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RENEWAL OF RECOGNITION
ASSOCIATION FOR BIBLICAL HIGHER EDUCATION (ABHE)
Committee Readers: Brian W. Jones,
Susan D. Phillips

Department Staff: Elizabeth Daggett
Agency Representatives: Ronald C. Kroll,
Shane M. Wood, Lori Jo Stanfield

RENEWAL OF RECOGNITION AND EXPANSION OF SCOPE
COMMISSION ON COLLEGIATE NURSING EDUCATION (CCNE)
Committee Readers: Ralph Wolff, Frank H. Wu
Department Staff: Nichole Harris
Agency Representatives: Susan D. Ruppert,
Jennifer Butlin, Benjamin Murray

RENEWAL OF RECOGNITION
AMERICAN OCCUPATIONAL THERAPY
ASSOCIATION, ACCREDITATION
COUNCIL FOR OCCUPATIONAL THERAPY

EDUCATION (AOTA ACOTE)

Committee Readers: George T. French, Jr.,
Steven Van Ausdle

Department Staff: Elizabeth Daggett

Agency Representatives: Heather M. Stagliano,
Neil Harvison, Pamela Robert

RENEWAL OF RECOGNITION

ASSOCIATION FOR CLINICAL PASTORAL EDUCATION, INC. (ACPEI)

Committee Readers: Roberta L. Derlin,
Anne D. Neal

Department Staff: Valerie Lefor

Agency Representatives: Marc Medwed, Trace Haythorn, Wayne Mayberry
CHAIRMAN KEISER: Good morning everyone.

Day 2 of our National Advisory Committee on Institutional Quality and Integrity -- welcome for all of you to be here. Our normal procedures start with having everybody introduce themselves and Claude you are first.

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

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

MR. O’DONNELL: Rick O’Donnell, CEO of Skills Funds.

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

MR. BOEHME: Simon Boehme, Student Member.

But also we had two birthdays, Rick and Kathleen’s Birthday so Happy Birthday to two NACIQI members, June 20th.

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

MR. ZARAGOZA: Federico Zaragoza, Alamo Colleges.

MR. BOUNDS: Herman Bounds, Director of the
Accreditation Group, U.S. Department of Education.

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

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

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

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

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

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

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

MR. WOLFF: Ralph Wolff, Quality Assurance Commons.

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

MS. SHULTZ: Rachael Shultz, Ed Staff.

MS. LEFOR: Valerie Lefor, Department Staff.

MS. ABRAMS: Corrine Abrams, Ed Intern.
MS. DAGGETT: Elizabeth Daggett, Department Staff.

MS. MCKISSIC: Stephanie McKissic, Ed Staff.

MR. MULA: Chuck Mula, Department Staff.

MS. HARRIS: Doctor Nicole S. Harris, Department Staff.
Panel on Student Unit Record Systems

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

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

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

And the panel includes Patrick Lane, the Director of Data Initiatives, Western Interstate Commission for Higher Education, Kristin King, Program Manager, the State Longitudinal Data Systems Grant Program for the National Center for Educational Statistics at the U.S. Department of Education and Christina Whitfield, Associate Vice President of the State Higher
So folks welcome and we are missing one I guess I introduced three so hopefully the third -- traffic wasn’t too bad today and thank you for coming and sharing with us this important information.

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

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

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

So I am going to share with you some of the highlights of our most recent study. Sorry, I think I forgot to turn this on. So just to give you a little bit of context for some of the
highlights of our report and things that we wanted to emphasize about the atmosphere in which these systems operate.

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

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

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

I will go into a little more detail about that later.

We are also seeing a real increase and part of the reason for that increase and linkage is the influence of the state longitudinal data system and the funding that has come from the federal government to build up those systems.
And our fellow panelist Kristin King will talk more about that when she gets here.

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

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

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

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

So what we try to determine in Strong Foundations is what is the structure of these state data systems, what data elements do they include? How do states ensure privacy and
confidentiality of students whose records are included and what are
the conditions for effective use of these systems?

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

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

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

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

One of the things we went into in depth in the most
recent report was diversity data elements so this is a list of the 6
diversity data elements that we told the states about. All 47 states
that participated have access to at least two of these diversity data elements -- 14 states -- this is just to give you an idea of the scope and the range of these systems.

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

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

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

Another area of emphasis is financial aid data elements. So we collected information about 17 possible data elements within these systems and this slide shows you the most
and least common data elements included -- so all states have
access, for example, to federal financial aid -- that’s not surprising
if you think about reporting requirements tied to Title IV funding.

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

MR. PRESSNELL: Christina just real quick.

MS. WHITFIELD: Sure.

MR. PRESSNELL: Maybe I missed something.

You were talking about that you didn’t have PELL status but now
are you saying you want to get PHAPSA data or are you saying
you have PHAPSA data because obviously you have AGI on
PHAPSA data.

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

So one of the things I mentioned at the beginning
was the growing prevalence of linkages between data systems. So this is a map from our 2010 report that shows the number of states that had the capacity to link higher education data with unemployment insurance records. That gives the state the capacity to see what happens, what are the employment outcomes of students after they leave higher education.

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

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

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

At the bottom end of this list 39 agencies reported
that they used them for external reporting. So that would be things like submitting information to IPEDS, the federal reporting system or to Complete College America, things like that other state-wide projects.

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

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

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

It also increases the consistency of the metrics, if you are able to calculate it using one consistent data source.

Student success was also cited frequently. Many of these systems
are used for things like high school feedback reports which provide information to high schools about how their students do after they go on to post-secondary education.

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

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

Second, I think state agencies that use these systems need to address perceived barriers. Most frequently the barrier that is cited is resources so a lot of state agencies are sort of data rich, analytic poor. They have information that they struggle to have
appropriate resources in some cases to fully utilize. Also data quality and data integrity are sometimes cited as perceived barriers. Sustainability is another issue both in terms again of the technology that is used to support these structures. Some of them are home-grown technologies and the agencies have to work to maintain their stability.

There is also sometimes concern about funding to maintain these systems and promoting or maintaining the appropriate relationships with governance structures in the state. Stakeholder engagement is seen as a way of addressing some of these concerns. So the more these systems are used and state agencies are providing information that is useful to decision-makers, a lot of times that will help address the issues of funding and sustainability.

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

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

MR. LANE: Okay I can get started while they pull up my presentation if that works. My name is Patrick Lane. I am from the Western Interstate Commission for Higher Education.
Thank you very much for the opportunity to speak with you today. WICHE which is our acronym, we are not great at acronyms is one of the four regional higher education compacts.

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

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

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

In the west -- that’s not necessarily a huge concern,
there’s only one metropolitan area in the west that straddles the state border, Vancouver, Washington and Portland, Oregon. Most of the rest of the cities in the west are situated in the middle of the states or on the coast.

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

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

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

What we try to do is to draw in those light blue squares to gather information from other state’s educational institutions and other state’s labor forces and provide that data
back to states in a way that they can use it for all of those uses that
Christina already outlined -- policy development, consumer
information, accountability questions.

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

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

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

So some of the things that we looked at and you
can’t really see this too well but this is a google map -- I googled hospitals near Vancouver, Washington and Portland, Oregon. The important thing to note is that blue river running down the middle is essentially the state border.

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

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

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

If you give them back aggregate data or de-
identified data it really limits the usefulness -- so, what we found
just from this pilot -- this chart here shows the wages of Bachelor’s
Degree earnings in health fields from Washington State by where
they ended up employed.

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

If they left the state they earn significantly more.

We didn’t investigate why, we didn’t talk about the policy
implications, some discussion may be there is a premium for going
to rural areas like you might find in Idaho.

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

We also looked at just you know can we find more
individuals, the individuals that are missing from your own states
UI files. So in Idaho they were able to find 56% of their recent
graduates in their own state wage records. When we added in
Hawaii’s data we got less than 1% so somewhere around 10 people moved from Hawaii or Idaho to Hawaii. But then we added in Oregon and Washington and we ended up reducing that uncertainty in Washington’s analysis by about a fifth.

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

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

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

Once that happens a state can then send in a data request, the central cross-walk table says okay we know that there is data on Patrick Lane in these three states so we send out to them a request for those data elements and those states return it directly back to the requesting state.
Building on some of the data elements that Christina talked about, here’s a quick list of the data elements that are included. Because the data are re-identifiable while they are traveling around the system they will essentially be identified but states can pull them back into their own systems and link them to their own records so they can then evaluate their own policies and programs.

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

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

To Christina’s point around data quality and
integrity we have done some survey work of key data staff in the state’s we are working with. We had an interesting finding that they were very concerned about the data quality coming from other states -- that was one of their big worries about this project.

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

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

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

Here’s the contact information. Again happy to answer any questions and send additional information about the project.

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

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

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

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

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

MR. LANE: Alright so I will start by pushing back
a little bit on the premise of the question. And that would be to
clearly define for what you are building in the federal system. If
the federal system is being built to have information on every
student and every institution for accountability purposes and
federal policy purposes, would that be --

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

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

MR. LANE: Sure.

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

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

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

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

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

The federal government has concerns about our
taxpayer dollars being used wisely and helping people get through
college and get reasonable jobs. So I think the difficulty in
connecting different systems is not one to walk past. I think it’s
probably easier to connect 50 data systems to the federal system
than to connect 5,000 institutions to the federal system.
VICE CHAIRMAN WU: So two quick -- one quick follow-up question and then I’m going to try to summarize. The follow-up question is -- is anybody attempting to coordinate all the systems or does nobody want to do that or if people concluded it is worthless or silly -- that’s the first question. Is anybody at all, whether it is a non-profit, a government, a consortium of states out there trying to do that, that’s the first question?

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

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

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

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

MR. LANE: We are.

VICE CHAIRMAN WU: But just for the west.

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

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

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

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

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

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

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

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

CHAIRMAN KEISER: Arthur?

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

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

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

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

MR. ROTHKOPF: Same, so you know there are too many gaps for getting a really reliable system. I mean you know throughout yesterday we heard oh we can’t rely on this
because it only covers first-time, full-time students and this system
doesn’t work for some other reason.

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

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

But I do think as a group we have said some
positive things about it and I would urge in our discussions
tomorrow and as this discussion proceeds that we do move in the
direction of a federal system that we as a group think it is a good
idea as more in the Congress are favorably disposed to it and
there’s more legislation being introduced which at least in my view
is a very good idea.
So thanks very much for your presentations I think they were very helpful.

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

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

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

MR. WOLFF: So this could be mixed.

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

MR. WOLFF: Thank you. I’m also wondering about employment data. I take it do the states -- I mean one of the big issues is the first job -- the first thought is do they have a job at the point of graduation, six months after graduation, a year after graduation, there are many different levels -- three years out what
is the transition to further employment and the career changes that
students go through.

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

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

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

MR. WOLFF: Great.

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

So there are differences, you know and there would
be differences if you were able to do a true longitudinal analysis
over time. And some states are starting to be able to show those
MR. WOLFF: I also wanted to ask about this aggregation by program. I know in health and business and the like -- again like IPEDS data is only institutional then you could look at how many degrees were awarded. I mean you have to kind of mix and figure out the correlation but do the states, do many of the states work on program level data as well? Because this whole issue of bright lines and all that’s one question and maybe you could link together where is the National Clearinghouse data? Is it data more comprehensive than the data you all are working with? I’m trying to understand what kind of data sets can be used to actually inform not only our judgment but institutional and policy-making judgments about real outcomes, completion, persistence, job placement, all of those things.

