Good afternoon, my name is
11 Wayne Mayberry. I am the current Accreditation Chair for ACPE.
12 In my day job I am the Director of Pastoral Care and ACPE at
13 Tampa General Hospital.

14 Trace, Marc and I want to thank you all for letting
15 us be with you today. We look forward to the review. We are
16 particularly thankful to Valerie for shadowing and observing an
17 actual 10 year review and being involved in the preparation for that
18 review and the follow-up of the review.

19 It was additionally quite instructive for me to meet
20 with her at our national meeting and I think she learned a lot also
21 about ACPE. Though our Primary Reviewers aren't here we want
22 to thank you Simon for stepping in at the last minute.

1 I think I would only add to the little blurb that you
2 gave about us a statistic that last year our centers certified 9,000
3 plus units of ACPE which is the equivalent of 2,700,000 hours of
4 clinical care given to patients and families.

5 That care that is given to patients and families is the
6 particular place that students draw most of their learning from.
7 ACPE offers unique training. It's a blend of academic and
8 experiential learning, a form of theological training that takes place
9 in the classroom and in clinical settings where ministry is being
10 practiced.

11 The primary textbooks are the students themselves.
12 Beyond that they include patients and families with whom they
13 visit and then regular textbooks like you might find in any college
14 or seminary.

15 ACPE exists to offer two functions. The first is
16 accreditation of centers. The second is certification of supervisors
17 or educators. Each of those are essential and necessary for pastoral
18 ministry.

19 All of our ACPE centers are accredited to offer
20 Level 1 and Level 2 CPE and Level 1, Level 2 CPE has its own
21 core curriculum. Approximately one-third of our centers are also
22 accredited to offer supervisory CPE which is the training to create

1 educators.

2 Within Level 1 and Level 2 programs all centers
3 offer individually units of ACPE, both full-time units in the
4 summer or part-time units that occur September to April,
5 September to January on a semester basis.

6 Additionally most centers offer residencies which
7 are a year-long program comprised of three or four units of clinical
8 training and clinical pastoral education which we offer is one of
9 the requirements, the essential requirements for individuals to
10 become certified as a chaplain.

11 A unit of ACPE includes a minimum 400 hours and
12 other than that 400 hours at least 100 must include a blend of
13 classroom education, individual and group supervision.

14 At the end of each unit students writes and
15 supervisors write an evaluation connected to the ACPE outcomes
16 and objectives as articulated in our standards. ACPE is a
17 developmental process, there's not a predefined number of units as
18 student will take. Much of that depends on the student's
19 motivation for enrolling in a program.

20 Our students enroll for a variety of reasons. For
21 many it is a requirement of their theological school. For others, it
22 is a requirement of their faith group and part of their ordination

1 process. Still others enter with the intention of becoming Board
2 certified Chaplains with one of our cognizant groups.

3 Students are eligible to apply for Board certification
4 after having completed four units of clinical training. Other
5 students enroll as a means of preparing themselves for military
6 service.

7 And finally, this is the smallest number but a
8 number of students enroll because they have a sense that our
9 clinical training offers something that their professional training
10 missed.

11 I mentioned earlier that approximately a third of our
12 centers are accredited to offer ACPE. Students who enter that
13 program are actually learning to wear another hat, that of an
14 educator. It is a further development of the training that began
15 with Level 1 and Level 2.

16 And following that training they are either able to
17 step in as a certified supervisor at a center or create a new center
18 and a new clinical setting. The Accreditation Commission requires
19 programs to maintain our minimum threshold of 75% of all
20 students who enroll actually completing the 400 hours of the unit.

21 Today, every center has met and usually far exceeds
22 this threshold. The Commission for our regional Committee

1 structure monitors this number as one data point in the collection
2 of annual reports we receive from each center. From this data
3 collection we know that our annual completion rate is about 99%.

4 In addition to monitoring the completion rates, the
5 Accreditation Commission requires centers to engage in regular
6 program evaluation gathering information from students at exit
7 interviews, making use of a professional advisory group and
8 reporting changes made to curriculum and the ACPE program as
9 part of the annual report.

10 There's a lot more I could say for my sake and
11 maybe for yours at the end of this long day, Marc and Trace
12 whittled it down. They said that's way too much information to
13 give, but we are certainly glad to respond to any questions you
14 have about our programs.

15 CHAIRMAN KEISER: Simon?

16 MR. BOEHME: Thank you it seems like you guys
17 are doing a great job I have no questions.

18 CHAIRMAN KEISER: Other members of the
19 Committee? Wow, that's a first since I have been Chair. Thank
20 you for joining us. I think we will bring back the staff person,
21 Valerie? That you very much.

22 MR. MAYBERRY: Thank you.

1 MS. LEFOR: I have nothing additional.

2 CHAIRMAN KEISER: Okay we waited for that.

3 Simon do you have a Motion?

4 MR. BOEHME: I do.

5 CHAIRMAN KEISER: I'm sorry do you have a
6 question, Kathleen?

7 MS. ALIOTO: I just wanted to thank you for your
8 excellent work. You have been before us so many times this week
9 and are so competent, thank you.

10 MR. BOEHME: I have a Motion to Renew the
11 Agency's Recognition for a period of five years.

12 CHAIRMAN KEISER: George French beat
13 Federico to the Motion. Is there any other discussion on the
14 Motion? Sensing none all in favor of the Motion signify by
15 saying, "Aye", raise your hand you did, thank you. All those
16 opposed raise your hand -- there are none. Thank you very much.

17 **NACIQI RECOMMENDATION**

18 **Renew the Agency's Recognition for a period of five years.**

19 I will say it was a very long day but most
20 importantly we covered a lot of important issues and there were
21 some really in depth and good discussion. We will carry on
22 tomorrow.

1 Please if you have anything else let me give you
2 what is on the agenda for tomorrow. The first will be the whole
3 issue of the student unit records and big data, the use of the data,
4 creation of bright lines, measured learning versus measured
5 outcomes.

6 The third part sub-regulatory directives, best
7 practices verses required practices. NACIQI as the final authority
8 is the fourth issue, fifth the whole concept of military approvals
9 and what we do in that and sixth -- can we look at different
10 timelines for approvals from 12 months to a shorter period based
11 on the issues that are at hand.

12 And we have a presentation on the dashboard and
13 Kathleen has something she wants to say.

14 MS. ALIOTO: I wondered if we could also add
15 what that second to the last group -- how do you assist your
16 members to use data to improve student learning outcomes? Could
17 we add that to our questions?

18 CHAIRMAN KEISER: That's actually number two
19 in terms of how do we use the data and how do we want it to be
20 used not only in a negative light but in a positive light, you know,
21 that's a very important part of that.

22 MS. ALIOTO: Okay thank you.

1 CHAIRMAN KEISER: Okay again thank you for
2 being so patient. Thank you audience for being with us and we
3 will reconvene tomorrow at 8:30 is that correct? Now, just to let
4 you know it is my goal to finish by noon if not earlier but that is
5 going to be up to you and your discussions but the agenda is to
6 complete at noon if you want to change your flights.

7 (Concluded at 5:00 p.m.)

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