MS. WHITFIELD: So almost all of these state systems have program and course level information so they are for the most part able to say, yes, here’s a success rate for particular programs at particular institutions. Not all of the systems include grades for instance but for the most part they know what kinds of classes students are enrolled in and what the population is of different programs.
Regarding the Clearinghouse data what is submitted to the Clearinghouse is in general a subset of what the states and it is not only the states that are doing the reporting with Clearinghouse it is an institutional reporting relationship to the Clearinghouse. But typically and Doug Shapiro is here he could probably answer that question better than I can but the states have access to more information than has been submitted through the Clearinghouse.

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

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

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

MR. LANE: The data is more granular.

MR. WOLFF: Right my final question for now is could you talk about issues of security? One of the big issues around any federal system is the concern about security. As states have addressed this I mean how have they addressed security? Have there been breaches? Are there issues? Are they using differentiated methods of identification? How do you see going
about this because it is the primary concern of many institutions
and policy makers.

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

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

Because the key is you can’t access employment
information without a social security number. That is
unfortunately a fact of life. But there are ways to treat the social
security number and to develop it into what they call tokens and
things where you are essentially masking it and rendering it
unusable for any other use.
But if you do that on both ends of the pipe in the same way then you can access the wage information without putting the social security number at as great a risk. So there are states that are doing great stuff.

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

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

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

CHAIRMAN KEISER: Susan, Paul, Claude, Simon?

MS. PHILLIPS: Thank you, thanks for a very informative presentation. My question is sort of the flip side of Ralph’s which has to do with legitimate access and use or accepted access and use. What can you tell us about who or what kind of entity has access to the information in the databases and as you
imagine that 501(C)3 eventually what might be the access end use at that point? Okay so that’s blue sky but give me a sense of where things are now.

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

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

And I think those processes are becoming more and more regular so there is access. In the long run we would leave that question up to our states, how they want to proceed on that. I think there would be certain value in having some way for you know researchers and others to be able to access this type of data but we wouldn’t presume to speak for the states on how they want
to do that. I think states are very concerned with sort of the data
getting out of their control if that makes sense.

CHAIRMAN KEISER: Paul?

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

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

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

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

Tennessee is one of the states where some but not
all of the private institutions in Tennessee participate in our state
data system. It’s voluntary for the private institutions but because
they have the capacity to link to employment outcomes, that’s been
sort of the carrot to inspire more private institutions to participate.
They want that information about their students so
they volunteer to be part of the system in Tennessee.

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

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

And I think you can get DOE data for very limited
required federal reporting, I think. But the FEDES data is
available and states do access it and it does make a difference. We
were working with Hawaii and they were able to access the
FEDES data and suddenly a program at one of their community
colleges that essentially people have graduated from it worked on
submarine maintenance, Pearl Harbor, it’s kind of a big employer
there so suddenly the outcomes for that institution and that
program looked substantially better once they got FEDES data so
that’s an important consideration.
MR. LEBLANC: Thank you. Christina you
mentioned Tennessee -- are Tennessee or others taking this data
and done groupings around either mission or institutional type so
that you get a fair kind of apples to apples performance
comparison by institution?

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

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

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

MR. LEBLANC: And to echo Art’s call, I think
Art you may have had a role in the 2012 NACIQI recommendation
that we move in this direction. I think we have moved -- so our
industry and the public discourse has moved in a way that we now
have a bi-partisan support, pending recommended bills are going to
the student unit record both with the data of the program and at the
institution which I think having both is critical.

      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
education and not have data insights seems bewildering to me.

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

      MR. PRESSNELL: Well and some of my questions
10 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.

      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.

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

CHAIRMAN KEISER: Simon?

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

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

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

But walk me through if we did not have that federal system, what would be the challenges, particular to accreditors in...
using that information for making decisions but also in telling us
and helping us to formulate policy?

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

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

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

MR. LANE: Yeah I think I would agree with that.

I think there is some -- you know the definitions around things like
earnings are on the one-hand straightforward. How much did you
make in quarter 1, quarter 2, quarter 3, quarter 4 -- but once you
talk about when do you start that measure and how do you
annualize it there is an agreement across the country and
everybody does it a different way.

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

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

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

How do you deal with it without a common set of
definitions? How does the data have any relevance without a
common set of definitions?
MS. WHITFIELD: Several people have mentioned IPEDS here today. I think for a lot of metrics and retention would be one of them, I think definition sort of functions as a default definition. So every institution has to have the capacity to match that definition and a lot of state data systems similarly follow those definitions as a standard.

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

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

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

CHAIRMAN KEISER: Any further questions, Simon?

MR. BOEHME: I just want to keep going with that line but I appreciate the Chairman jumping in. So given the
current state of the state systems and maybe you too are not the
right person but I ask this question for my colleagues is that it may
seem unrealistic for creditors to go on a state-by-state basis looking
at each state-wide system, given as both of you have so nicely
stated.

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

MS. WHITFIELD: Yes that’s fair.

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

MS. WHITFIELD: Yes.

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

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

I couldn’t tell you what it stands for but it
recognizes just that problem. And I think in some states, in some regions at some institutions that is a huge issue. You are losing a large number of people but I think there are ways that states and others can pull that data together.

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

MR. LANE: State data?

MR. BOEHME: Yeah.

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

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

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

There are also -- I couldn’t tell you how many
number of examples of institutions found being hacked and you
know the federal government itself. So you know the data are not
all in a single system or in some states state longitudinal data
systems actually, you know, all the institutional data systems at
any point in the pipeline of data there have been instances of
breaches.
CHAIRMAN KEISER: Kathleen?
MR. PRESSNELL: Okay I wanted to just say
something on that point particularly, I apologize but tomorrow we
will get into this but there is a difference between privacy and
security and so you know and we will talk about this tomorrow.
But one privacy issue is should the government be
tracking somebody cradle to grave?
CHAIRMAN KEISER: And Kathleen, you might
be the last one.
MS. ALIOTO: Thank you very much for your
presentation. I wondered in terms when you put up the slide
regarding remediation are there discussions among those states
about what they are -- how they are intervening between
remediation and how if they start early you can for example in high
school rather than waiting until students get to college to do a
remediation?
MS. WHITFIELD: So there is a lot of attention being paid to remediation. I would say that information about particular interventions and how well they work is not strength of these systems. But some states are trying to move towards including that type of information within their state data systems and there is some obviously cross state collaboration around developmental education.

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

There’s not a national standard around that.

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

MR. LANE: Building on that there are even some cases in some states where the standard isn’t uniform across the state. But there are -- the states that we are working with are very interested in how their interventions in high school are playing out so they want that data from other states, even if it comes back and
says you know these 10 people were in different states for a mediation program because of criteria X -- they scored a 20 instead of a 21.

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

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

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

CHAIRMAN KEISER: I want to thank Patrick and Christina for being here and sharing with us. We do have three
commenters. You are welcome to stay around with us but again we appreciate the time you have taken and the very informative and you can tell from this group it is a critical part of our discussion every meeting that we have so thank you for being here.

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

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

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

It has evolved over 24 years to serve a large majority of institutions and cover nearly 97% of students in the Title IV eligible degree-granting sector. It performs many of the functions of a national student level data system plus other
functions that likely would not be performed by any public system.

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

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

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

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

Second, research for improving student outcomes --
NSC provides direct value to institutions through research and publications including reports on persistence, transfer and completion to help them understand trends and compare their results to national and state benchmarks leading to better programs and improved outcomes for students.

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

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

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

Although NSC does not take a position --

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

VICE CHAIRMAN WU: May I ask, I’ll ask the question that will allow it.
CHAIRMAN KEISER: Okay good.

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

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

And finally evolve at the accelerating pace of education innovation.

CHAIRMAN KEISER: Frank?

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

MR. SHAPIRO: We already serve as I mentioned many of the functions of a national student unit record system. We
provide data at the student level where appropriate and in
aggregate in many other cases to serve the needs of institutions and
policymakers and the education community -- students, parents,
high schools, districts, states.

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

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

MR. SHAPIRO: Well we currently have -- we
already have the framework, the infrastructure, the scale and the
data capabilities. What we don’t have is 100% coverage. We are a
voluntary membership organization so while we cover 97-some
odd percent of students in degree granting institutions, that’s not
97% of the institutions.
It is important to note that there are many small -- particularly very small institutions with only small numbers of students who do not present any data to the Clearinghouse currently.

VICE CHAIRMAN WU: Just to zero in on that. What exactly are you missing? Is that the only thing you are missing? So if we have the hypothetical federal system and then what you already have, what’s the difference between those two? You just named something which is there are lots and lots of small institutions so you are short by 3%, something in that range which on this scale that’s thousands and thousands and thousands of people but what else is missing?

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

The Clearinghouse generally includes only very basic enrollment status information and degree information. We have some institutions that provide us additional data and we have the capacity to do that for things like course and credit earning information and additional data elements. But currently most of our institutions do not provide
CHAIRMAN KEISER: Jennifer first and then Federico and then John.

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

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

MR. ZARAGOZA: Just a follow-up on one of the items that you mentioned -- and that’s kind of the availability of outcomes data as it relates to placement and gainful employment. I know that more and more colleges are utilizing the Clearinghouse. But correct me if I am wrong, in addition to the compatibility and definition issues you have also got the timing issue. For example, our state of Texas, my data from courting board is two years old so I can only report on students two years backwards and that doesn’t meet the gainful employment kind of provisions.

MR. SHAPIRO: The Clearinghouse does have generally more current data than typical state or federal data
systems. We receive enrollment updates from most institutions on
at least a monthly basis so we have very current data.

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

MR. SHAPIRO: That’s correct.

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

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

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

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

MR. SHAPIRO: We have some fees so we don’t
charge for research data, student level information that we provide
to colleges and universities. We charge small fees for high school
feedback reports that we provide to schools and districts and we
charge small fees for other educational organizations who want to
track students in post-secondary education through our data.

MR. BOEHME: Thank you.

CHAIRMAN KEISER: John then Ralph.

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

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

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

MR. ETCHEMENDY: Very few do. So what
would -- the second question is just if you were to try to beef up
and expand for example the number of data elements and renew
some of these other things that you don’t currently include, would
that be possible? Would you be able to get the institutions to
provide in particular, past data, historical data for these other
items?

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

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

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

CHAIRMAN KEISER: Ralph?

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

And on the other hand right now all of your data is from the institution so many institutions either don’t have that data
or have it at a very different time. So I am not clear is the
framework that if you were to expand or as you plan to expand to
draw on other databases or to rely -- continue to rely only on the
institutions as the provider of the data?

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

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

You mentioned that you are working with the
regionals and one of the questions that we are grappling with is the
limited data that we have in our dashboard and the more granular
data you have. Are you working with all the regionals? I’m
thinking forward, something to talk about tomorrow could we ask
the regionals to use you all if they already are to give us a more
complete data set than we are relying upon with the dashboard
which is only IPEDS based?
MR. SHAPIRO: We have worked with almost all of the regionals in a pilot project, a demonstration of our ability to provide institutional data and we are currently working with several of them.

MR. WOLFF: Finally could you talk about the security issue. We heard that there have been instances of inadvertent and negligent data being displayed or hacking or whatever, and you say that you have not. Are you using a different security system or is it just that people don’t know enough about you to hack you but what is it -- I mean is there something that you feel that you can be more assured about the security?

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

CHAIRMAN KEISER: Steve?

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

MR. SHAPIRO: Well because our data are used for compliance purposes we feel very confident that the data are
accurate and valid. We actually -- the data are validated at a
student level in many cases by third parties who we provide the
data in order to verify student status such as enrollment and
graduation.

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

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

MR. SHAPIRO: Thank you.

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

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

I think we are talking about convenience,
completion, comprehensiveness but not to the ultimate goals that
this Committee and the nation would have with a national system.
The information is there, the answers are there -- it might take a little bit more time although seemingly at the rate at which things are changing, that’s not going to be very long before one could gather enough information from states so that answers that are needed nationally are available.

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

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

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

Why would government not want to look at other
things? For example, what’s the best way to educate children in
order that we have loyal, right-thinking Americans? We are on a
slippery slope. Frank mentioned yesterday about lawyers talking
about slippery slope, lawyers are not the only ones who worry
about these things.

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

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

CHAIRMAN KEISER: Perfect.

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

CHAIRMAN KEISER: Wow, that’s amazing,
Arthur?

MR. ROTHKOPF: Thanks for that addition to our
conversation it was very helpful. I guess I would say why should
government care and why should government be involved? I think
your question would be better suited if the government was not
providing hundreds of billions of dollars to those students whose outcomes and performance and the performance of those institutions -- if we withdrew some part or significant part of those hundreds of billions of dollars or took it away then I would be more sympathetic to your view.

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

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

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

Knowledge is our product, not jobs. We are measuring something that seems convenient to measure but we are
not measuring the right thing but of course that’s another three
minute conversation.

MR. ROTHKOPF: Thank you Bernie.

CHAIRMAN KEISER: Any other comments?

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

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

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

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

NAICO therefore believes that the conversation
about student unit records must occur in a very public manner and
involve the voices of parents and a cross section of students and
privacy experts and not just be limited to those who want access to
the data.

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

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

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

Any conversation regarding the extent to which
privacy would be protected in a unit record system would need to
address six fundamental questions. What is the public policy question that needs to be answered? Therefore what data is going to be collected and how will it be used today and tomorrow? How do you inform the student or seek permission from the students for this information?

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

CHAIRMAN KEISER: Thank you and you didn’t even use all three minutes.

MS. FEDER: I didn’t?

CHAIRMAN KEISER: No, that’s phenomenal wow! Questions, Paul?

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

MS. FEDER: Aggregate --

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

MS. FEDER: I first have to confess I am brand new to NAICU so you have to go easy on me here. I mean NAICU
again with the federal student unit record system the concern is
about privacy. The use of aggregate data reported by institutions,
something like IPEDS, we have no problem with that.

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

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

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

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

I understand that your issue is that you are saying
that with the private -- if you are protecting the privacy of the
information by only releasing aggregate information what’s the
concern?

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

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

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

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

That kind of relationship doesn’t exist. The
institution makes a promise to maintain that data and the security
of that information but doesn’t do so -- but the student does not
have that same relationship with the federal government.

MR. LEBLANC: Thank you.

CHAIRMAN KEISER: Simon and then Frank?

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

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

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

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

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

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

MR. BOEHME: Well I think the real flaw or the problem I see within your argument is that we have these different
standards for providing consent that NAICU uses National
Clearinghouse and those students do not have consent.

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

MR. BOEHME: They don’t. So for my colleagues I find that troubling.

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

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

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

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

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

MS. FEDER: Not particularly no.

VICE CHAIRMAN WU: Got it okay.

MR. ROTHKOPF: Maybe one last rhetorical
question. As a former NAICU Board member of years past to
what extent is NAICU’s position driven by trying to avoid
competition between institutions?

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

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

CHAIRMAN KEISER: Ralph?

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

It doesn’t necessarily unless otherwise disaggregate
by first generation and others. And often I would say is five clicks
away. I mean I have found it difficult -- I have gone on different
websites to find it but it is not linked to other things so I am just
wondering and if you are not in favor of things like the WICHE
project or whatever, what would be NAICU’s recommendation,
what would be an appropriate approach to gather the kind of data
for all institutions, public and private, Title IV and non-Title IV, is
there a recommendation?

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

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

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

So voluntary systems like UCAN that provide
aggregate data those are the kinds of things that we are for -- we
are not opposed to transparency. I think it really comes down to collecting this individual record at the federal level.

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

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

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

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

CHAIRMAN KEISER: Claude do you want to answer that?

MR. PRESSNELL: Yes just briefly on that particular issue is that the Clearinghouse is seen as a research agent for the institution to get institutional improvement data. And that’s where FRUPA allows you to release information, student data to
an agency to provide research and not connecting and providing
individual data out to everybody else.

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

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

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

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

So that will be the discussion. We are going to take
a 10 minute break, please keep it to 10 minutes because we are not
too far off schedule and thank you again for participating.

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

MR. ROTHKOPF: Mr. Chairman as I noted I will

not be here tomorrow to raise a question -- a policy question that I

would hope the group would talk about. Frankly yesterday’s

discussion led me back to a conclusion that NACIQI has reached a

couple of times in the past and I am not sure whether it is moving

forward or not -- and that is a belief on my part that the decisions

of NACIQI should be final decisions and that they should not be

subject to the review of the Department of Education’s senior

official.

The statute brings together 18 so-called experts on

education, higher education -- I think we do a very conscientious

job and I frankly do not think it is necessary or desirable to have a

single official at the Department of Education have the ability to

reverse a decision of NACIQI.

It has happened in the past I don’t think it was wise

and the issues yesterday were relatively minor but it did sort of

bring to mind as why after all of our conversation should someone

at the Department have the ability to reverse that decision so I

would urge that you all discuss it.

I would note that our brother or sister organization
dealing with Foreign Medical Schools Advisory Committee their decision is final. And why that is I don’t know but someone made a judgment that that group was able to reach the right conclusion and I think NACIQI is able to do that too, thank you.
Granting of Academic Graduate Degrees by
Federal Agencies and Institutions

Master of Science in Air Power Strategy
And Technology Integration

Air University, Air Command and Staff College

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

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

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

MS. LEFOPR: Good morning Valerie Lefor.

MR. MULA: And to my right I have Dr. Anthony Cain who is the Vice President -- one of the Vice Presidents I think
of Academic Affairs at Air University and of course he will be
here after the presentation to address any questions you have and
tell you a little bit more in depth about the university, okay.

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

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

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

The purpose of this visit was to verify the content of
the university’s application for the authority to provide and grant
Master’s Degree in Science and Air Power Strategy and
Technology Integration.
The site team that conducted the visit consisted of the following two NACIQI members -- Dr. Arthur Keiser, NACIQI Chair and Chancellor of Keiser University and Mr. Simon Boehme, a NACIQI representative and the following Department of Education staff -- Dr. Jennifer Hong, NACIQI Executive Director; Mr. Herman Bounds, Accreditation Group Director, Valerie Lefor, Accreditation Group and Chuck Mula of the Accreditation Group.

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

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

The National Advisory Committee on Issues of Quality and Integrity serves that review committee designated in the policy statement. The process to obtain degree-granting authority includes a recommendation from NACIQI to the Secretary.
After considering the recommendation of the NACIQI the Secretary sends a recommendation to the Director of the Office of Manager Budget and the appropriate Department of Defense Secretariat.

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

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

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

And we had a terrific visit. It was outstanding.

This is a Master’s program that is on the cutting edge and when we look at the four principal functions that the Review Committee that
we are commissioned with by the Office of Management and Budget in that 1954 letter Dr. Keiser and I found that this Master’s program meets and in many of the cases exceeds the expectations set forth in that 1954 letter.

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

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

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

And as someone on NACIQI, someone who looks
at student outcomes I was able to talk with some of the students
and also hear from faculty what students who use this Master’s
program for many of them are directly taking their research
projects and implementing them within the Air Force and
commanding officers are using their knowledge and using their
skill sets in new ways because of this Master’s program.

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

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

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

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

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

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

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

MR. BOEHME: Yes thank you Dr.

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

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

And what would that -- what is the substance of that? So these students that went through last year -- they went
through this program. The program is now assuming we do approve it will be accredited. I don’t understand what it means to say okay we are grandfathering you in.

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

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

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

CHAIRMAN KEISER: Frank?

VICE CHAIRMAN WU: So I have a question. Why didn’t we fix it on the front end so that the authority extended out? There’s a gap year -- can’t we avoid this going forward? I’m
not opposing retroactive but looking forward so we don’t have to keep doing retroactively can’t we do something now about whatever the gap is that will arise down the road?

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

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

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

And you are saying there’s a glitch somewhere in the way that the Defense Department law is written that produces
this issue, this tiny issue?

MR. MULA: I don’t think there is anything that --

it’s the process because it takes such a long time.

VICE CHAIRMAN WU: Got it, got it it’s a time

issue.

MR. MULA: And the idea wasn’t not to -- the

word retroactive may be the wrong word. What the Department of

Defense and the Department of Education intended to do was that

that recommendation also include that class that is not dated back,

but that that class be included in that degree-granting authority that

was granted.

VICE CHAIRMAN WU: One last comment. I’m

fine with this I just want to note a little oddity just so we are aware

of this before we vote. These institutions are different because we

NACIQI essentially function as if we are the accrediting agency,

no?

MR. MULA: No, we are actually -- this body is

actually recommending to the Secretary who is functioning the

same as a state authority would function as a degree-granting

authority.

VICE CHAIRMAN WU: I’m sorry that’s what I

meant to say. So we are functioning in that role. But what I
wanted to note is this same issue arises for accrediting agencies,
this retroactivity issue with students who are in the pipeline during
the timing, you know, glitch and the same rationale applies which
is students want to be able to transfer credits, receive credit later,
sit for licensing exams.

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

I’m just noting retroactivity is a problem running
throughout what we do.

CHAIRMAN KEISER: Herman and Jennifer,
either which way?

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

This is a mandate from the Executive branch for
federal agencies to coordinate with each other. When an
institution within the DOE for example, and again another
emphasis is this is open to all federal agencies.

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

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

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

We have to conduct a site visit, all of that to bring that before this Committee. So I mean one remedy would be to if we had more flexibility with our meetings right but we certainly -- we just don’t have those and so it is these time constraints are there and this is again a federal to federal charge, just a little bit different.
CHAIRMAN KEISER: Let Herman and then John.

MR. BOUNDS: Yes I want to go one step further and make this perfectly clear. The federal degree-granting authority is not covered under 34CFR602. It is a separate process.

This recommendation is to Congress. We are not making -- you guys are not making an accreditation decision. You are making -- you are authorizing a degree saying that it is similar to a state agency.

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

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

CHAIRMAN KEISER: John?

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

MR. ETCHEMENDY: I understand that but that still doesn’t answer the question in my mind. And so if I am an accrediting organization and I grant accreditation to an institution
that has been granting degrees for five years, you know, in preparation and now has finally gone through campus and finally this is accredited. How is that different from this case where some students who have gone through a program that is not -- has not been, where the authority has not been granting, how is it different?

CHAIRMAN KEISER: Let me point out that Claude was correct in that this program has already been approved by SACS. The program has already been approved -- we are at the end of the approval process. We are not asking to change the recognition we are asking that Congress allow the students to be recognized under the current recognition. Because you can’t -- it’s a catch 22 that you normally have. The recognition is still going to go forward as when we approve it, it is just allowing the students to be recognized within that. It is not about changing the recognition data of the institution, it is allowing and making, you know, Congress aware that they have some really sophisticated students who put a lot of time and energy into this and they should be recognized.

And that was the ask was not to retroactively approve the program but to allow the students to be considered in a
cohort of a program at the end because their program ended a
month ago or something like that we are here today and we have
already been there to review it.

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

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

CHAIRMAN KEISER: Chuck?

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

All we were asked to do was to have this
Committee verify the quality of that educational program and
that’s in the 54 letter. Believe me I think the Department of
Defense if they needed to would dump this portion so they would
get more done because we sometimes are a road block for them.

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

CHAIRMAN KEISER: Ralph?

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

MR. MULA: Anthony?

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

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

When we talked to the students the first class, we said you may not, and probably will not, earn a degree as a result of this program, do you want to volunteer?
So there is no expectation with there is truth in advertising to the student body that this was purely a professional development program that at some point may be a degree program. What we are asking for now since the program is the same program that was approved, that we go back to that first class and say, “Because of the quality of the program we can award the degree to you as you have completed all of those requirements.”

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

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

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

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

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

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

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

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

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

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

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

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

So the curriculum outcomes are not classified. We are looking at empirical outcomes we are looking at creative outcomes, analytical outcomes and application outcomes. Some of the aspects of the curriculum using classified sources and the students -- this is another innovation, the students are developing war games that are aligned with the research and some of the topical areas inside the curriculum turn into classified activities.
Some of the sites that they visit, whether it be
industry or DOE or other agencies, those are classified. So the
classification aspect is unique. Many of our other programs which
involve foreign students are purposely not classified to give our
allies and partners the opportunity to participate fully in the entire
curriculum.

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

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

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

MR. LEBLANC: I’ll make that Motion.

CHAIRMAN KEISER: Good.

MR. MULA: I would like to go and just take one
moment to go back a little bit. I would urge the Chair and Dr.
Hong to maybe have a session where this process to NACIQI can be briefed on the entire process so that they understand exactly what’s happening and the different parts of it. I want to go backwards and say that before we even come to the table or before we even ask for a team to go visit the actual program we have already been in communications with the Department of Defense at the highest Secretariat level.

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

CHAIRMAN KEISER: Paul?

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

The Department would like to further recommend that those previously and currently enrolled in the program be
eligible to receive degrees for successful completion of the program so we remove both of those items.

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

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

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

NACIQI RECOMMENDATION

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

Now, by the way just thank you for your hospitality when we were there. I do recommend if anybody is interested in doing a visit when they have one, it is an incredibly eye-opening experience and something I as an experience have treasured since I have been on the Commission now. The floor is yours for a couple of minutes.
MR. CAIN: Yes sir thank you. Thank you to the Committee. I just want to let you know this is your university of the Air Force. We have been inexistence before there was an Air Force. The Air Force was established in 1947. Air University was established in 1946 out of recognition that we need an end to end educational institution for airmen to understand how they apply their profession.

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

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

Currently we have over 500,000 graduates from the Community College and then we have our graduate degree programs which provide education for mid and senior career
officers they earn Masters all the way through the Doctorate Degree in addition to continuing education, technical education, all administered through the campus at Maxwell Air Force Base.

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

Every time we have the opportunity to host someone we take it as a learning opportunity and we gain some insights that will make our programs better, thank you.
Re-designation of an Existing Degree-Granting Authority

Army Command and General Staff College

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

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

CHAIRMAN KEISER: Valerie would you like to introduce this?

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

MR. MULA: Chuck Mula.

MS. MCKISSIC: Stephanie McKissic.

MR. MARTIN: Dr. James Martin, Dean of Academic, Command and General Staff College.
MR. GORMAN: Dr. Scott Gorman, Assistant Dean of Command General Staff College.

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

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

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

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

Specifically, the Army Command and General Staff College (hereafter referred to as Army Command) has submitted a request for the modification of existing degree-granting authority
to the U.S. Secretary of Education. The NACIQI is the designated review committee for matters concerning degree-granting authority of military educational institutions as outlined in the U.S. Department of Defense Instruction 5545.04 and the Federal Policy Governing the Granting of Academic Degrees by Federal Agencies and Institutions.

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

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

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

Department and staff have reviewed the information submitted by Army Command and has determined that the change
is related to the types of Master’s Degrees that they are offering.
Specifically the change includes renaming the Master of Military
Arts and Sciences (Theater Operations) Degree to the Master of
Arts in Military Operations and renaming the Master of Military
Arts and Sciences Strategic Operations to the Master of Arts in
Strategic Studies.
Department staff was notified of a letter from the
Higher Learning Commission to Army Command approving this
change dated December 22, 2016.
Since notification to the NACIQI is required, this
report serves as the means of formal notification. Department staff
recommendation is to accept the report with any additional
comments from the NACIQI.
We will be happy to take any questions that you
have and members from the Institution are here and will also
receive your questions, thank you.

CHAIRMAN KEISER: Arthur?

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

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

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

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

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

CHAIRMAN KEISER: The Motion is on the floor
is there a second? Kathleen seconded the Motion. Any further
discussion, questions, concerns? Sensing none, all in favor of the
Motion raise your hand, all opposed, thank you the Motion passes.
Would you like to make a comment sir?

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

Good morning Chairman Keiser and members of NACIQI Committee. We would like to thank NACIQI for letting us speak to you today. As I said I am joined by my colleague Scott who is actually the Chief Academic at the School of Advanced

Military Studies where these two courses are held.

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

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

Our students pay no tuition and are paid to go to school for the year. We are required to maintain a 4 to 1 student faculty ratio by a programmatic joint accreditor. We have been regionally accredited by the Higher Learning Commission since
The college consists of three schools. The Command and General Staff School which is a year-long program for Army Captains and Majors and it awards the Masters of Military Arts and Sciences to students who choose to pursue the graduate degree.

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

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

Since that time with numerous military colleges such as Air University gained degree-granting authority, Congress has changed the wording used in writing the statute. Five years ago Congress updated all of the degree-granting language across the Department of Defense.
The new wording indicates that CGS may upon the recommendation of the faculty and Dean of the College, confer appropriate degrees. We chose to complete our regional affirmation with the Higher Learning Commission before we moved forward with this process, that was last April that we completed it and we are re-affirmed for ten years.

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

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

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

This is why we wanted to change the degree names
because when this officer goes now to the civilian world as he is fixing to do his resume looks really weird and he has three of the same degrees.

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

CHAIRMAN KEISER: Chuck?

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

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

CHAIRMAN KEISER: Kathleen?

MS. ALIOTO: I had come up with a few questions now that we have approved it but perhaps you can clarify. Would
this apply only to programs at Fort Leavenworth or to your
satellites in Virginia, Georgia, and Alabama as well?

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

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

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

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

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

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

They are identical schools. In fact Scott was the
initial Director for SASS and we hired him away from the Air

Force.

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

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

MS. ALIOTO: Okay.

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

MS. ALIOTO: Well so are we at NACIQI.

Nobody ever knows exactly -- and the final question is only
somebody who is -- you had told me yes today, only somebody
who was a Colonel or a Major can opt into this, is that correct?

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

MS. ALIOTO: And how about NATO?

MR. MARTIN: Yes ma’am. You guys -- who are
the NATO countries that you seat in the second program?
MR. GORMAN: They are officers from United Kingdom, Germany, several other NATO countries, the Netherlands.

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

CHAIRMAN KEISER: Any other comments?

Thank you very, very much. We appreciate you being here and continue your good work and again thank you for training some phenomenal military leaders.

NACIQI RECOMMENDATION

Approval is granted for the Redesignation of An Existing Degree-Granting Authority
Renewal of Recognition

Association for Biblical Higher Education

(ABHE)

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

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

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

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

Then there are third-party comments which I am not aware that there are any on this particular agency, then the Agency
would respond to third-party comments, the Department staff then
responds to the Agency and third-party comments and then we
have a discussion and votes.

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

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

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

The Agency currently accredits 89 institutions, 17
pre-accredited institutions including 17 institutions in Canada. So
the agency was last viewed in 2012 and that was the Renewal was
approved subject to a compliance report that was accepted in 2014.
Since the last review the Department has received
no complaints and there are no third-party comments, so
Elizabeth?

MS. DAGGETT: Thank you, good morning Mister
Chair and members of the Committee. For the record, my name is
Elizabeth Daggett and I am providing a summary of the review of
the Petition for Renewal of Recognition for ABHE.

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

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

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

CHAIRMAN KEISER: Thank you Elizabeth.

Would the Agency’s representatives please come forward? Please
introduce yourselves and push the red button to speak and when
you finish speaking push the red button to stop speaking.

MR. KROLL: Good morning. My name is Ronald
Kroll and I’m the Director of the Commission on Accreditation at
the Association for Biblical Higher Education. With me this
morning are Lori Jo Stanfield, Chair of the ABHE Commission on
Accreditation and Vice President for Business Affairs at
Manhattan Christian College in Manhattan, Kansas, and Dr. Shane
Wood, Associate Director for the Commission.

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

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

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

The accreditor dashboard presents data on
institutions for which ABHE is the Title IV gatekeeper, which is
48 institutions impacting 8,775 students.
Since our last appearance before NACIQI, ABHE has granted pre-accredited status to 13 institutions, granting initial accreditation to 12 institutions, re-affirmed the accreditation of 44 institutions, placed one institution on probation, removed 2 institutions from probation, continued one institution on probation for a second year, issued a show cause order to one institution, denied initial accreditation and removed pre-accredited status from one institution.

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

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

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

To help institutions with financial stability we offer a track of financial workshops at our February annual meeting and have routinely hosted small group conferences in the fall on
resource development, enrollment management and fiscal leadership.

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

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

Each fall the Accreditation Journey Conference includes a unit on developing and implementing an assessment plan. Staff consultation visits to applicant and pre-accredited institutions focus heavily on development of a comprehensive assessment plan which is a requirement in hosting an evaluation
Something new in the past two years is that the Commission has required four institutions to host a staff visit where the Commission felt that guidance was the primary need rather than follow-up evaluation. This approach has fostered a sense of support and encouragement for the institution and has been found to resolve the concerns much faster than requiring a progress report alone without this advisory help.

Let me say a few words about student achievement. In ABHE context, as defined by ABHE Standards 1 and 2, student achievement is directly linked to mission fulfillment. Some of our institutions focus on preparation for professional ministry careers while others focus on lay ministry, avocation or life service, sometimes with a second career preparation area. Whether explicit or implicit in the mission, all bible colleges regard achievement of foundational bible knowledge and acquisition of ministry service skills a missional objective, even if transfer out is the path to career fulfillment. Along that line we started asking for transfer out data this year and for our institutions that had information available it sometimes doubled or tripled their effective graduation rate.
This diversity of mission means that ABHE evaluation teams and
the Commission must honor mission as paramount and exercise
appropriate flexibility in reviewing student outcomes in the context
of mission.

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

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

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

When a reaffirmation visit or substantive change
petition surfaces a weakness for an accredited institution, the
Commission asks for a progress report to address the concerns. A
focused visit or staff visit may be required as well.
And where compliance with standards is found to be deficient sanctions are applied. The Commission also monitors 8 specific parameters through an annual report due in November.

The 8 parameters monitored and the indicator thresholds for follow-up are as follows:

- Enrollment growth of 50% or more or a decline of 20% or more;
- Retention rate below 25%;
- Graduation rate below 25%;
- Alternative faculty credentials greater than 20%;
- Library and learning resource expenditures less than 2% of operating expenses;
- Decline in library holdings of 20% or more;
- Financial responsibility composite score below 1.5 and ministry participation rate below 50%.

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

Some of these parameters were based on elaborate calculations for enrollment -- unfortunately that meant that a moving target was in place for institutions. In 2016 the Commission adopted fixed targets as I have just shared with you. Some of these such as graduation rate, parallel the benchmarks of other peer, faith related accreditors and the CRAC
recommendations which came out around the same time. Not achieving one of these targets triggers the need for an institution to provide an explanation for a review by a Commission sub-Committee but it is not a bright line for mandatory negative action by the Commission. If the explanation is not acceptable a progress report or action plan is required. The sub-Committee may also recommend negative action to the Commission. The merit of asking for an explanation as the first step has already proven valuable in identifying extenuating circumstances before implying weaknesses.

Overall, 59 institutions were asked to furnish explanations in 2016. 30 of these subsequently were required to develop action plans to improve performance and/or submit progress reports. For 73% of these 30 institutions that had to provide follow-ups the issue was financial performance. In 2017, 91 institutions were required to furnish explanations. The Commission on Accreditation will meet next week to take action on recommendations for action plans and progress reports on these institutions. The change to fix benchmarks means more
institutions trip the triggers for requiring a response than was the case with the former Cortile based computations. We are experiencing a lot of false positives right now with this method but it does avoid overlooking institutions that may be experiencing difficulties in a given area, so at this point the change is beneficial.

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

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

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

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

Since the full Commission addresses questions of accreditation status, sanction and focus visits, not routine reports, an institution being advanced to the full Commission agenda signals serious concern.

The other institution that is on HCN2 status has been placed on probation since February, 2016 and was issued a show cause order in February, 2017. If the institution does not resolve its financial issues to the satisfaction of the Commission sufficient to remove all sanctions by February, 2018 it will lose its accreditation.

The two institutions on HCN2 are two of the 7 institutions with 150% graduation rates below 20% on the accreditor dashboard. Of the other 5 institutions all have been required to furnish explanations for their low rates to the Commission sub-Committee.

Two institutions in this group have corrected graduation rates and are now about the 25% threshold for the most recent year. One of these institutions is on the agenda for the full Commission review next week, and 3 of the 5 institutions have full-time cohorts of three or fewer students.

ABHE does not monitor earnings of recent
graduates because the nature of the programs, which is ministry
service, does not lend itself well to the same career aspirations as is
found in many other disciplines.

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

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

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

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

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

ABHE has not tracked default rates in the past and
the information was -- as the information was not readily available
until the release of the college scorecard. All three of the
institutions with default rates above 20% are on the June, 2017
agenda for review.

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

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

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

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

MR. KROLL: Some of these were created several
years ago as our annual report was developing. And there were
things that over the years the Commission had noted, work issues
showing up in team reports and other areas where institutions had
deficiencies or had challenges.
And so that was the origin of some of those indicators that were developed. They were reviewed last year and modified and in some cases there were some things that were dropped and there were some things that were added.

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

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

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

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

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

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

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

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

And the issues that came up from the team’s report
and then the institution’s response suggested to the Commission readers that perhaps the institution doesn’t have a good grasp of what we are really looking for in that particular standard. And so rather than require them to do a progress report and perhaps miss the point and then come back to the Commission again and the angst that goes through that particular experience, the conclusion was to send staff members for that. And I went on two of those visits I believe Shane went on two of those visits. Just to comment for you the experience we had with one institution is after they came back and visited with the Commission -- and you know how negative of an experience that can be, they left the building and one of our assistants was out in the reception area and say as they went out one of the person’s responded to another member of their colleagues there and said, “That was awesome.” That’s not something you usually here coming out of a Commission meeting. So yes, it certainly had a favorable indication that way but it short-circuited the process of getting from knowing what was wrong to a viable solution to that by having someone who has sort of walked through that with other institutions offering suggestions as to what alternatives they might consider.
CHAIRMAN KEISER: Arthur?

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

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

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

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

In our context we have a curriculum requirement that all students must fulfill and that is they all must have a core in bible theology, they all must have a practical minister service.

And that’s sort of the context in which the bible college movement got started in the 1870’s - 1880’s in that particular area and
continues to be probably what distinguishes us the most that way.

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

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

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

MR. ROTHKOPF: Alright thank you.

CHAIRMAN KEISER: I have a question.

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

MR. KROLL: If the goal of all of the institutions was to prepare people exclusively for professional ministry
service, then I would say that that is a low indicator that way. But we have a lot of institutions and in fact the context of the bible college movement is often some preparation for other aspects of life, avocation is the element that comes into play with that.

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

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

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

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

MR. KROLL: And I think you will find that we do have institutions that do have a significantly higher graduation rate that come from there.
CHAIRMAN KEISER: I’m sure you do. Again if you set the barriers so low it is pretty easy to jump over that, it seems that way.

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

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

MR. KROLL: And faith-based accreditors.

CHAIRMAN KEISER: I’m sure you would like to take on that.

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

So I want to go back to Art’s question about the 25%. What are you using as the data set because it sounds as if that end is going to be inappropriate for making evaluations? So
what kind of data are you getting from institutions that enable you
to even make the cut at 25% because the Title IV eligible would
not be the relevant data set it seems.

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

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

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

So I have seen numbers where you have one year
the graduation rate was zero percent and the next year the
graduation rate was 100%. That’s part of the reason why we use
those triggers to identify institutions to provide an explanation to
the Commission and then the Commission starts dealing with the
question is that a reasonable explanation as to why your rate is
there or is there some intervention that is needed to encourage you
to improve that rate?
MR. WOLFF: I would just add that to the extent that if you are relying on the regional accreditors, I’m no longer associated with one, but my understanding of the CRAC policy is that their identification of Associate Degree level and 4 year degree level data sets was based on the lowest performing institutions that would trigger institutions not as a benchmark of a median.

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

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

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

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

MR. WOLFF: Just one other question --

transferability -- do many of your students come from community colleges or regionally accredited, do they go into them for graduate level work or do they come in and out or do your students tend to stay within the -- I mean your accredited institutions and are the credit and the degrees accepted by regionally accredited institutions?

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

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

So we do have a lot of transfer in both directions
with that and had pretty decent success with that. We also have
approximately 30% of our institutions that have dual accreditation.
They are accredited by ABHE as well as another recognized
accreditor.

MR. WOLFF: Regional is that what you mean?

MR. KROLL: Yes.

CHAIRMAN KEISER: Any further questions?

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

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

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

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

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

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

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

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

CHAIRMAN KEISER: And that will be the second
level discussion tomorrow because bright lines are obviously a big
issues for this group and something we need to talk about. Any
other issues on this particular agency, sensing none all in favor of
the Motion signify by raising your hand, all of those opposed, the
Motion carries, thank you very much and congratulations. I am four minutes early, that’s amazing.

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

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

NACIQI RECOMMENDATION

Renew the Agency’s Recognition for five years.
Renewal of Recognition and Expansion of Scope

Commission on Collegiate Nursing Education (CCNE)

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

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

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

MS. HARRIS: Thank you. Good afternoon Mister Chair and members of the Committee. For the record my name is Dr. Nicole S. Harris and I will be presenting information regarding the Renewal Petition submitted by the Commission on Collegiate Nursing Education also referred to as CCNE or the Agency.
The staff recommendation to the senior Department official is to continue the Agency’s current recognition and require the Agency to come into compliance within 12 months and submit a compliance report 30 days after the 12 month period that demonstrates the Agency’s compliance with the issues identified below.

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

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

Regarding the Agency’s request for an Expansion of Scope, while the Agency continues to be out of compliance with the Secretary’s criteria for recognition, Department staff has been able to determine that CCNE has adequate standards and the capability to accredit certificate programs in nursing.
CCNE has also provided documentation demonstrating its review and approval of nurse certificate programs. It is also important to note that CCNE is already approved to accredit nursing programs at the Doctorial level and these nurse certificate programs appear to be below the Doctorial level.

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

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

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

One issue that remains is related to missing documentation and the need to demonstrate extensions for good
cause in 602.20B.

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

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

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

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

However, the accreditation group sent a final letter in November of 2016 informing the Agency that they remain non-compliant with the use of retroactive dating of accreditation actions back to the first day of the program’s most recent on-site
This communication further stated that the Agency needed to provide in its renewal petition documentary evidence that it has amended its policies and no longer awards accreditation retroactive to the date of the site visit. However, the Agency has not addressed the requested change in the petition narrative and evidence provided within the petition demonstrated that the Agency is still not compliant, specifically the Agency provided an updated version of its procedures for accreditation of Baccalaureate and Graduate Nursing Programs dated May of 2017 which continues to reference the use of retroactive dating as policy. Thus, the training of Agency representatives on the accreditation process which includes training of the Agency members on procedures, timelines that are enforced and the public information provided by the Agency pertaining to retroactive accreditation is non-compliant with the Secretary’s criteria. June 6 of 2017 the Department of Education’s expectations regarding the accreditation effective date used by accrediting agencies was sent to the accrediting agencies from the Director of the accreditation group which was vetted and supported by the senior leadership of the Department.
This letter states that the purpose of this correspondence is to clarify the U.S. Department of Education’s expectation regarding the accreditation effective date used by accrediting agencies.

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

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

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

As noted in 34 CFR602.18 the Department expects the decision-making body to review the entire record which includes information and documentation other than the on-site
review team report when making its accreditation decision. The
on-site review team does not have the information necessary to
make an accreditation decision for an accrediting agency nor is it
authorized to do so by the criteria.

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

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

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

CHAIRMAN KEISER: Thank you Nicole, Frank,
do you have any questions?

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

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

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

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

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

MS. HARRIS: It wasn’t stated in the narrative so I
can’t conclude what the document has sent. The request was for
them to provide an example of a good cause extension and the
information they provided didn’t explain in its letter that it was a
good cause extension and they didn’t explain in the narrative
whether they had had one or they hadn’t had one in the past.

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

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

And the second is there are procedural questions
about where there are consequential determinations made, what is
the appropriate process? So at least as I understand the Agency’s
questions but I think worthy for us in relation to yesterday’s
conversation is well, when there are changes of existing practice
by a number of agencies and to my knowledge after the circulation
of this “Dear Colleague” letter some agencies have already made
changes to the effect and so the question here is how we might
opine or determine the staff recommendation.

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

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

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

I’ll follow-up directly on what Ralph has said to
note that I see two issues here. The first is when something like
this changes and agencies have been doing something that either
has been approved of or not noticed.
So whether it was just passed over or whether it was
expressly considered and approved of in this case, the retroactivity.
How much notice has to be given, how much process, does this
have to go to rule-making, or can it just be announced in a “Dear
Colleague” letter.

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

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

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

So because the bar examiners won’t grant you
retroactivity if you are at a law school that is waiting for that and
so this is not a trivial problem. When you add up all the number of accreditation agencies, when you add up all the number of institutions, all the number of programs and the number that are waiting in the pipeline you will have a sizable -- we are not talking millions but we are probably talking thousands of people affected over a period of time who somehow the timing is off.

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

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

And this isn’t again to provoke any unnecessary conflict between NACIQI and staff and I say this with just I hope a reservoir of good will between all of us and between me in particular and staff. But this almost certainly caught accrediting authorities by surprise because I think it is undisputed a number of agencies have been doing this for rational reasons, not arbitrary,
there is a reason to do this.
And any of you who had institutions where you have had a program awaiting this approval you know that you have a little issue during the pendency of that and you have to figure out what to do about the students who are coming through before everything has been settled and so the retroactivity is pro student so I will leave it at that.
And I invite Ralph if I have misrepresented his views or mischaracterized this but I wanted to try to frame those issues.

MR. BOUNDS:  So I think before Ralph asks me to give some background but before I give the background, Frank we thought about those issues too and we talked -- I met with the CRAC folks who accredit some institutions are pretty large and they talked about the way they could deal with that is they could change their Commission meetings to accommodate those graduating students.
So instead of having 2 a year they could have 3.
We said they could have them telephonically, they could do them you know, they could do them virtually, so there are ways that the students are not affected.
Again, before I really get into the history the reason
that this came up -- is because we discovered this and I will talk
about how that came about but the bottom line is I could not justify
this as the Accreditation Group Director.

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

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

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

A lot of people say well what points to not being
able to do that and if you look at 602.3 it is pretty definitive it says
the status -- a public status that the Agency awards to an
institutional program on the data determined that program or
institution meets its standards, so I mean that’s just pretty
straightforward.
So we contacted a couple of agencies they looked at it, they agreed to fix it, they asked us if they could have some time to come up with a plan and I said sure because through talking with CCNE we understand that this permission was given by a past accreditation group Director.

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

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

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

But I can’t defend this situation going forward so
that’s why I brought this, you know this situation up and this is
how we decided to address it. In the meantime I had staff look at
all of their agencies, each one of those guys you know have a
portfolio of about 10 or 12 agencies so they started looking
through.

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

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

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

But right now there is no governing end to that if
the practice is allowed, so there are just some circumstances
around that. But I just want to let the Committee know that we did
contact agencies, we told them to explain to us how they could best
alleviate the problem. We didn’t demand that it happen right
away, we said put together a plan and let us know.

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

CHAIRMAN KEISER: Brian and then John?

MR. JONES: Just a quick clarifying question for
you Herman. So when you say this went up the flagpole -- tell me
was this viewed fundamentally as a policy question or a legal
question? Was this an OGC decision?

MR. BOUNDS: Well it went through OGC but it
really harps around the definition of accreditation and how do you
get around that. It went through, of course I consulted with OGC
and then it also went up to the folks that are in acting positions
now, it went through my boss.

And then it went through and we waiting until we
got that approval to send out a broad based letter because that’s a
different type of decision. So I don’t know if Sally wants to jump
in or not but I hope that answered your question.

MS. MORGAN: I guess that it is an interpretation
of our rule. It is not inconsistent with any official publication that
we have put out in the past. It is supported by the definition of
accreditation which says -- means the status of public recognition
that an accrediting agency grants to an educational institution or
program that meets the agency’s standards and requirements.

And, you know, until the grant is made there’s no
accreditation. You either have it or you don’t and that’s the whole
purpose of accreditation from a federal point of view. And as
Herman said it is also reiterated specifically in the substantive
change.

You would think it would be sort of a self-evident
point that you can’t say, “Alright we are noting that you were
blessed six years ago or two years ago,” but it is in the substantive
change because we had that exact case come up in substantive
change were an accrediting agency purported to accredit a vocation
6 years retroactively.

So that’s the background. It is a legally supportable
interpretation of the statute. It has been blessed up the chain and I
have no reason to think that the Department would repudiate it.
CHAIRMAN KEISER: Ralph oh I’m sorry John, then Ralph.

MR. ETCHEMENDY: I have a question -- I understand the hesitation to allow an unlimited retroactive accreditation that is crazy. You can’t. We obviously could not allow that.

These more limited cases -- it’s not only the students that are in jeopardy but you have to understand that this whole system is based on volunteer labor so the Commissioners and so forth and so on are all volunteers.

It is very easy to say oh you can solve this by having three meetings a year or schedule special meetings and so forth and so on. That’s not so each. And usually, I believe the cases where there is a retroactive granting of accreditation are cases where because of schedules it becomes complex and it ends up being a little off schedule -- the meeting where the vote is taken ends up being a little off-schedule and so it is retroactively granted back to some earlier date within a fairly short period of time.

So it seems to me that the real question is whether the institution meets the standards and then yes that is recognized, granted, so to speak at the time of the vote. But if for example in the current case, if at the time of the last visit, that’s the last bit of
evidence that comes to the Commission, presumably at that time
the institution did in fact meet the standards of accreditation and
then the meeting with the Commission ends up being somewhat
later and it is then formally approved.

So I guess I don’t see what damage is done by
allowing within a fairly narrow window retroactive accreditation.

CHAIRMAN KEISER: Ralph?

MR. WOLFF: I THINK John picked up I was
going to raise the same question that in reading the definition Sally
that you read and that I have in front of me it says, “Grants to an
institutional program that meets the agency’s standards.”

I think the issue may be calling it a retroactive
accreditation is less accurate than setting the date of the
determination of when the program or institution met the
standards.

In the case of SACS Dr. Wheelan said yesterday or
talked to me privately or whatever, I’m not quite sure if it was
public that they just set it automatically at January 1 and depending
on whatever your view is that’s a very different issue than arguably
could be made that based on the evidence that we had at the time
of the site visit we are saying that our action is based on a
determination that it met our standards at the time of the visit.
At least that’s a possible interpretation. In this case there is a factual issue and the Agency itself will need to argue this but there was an exchange with the Department in which the Department expressly ruled that it was permissible to grant accreditation.

And I think that exchange may need to occur and so this is a fundamental change from that exchange. And others had gone through the recognition process so to me there seems to be as I said earlier, that could the interpretation have gone a different way or re-defined or defined in a much more-narrow context.

But secondly there is a question of our role in second -- and it is not second guessing but evaluating a new interpretation that would affect a large number of agencies and what’s the proper process particularly since all agencies have been in a sense ordered to change their process prior to any public discussion of what could be a material change.

And as I understand the financial aid implications, for a non-profit institution it would presumably have been eligible for financial aid under Title IV as a candidate to the accredited status.

For a for-profit institution it would not have been eligible in pre-accredited status unless it was preliminary
accreditation or provisional but not for candidacy. So it is my
understand and their limited case the concern would be if the date
were set earlier that the student could or the institution could apply
financial aid to a period of time during which the student had not
received but which was later declared to be accredited.

I’m just trying to understand if that is the
foundation -- is it likely to happen and is it really about financial
aid being at risk or is it about more of a declaration of when does a
program or institution “meet” the Agency standards and
requirements which is a change from a lot of agency’s past
practices.

CHAIRMAN KEISER: George?

MR. FRENCH: Thank you Mr. Chairman. I just
wanted to weigh in in support of the presentation by both Ralph
and John noting thank you for giving us the background Herman,
but in listening to the background I hear the interpretation real
clear on the Department’s interpretation of what the rule is.

But I think the gray area comes in to what has been
the practice and what the own admission of the DOE even twice
today to say we understand that you may have been given bad
information by the Department in the past, you acted upon that
information.
I think that’s valid. I think that’s something that we have to really consider and I also agree with John that it has to be limited, there has to be some limit. We can’t do unlimited retroactive accreditation but I think in certain situations like this it should be a consideration.

So perilous of all things being equal unless an agency drastically has improved, implemented some new policies, but basically if everyone was equal at the time I wouldn’t see a problem with the limited retroactivity as well.

CHAIRMAN KEISER: We can do that or we can ask the Agency to come up and then we will have this conversation again at the end, but Susan I’m not going to cut you off.

MS. PHILLIPS: Yeah I would like to encourage languaging that says a discussion is about the effective date of accreditation not about whether it is retroactive. So there’s just a different way of thinking about it and perhaps more consistent with the process of accreditation.

CHAIRMAN KEISER: Sally?

MS. MORGAN: I just would like to make two quick points in response to what Ralph said. Is it a matter of federal student aid -- absolutely money can be spent and misspent on this basis.
Secondly, I think well I’ll stop there.

CHAIRMAN KEISER: I’m not sure you are correct on that because the program is programmatically -- institutionally accredited as most of their institutions are. They would be, it doesn’t require programmatic accreditation to get the financial aid.

And if it is an institutional recognition, then the institution once it gets its accreditation has to go to the Department to apply for recognition to get the funding. So the date of accreditation is really not impacting the financial aid distribution.

MS. MORGAN: Yes it is. And I misspoke in talking about this particular agency but we are talking in broad terms here and this letter went out to all agencies. And if an institutional accrediting agency could support the misspending of federal funds.

CHAIRMAN KEISER: Herman?

MR. BOUNDS: The other thing that I want everybody to ask understand is that each agency has a federal link. That federal link is for in 99.9% of the times to access the federal funds, whether that is Title IV or grants.

And grant requirements vary widely and if -- where this would affect money for a programmatic agency is accessing
federal grant fund, not Title IV, based on this retroactive data.
And we have seen this situation before here recently. The other
thing Ralph I just want to clearly make clear is that that past
decision was not a Department decision.

That was a decision made by -- and that’s what we
understand that it wasn’t correct. That was sent out by -- well
there was no formal letter. I think that was done in an email
exchange between the Agency and a past Director.

Right but what I am saying is this decision was put
through the process, it was reviewed and vetted so we sent this
decision out. All I am saying is based on a past decision you
know, I can’t again look at that and say, you know, okay I’m not
going to address that issue just because somebody made a bad
decision in the past.

I mean that’s just -- that would be probably neglect
on my part if I did that. So that’s the only thing I wanted to bring
up.

CHAIRMAN KEISER: John?

MR. ETCHEMENDY: So let me just challenge
Sally -- I understand your point. But let me just challenge it in the
sense that --

MS. MORGAN: I’ve been in litigation on these
MR. ETCHEMENDY: Set aside litigation. I’m a
logician I’m not an attorney. So when is the federal -- where are
the federal funds misspent? Well presumably they are misspent if
they are allocated to an institution that does not mean the standards
of accreditation.

And what we are seeing here is the actual decision
is that yes this institution meet the standards of accreditation back
at the time of the last visit. It is not as if the money is being spent
on an institution that is not worthy of receiving federal funds or
having students who receive federal funds.

So I think it is a confusion of what is it for the
federal funds to be misspent? I think it is when they are spent on
an institution that is not deserving and the decision is a decision --
is an accreditation, it’s a recognition.

VICE CHAIRMAN WU: So I have a lawyerly
point to make and then a request but it is a friendly one. So the
lawyerly one is I would worry that this isn’t an appropriate use of a
“Dear Colleague” letter so that the Department could be vulnerable
to a challenge brought by an agency because of a reversal of a
long-standing practice that many accrediting authorities have relied
on and this has been running for decades like this.
But even that aside, so it may be that it is an appropriate use of a “Dear Colleague” letter rather than a more formal process. But I wonder if we, NACIQI, so it is a request not a question -- if we NACIQI want to be more involved when staff decides to do something like this, do we as a body want to be consulted? Do we want to play a role? Or are we okay with it being done at the staff level because it may be that some of us at the table might want to weigh in or opine or offer some expertise.

And the request I have even if it is not vetted in advance, I wonder if staff could alert us about this will some more lead time so that we could mull over these issues. I think that might be desirable.

CHAIRMAN KEISER: George? Do you mind to yield to Herman?

MR. FRENCH: No, go ahead.

MR. BOUNDS: So the other thing that I wanted to bring up is that many times we see that the Commission makes a different decision than the site team. We also see many times where agencies have levels of review.

You may have a site team that makes a decision on the evaluation it goes before a review committee, that review committee then makes a different decision. We say we are not
going to recommend you for accreditation, we need more
information.

There are many times when a Commission defers a
decision so when you then automatically back date that
accreditation date you disregard those periods where that program
was clearly not compliant.

So it is not just an issue that every time a site team
votes, that the Commission agrees -- those changes in that process
clearly indicate that the institution or program was not in
compliance on the date of the site visit.

MR. ETCHEMENDY: No if it was started in
compliance then the Commission is not going to vote that it was in
compliance that’s the point.

MR. BOUNDS: But what I am getting at is the day
that the Commission meets is when that final decision is made, it
wasn’t -- it couldn’t have been made at the site visit because the
institutional program was not deemed compliant at that time.
That’s the only point of that. There is too much stuff in between
that happens between the site visit and when the Commission
makes its decision.

There are a lot of phases or levels that go on in that
process.
MR. LEBLANC: Herman you are describing the process between the site visit and the granting. That doesn’t mean that the institution wasn’t in compliance at the time of the site visit, it just meant that there are steps and processes that occurred. And I think to Susan’s point if we don’t think about this as retroactive which is a phrase I think that gets everyone in trouble here, rather, and I think to Sally’s language there is nothing in the word grant that speaks of the question of a time period. If I think what you read only says the granting of so I think there is actually latitude here where you did not land but I think there is latitude for the agencies to do what makes an enormous amount of sense given the reality of what they are trying to do and the requirements of institutions to get students through graduation before being able to come forth for approval.

MS. MORGAN: I’ll just make a couple of points. Number one is it says grants. I mean is there accreditation or isn’t there accreditation before that decision? No that’s what I am asking you. Yes, I said the status of public recognition that an accrediting agency grants to an educational institution or program that meets the agencies standards and requirements. When you grant it they have it. Before you grant it you don’t.
Right, going forward.

CHAIRMAN KEISER: I’m going to try to try to cut off conversation because I think we are starting. Yeah I think that’s appropriate I agree with that.

MR. FRENCH: I’ve actually let like five people go before me and I would like to go ahead and make my point now.

CHAIRMAN KEISER: Okay George.

MR. FRENCH: It’s real simple for me. I think Herman did the diligence. I think the separation, the apparently alienation though in the conversation to say that what occurred in the past was almost personal. That was a Department practice -- a long-standing Department practice like you said.

The individuals who worked for the Department, that was the Department practice. And I think we have to kind of own that and own that it has been going on as we make a determination as to what steps we are going to take in the future. I think we have to own it.

I think on account of here now that’s number one.

The second point is real simple it goes back to Mr. Chairman what Art was saying before he left. My question really is after if we put in an inordinate amount of time on this, what’s really going to happen if we had this much diversion of opinion with staff on this,
what’s really going to happen at the end of the day anyway,
regardless of what we decide as NACIQI, is this going to be that
individual is going -- Department person is -- senior Department
official is going to make the determination anyway.

So that will be one of my concerns.

CHAIRMAN KEISER: Okay I appreciate all of the
debate. I think it is important and it is an issue we will discuss
tomorrow about the issue of regulatory or sub-regulatory issues but
I would like to invite the members of the Commission to come
forward, please come forward and introduce yourselves and we
would like to listen to what you have to say.

MS. BUTLIN: Good afternoon members of the
National Advisory Committee. For the record my name is Dr.
Jennifer Butlin and I am Executive Director of the Commission on
Collegiate Nursing Education, referred to as the Commission or
CCNE.

I have been before this Committee many times. I
have been in my role for more than 19 years previously serving
also with another health profession’s accrediting body before
coming to nursing.

CCNE has been in good standing and has a long
history of compliance with the Department of Education’s criteria
and I would like for each of our representatives to introduce
themselves and then we would like to propose a plan for how to
tackle these questions and issues.

MR. MURRAY: Good morning my name is
Benjamin Murray and I am Director of Accreditation Services at
the Commission on Collegiate Nursing Education. I have been
with CCNE since 2009 and working in the accreditation
community since 1999.

MS. RUPPERT: Good afternoon to the
distinguished members of NACIQI. My name is Dr. Susan
Ruppert. I am the current Chair of CCNE Board of
Commissioners. In my regular position I am a Professor and
Assistant Dean at the University of Texas Health Science Center in
Houston, School of Nursing where I also coordinate our Master of
Science in Nursing Program.

I am pleased to be here today to discuss our
continued Recognition and Expansion of Scope and to answer any
questions that the Committee may have. CCNE is recognized as a
leader in accreditation and we accredit over 90% of Baccalaureate
and graduate programs in nursing.

We are celebrating our 20 year anniversary as a
nursing accreditation body, thus we have a lengthy experience as
an accrediting body in evaluating the quality and integrity of nursing programs at multiple levels. As a leader, CCNE has at its disposal a rich body of experts that serve on our Board and on our Committees as well as our site evaluation teams.

Our focus is, as it has always been, on educational quality and support of continuing improvement in nursing programs thus contributing to the overall health of the public to the preparation of experienced nurses at multiple educational levels.

MS. BUTLIN: So what CCNE had envisioned is a process whereby we would answer the questions posed to all agencies in the Federal Register, those questions that are of interest to you that you have been asking of all of the bodies as they come forward.

And Dr. Ruppert is prepared to address those questions first but given the substance of the discussion that has occurred already on the issue related to effective date I would like some guidance about whether you continue.

Our preference is for us to respond to the Federal Register questions that you are asking all agencies to respond to or if you would like to stick on the issues related to CCNE’s Recognition Review and Expansion of Scope request. We can accommodate whichever way you wish to proceed.
CHAIRMAN KEISER: Primary Readers do you have a --

VICE CHAIRMAN WU: If I may I would rather that we continue, since this is on everyone’s mind, but it is solely up to the Chair.

CHAIRMAN KEISER: It’s fine you are the Readers.

VICE CHAIRMAN WU: Ralph, may I just ask one?

MR. WOLFF: Yeah the primary questions are to follow-on their pilot. I think we need to deal with the compliance issues and I would like for you to address so that we can deal with the issue of the good cause and then focus on the data of accreditation issue.

MR. BUTLIN: Very well.

VICE CHAIRMAN WU: So may I ask just one preliminary question which is do you care about this issue because this is very different if you say you don’t care and you are happy to change and indeed if every agency who has received this letter just rolls over and says fine, you know we are not looking to create a problem between NACIQI and staff. So do you care about this?

MS. BUTLIN: We don’t care about this issue we
are absolutely passionate about this issue. And the reason that we
are so passionate about the issue is because protecting students has
been at the center of the policy to assign an appropriate effective
date for our accreditation decisions.

And the other reason that we are passionate about
this is this is not just about nursing. And I hope that the
Committee members understand this is a much bigger issue for
colleagues behind me in the room in many other health professions
for not only regional accreditors, but institutional accreditors and
specialized accreditors such as CCNE who are not Title IV
gatekeepers.

This is a major issue, it may be unprecedented and
one of our goals was to bring this issue because of its importance
here today for the NACIQI to consider it. And from the
outstanding questions that you have formulated already I can see
that you are prepared and you already have a good understanding
of what some of the major issues are and the reason that a
recognized agency would adopt a policy such as CCNE’s.

And I would also add that I completely agree with
what you have introduced Dr. Phillips that -- and I’m just going to
say this for the record. Retroactive is a naughty word in
accreditation. It is not the word of choice and what we are really
talking about is an agency’s authority to set an appropriate
effective date of the accreditation action and you have already
touched on that I think in the preliminary questions that you have
formed.

CCNE did what -- I’m totally losing our script. I
want you to know that I have thrown it out the window because I
want to be able to respond to your questions but I’m also sensitive
to Dr. Wu or Dr. Wolff that you want to start with the show cause
extension for a good cause issue rather.

So to answer your question simply we are
passionately wedded to this. And it is not because we are
stubborn, it is not because we are self-serving, it is because
thousands of students could be at risk based on your
recommendation today and that is not just limited to the nursing
profession.

So let me stop there and my colleague, Mr.
Benjamin Murray is prepared to walk you through those citations
that we believe are unrelated or misplaced because of this effective
date issue on which CCNE has been cited.

And so before we move into those first three
citations including an extension for good cause, I want to thank the
Department staff. We have a long history of compliance as I
mentioned. We have had numerous phone calls with Mr. Bounds
and Dr. Harris, our staff analyst. They have all been collegial, they
have all been honest and I agree with the point made earlier that
there is goodwill on the part of Mr. Bounds and Dr. Harris and all
of the Council and staff on this issue.

I believe there are concerns about the potential for
my and your tax dollars to be misused. We have no evidence that
those concerns have occurred and we will address that, that they
could not in fact occur for our body Title IV, non-Title IV
gatekeeper.

We will address that but I do want to acknowledge
the staff and their work and their interest, genuine interest in being
consistent in the decisions. But I think as you will hear there have
been some inconsistencies and the record shows that we received
prior approval for changing our policy the way we did back in
2010.

And we also have evidence that many accreditors
recognized by the Department are engaged in very similar
activities and we will discuss that soon.

So before we get into the citations I want to draw
your attention to the final staff report that Dr. Harris reviewed with
you and this is the item on the top of page 2 of the staff report that
relates to CCNE’s request for an expansion of scope. CCNE is pleased that the Department agrees that CCNE has “adequate standards and the capability to accredit certificate programs.”

The Department clearly indicates that CCNE has provided the documentation demonstrating its expertise and experience in this area. We agree. And that the level requested by CCNE at this time for the accreditation of certificate programs is similar to those levels for which CCNE is already recognized which are graduate levels, educational programs.

The Department staff has not raised any concerns specific to CCNE’s review of certification programs. Dr. Harris observed the full day workshop on writing self-studies that CCNE offered in the spring.

She also observed a comprehensive on-site evaluation of our accreditation of all degree levels as well as certificate programs. No concerns were brought forth regarding those observations and for these reasons CCNE looks forward to NACIQI recommending at this meeting that the requested expansion of scope be granted and we are happy to answer questions along the way that you may have regarding the request for an Expansion of Scope.

With that Mr. Murray can address our issues of
compliance including extending for a good cause.

MR. MURRAY: Thank you Dr. Butlin and I would just like to echo her sentiments about the collegiality between the Department staff Mr. Bounds and Dr. Harris and others and how much we appreciate their time working with this in preparation of submission of our materials and clarification of requests that they have made and we do appreciate that.

As Dr. Butlin mentioned we will be walking through the four cited areas. The first three are while referencing the effective date of accreditation we believe are not necessarily applicable and then we will move more into the effective date issue.

So at the moment I would like to draw your attention to 602.152 and that’s in the areas of Administrative and Fiscal Responsibility specifically as pertaining to competent and knowledgeable individuals.

In the final staff report you could find the analyst’s remarks on pages 6 and 7. If you will go ahead and draw your attention then to the second paragraph of the analyst’s remarks on this section please.

So in its staff report the Department is taking issue with a particular CCNE policy, specifically the one relating to the
effective date of accreditation. The Department is not asserting
that CCNE does not train its representatives to carry out their
responsibilities. This criterion does not pertain to the effective
date of accreditation so citing CCNE here is not appropriate. It
would not be logical.

The Department’s guidelines published in 2012
identified the review elements for this criterion. Specifically, and I
am quoting, “Review Elements -- In assessing this area
Department staff looks to see if Agency discussed and
demonstrated the processes, procedures, qualifying criteria it has in
place as appropriate for selecting and training its evaluation, policy
making and decision-making entities and that training covers the
Agency’s accreditation standards, policies and procedures.

How it’s recurring, structured, consistent and
systematic training conducted prior to individuals assuming their
duties covers the Agency’s expectations regarding the
responsibilities associated with each individual’s role in
conducting the review of an institution/program and decision-
making.

If the Agency’s recognized scope includes the
evaluation of distance education or correspondence education, the
Agency’s approach to training the team members and assessing
these modes of delivery and applying the Agency standards, criteria and policies."

So we have also gone back and reviewed the Agency’s prior version of these Department guidelines which were published in 2010. This section was virtually identical except for the addition of the words “qualifying criteria”. Neither the 2010 version nor the 2012 version indicate the effect date of accreditation is at all relevant to this criterion.

This criterion on which the Department is citing CCNE is about selection and training of our Agency representatives. No concerns of any kind have been raised about CCNE practices, policies or procedures related to the selection and training of Agency representatives.

Clear and comprehensive evidence of selection and training was provided in CCNE’s Petition and in its response to the draft staff report. By citing CCNE on this criterion because of its effective date policy it sets a new precedent that each and every accrediting agency pursuing recognition by the Department must also be cited on this criterion if cited on any other criterion related to the Agency’s procedures or standards.

So in other words, the Department is indicating that if any Agency is cited for reasons related to lack of a particular
provision in standards or procedures, the Agency must also be cited for having the lack of training Agency representatives on this non-existent provision on their own policies and procedures. We would like to point out though that the Department has not been consistent in this line of thinking. For instance, yesterday it was noted that SACS has been using a similar procedure for effective dates of decisions however there was no discussion or expression of concern by the Department that SACS had not trained its representatives on these revisions just made to SACS’s procedures. That they had not retrained their representatives based on this procedure that they had just implemented.

MS. BUTLIN: I would just like to add that it sort of sets precedent if CCNE is cited on this particular criterion which focuses on training of its evaluators and we have I think a premiere training of our 700 evaluators. Other agencies and state boards and others come and observe our training because it is face to face, it is comprehensive. We do re-training -- we specifically bring team leaders in for training after their regular training so we invest a lot of resources in the training of our evaluators.

If CCNE is sited on this compliance concern
because of its effective date policy it sort of opens the door we are afraid to any agency that comes before you for being cited on any other policy that they would also have to be cited on this criterion because they haven’t changed their policy and retrained all of their people to their new policy and so that is something for you to think about.

MR. MURRAY: So now we would like to move on to 60.20A 1 and 2 and this is Enforcement of the Standards and Related Timelines. And I will give you a moment to get to that. The analyst remarks in the staff report are on pages 8 and 9.

If you turn your attention to the second paragraph which begins at the bottom of the page, the last two sentences of that paragraph read and I quote, “Department staff has found the Agency non-compliant for retroactive accreditation in 602.23A. However, since the Agency has been practicing retroactive accreditation it is unclear what date the Agency has been using to calculate its enforcement timelines. Because of this it is possible with the document it could indicate noncompliance for more than two years.”

So CCNE requires all programs I’m sorry -- not all program, CCNE requires programs to submit special reports at 12 months. Those are required when a program has a “not met”
standard. This affords CCNE ample time to review the submission and determine whether the program has demonstrated compliance within two years as is required by this criterion.

CCNE has provided evidence in its material submitted to the Department that the Board determines if a program has brought itself into compliance with a “not met” standard within two years after the Board’s original determination was made.

In the updated special report example that was included in CCNE’s response to the draft staff report, there’s a letter that gives the Board’s original determination made on April 27, 2013 and then CCNE notified the program that the Board had determined that the standard was now met on December 1, 2014. This is well within the two year rule and in fact more than four months prior to the two year deadline.

So if you could now please look down to the third paragraph, this begins approximately one-third of the way down page 9. This paragraph of the final staff report is unclear to CCNE and as a result CCNE does not know what type of information is being sought by the Department and what information to present to you today.

That said, we will try to address some areas that are
brought up in this text. The paragraph references issues identified in 602.16A1 which is a section of the recognition criteria relating to accreditation and pre-accreditation standards. The 2012 general guidance published by the Department regarding the section states and I quote, “Under these criteria agencies are expected to demonstrate that their accreditation and pre-accreditation standards are rigorous measurements of the quality of the educational institution or program in each required area.”

The Department staff report has not cited CCNE for any concerns related to criteria in 601.16A1. It is not clear how this pertains to 602.20A which relates to enforcement timelines.

This paragraph goes on to link 602.16A1 to and I quote, “Granting accreditation with what appears to be deficiencies.” However, that section is not related to the procedural process of granting accreditation and the Department’s own published guidance specifically states what the focus is.

Again that document states on the top of page 29, “Under these criteria” -- in other words, meaning those that fall under 602.16A1, “Agencies are expected to demonstrate that their accreditation and pre-accreditation standards are rigorous measurements of the quality of the educational institution or program in each required area.”
The published guidance document goes on to state for 602.16A1 that, “In assessing this area Department staff look for whether the Agency has written published standards. How clearly as written do the standards describe the Agency’s expectations regarding the quality of an accredited institutional program, whether the standard appears to be written with sufficient clarity and/or specificity to be understood by others, whether the standards and criteria appear to be appropriate for the type of institution or educational program and level being accredited.

Whether there is a reasonable basis for concluding that the standard is an effective measure of quality of the institutional or programmatic characteristic it addresses.”

So as described in CCNE’s Petition and Procedures on page 12 accreditation is granted by the CCNE Board to the degree or certificate program that “Demonstrates substantial compliance with the CCNE standards and key elements. Accreditation is an indication of CCNE confidence in the overall integrity of the program that demonstrated success of the program and achievement of program outcomes and engaging in continuous self-improvement and the ability and wherewithal to continue as an accredited program for the foreseeable future.”

Importantly CCNE does have the ability to accredit
programs when compliance concerns have been identified but the accreditation decision is made based on the Board’s belief in the overall efficacy of the program.

CCNE does not grant accreditation or continued accreditation to programs that are not in substantial compliance with the standards. This is widely accepted in the accreditation community as an appropriate practice and has been accepted by the Department each time CCNE has petitioned for Renewal of Recognition.

There is nothing in the Secretary’s recognition criteria to preclude an accreditor from doing this. And in fact there have been agencies reviewed by the Department staff and NACIQI last year and at this very meeting that engage in similar practices to CCNE in this regard and these agencies have not been cited on this criterion.

Importantly CCNE does have a comprehensive monitoring program and through this program CCNE is able to review a program’s movement towards resolution of the compliance concerns and when resolution is not achieved, CCNE has the procedural provisions in place to move toward a show cause directive and/or withdrawal of accreditation importantly within the timeframe required by the criteria.
As noted in the CCNE accreditation procedures and in the Petition for Continued Recognition, CCNE uses the following methods for program monitoring of compliance concerns: Continuous improvement of progress reports, special reports which are required when there is an unmet standard, compliance reports required when there are concerns that a program may be out of compliance with a specific key element, focused on-site evaluations or early comprehensive on-site evaluations.

CCNE’s hands are by no means tied in this area once an accreditation action has been taken. These program monitoring activities are robust and effective and CCNE has systems in place to monitor and track receipt of these reports and result in actions.

If CCNE became concerned with any deficiencies that were not resolved or worsened after an accreditation action was made, CCNE has an array of options available and all of these are documents extensively in the CCNE accreditation procedures.

For example, CCNE can request reporting, require programs to host focused on-site evaluation or if the concerns are more widespread or called into question, the overall efficacy of the program CCNE can require a program with the host of an early
comprehensive on-site evaluation.

CCNE can also modify a program’s existing term of accreditation if concerns warrant. Specifically on page 17 under the section title, Accreditation Term, the CCNE accreditation procedures state, “The Board may also elect to modify a program’s accreditation term when an institution or program has undergone a substantial change, deterioration and the program has occurred, the program requests an earlier evaluation or a formal complaint against a program requires an on-site evaluation of these issues surrounding the complaint.

The Board reserves the right to conduct an evaluation of the program whenever in its judgment, circumstances require such review. This evaluation may have an impact on a previously granted accreditation term resulting in a reduced accreditation term.”

Importantly the Department has not raised any concerns with the efficacy of the CCNE monitoring activities as part of this review. CCNE has proven time and again that it has appropriate monitoring activities in place to determine the deficiencies are rectified.

So now I invite you to refer to 602.20B and this is Enforcement of Standards specifically regarding good cause
The analyst remarks to the response are on pages 9 and 10 and if you can move to the second paragraph which is on page 10. Here the staff report indicates that the referenced documentation “does not clearly demonstrate evidence of a good cause extension.”

The reason for this is that the example that was provided that the report refers to did not involve a good cause extension.

CHAIRMAN KEISER: Sir, I hate to interrupt you. We have read all of this material. I would rather you get to an analysis of where you have the concerns rather than reading us your rules. I think an analysis would help us do a better job for you if we understood the concerns specifically rather than reading what we have in front of us.

MR. MURRAY: Sure. So I appreciate that thank you. So here on this good cause extension the reason that there is not one or the Department stated that there was not one reference in the document is because that example did not involve a good cause extension.

So we searched back through the draft staff report and did not see a request nor one in the follow-up final staff report.
But we have searched our records and we have found that seldom does CCNE need to extent the time for a program to demonstrate compliance with an unmet standard on a special report. In fact we found one such instance since our last recognition review. In that instance the Board determined upon review of the special report that the program had made substantial progress in rectifying the identified compliance concerns. In fact the Board determined that based on that progress good cause does exist to extend the time given for the program to demonstrate compliance.

I have that letter here sir, I would be more than happy to forward it to you to enter into the record or I can read, I promise, very excerpted references.

CHAIRMAN KEISER: It may be good for the record but not necessarily for the decisions that are going to be made today. We don’t normally allow information that hasn’t been reviewed by the staff at the meeting so you still are going to have to provide that to the staff for them to review after this meeting, Frank?

VICE CHAIRMAN WU: May I try to help in a simple way. Is there anything other than the effective date issue that you want to speak to because I think everything that flows out
of the effective date issue NACIQI members are aware of and
there is -- now that we understand that you are passionate about,
and you have explained why, I think we need to have a further
conversation as to process and authority between staff and
NACIQI.

So is there anything other than the effective date
retroactivity that you want to direct our attention to?

MS. BUTIN: Yes, thank you for that question.

This is it. It’s the providing evidence of whether CCNE has
granted an extension for good cause is the only issue in question
beyond the effective date as Dr. Wolff pointed out earlier.

We have been sited on four areas, three of them
relate to effective date. We are arguing that we shouldn’t be cited
on any of those areas. On the one area that is unrelated to effective
date it said we didn’t provide an example of an extension for a
good cause letter.

We weren’t asked to provide that letter in the draft
staff analysis which is why we didn’t furnish the letter. When we
received the final staff report and it said you are now cited on this
for not providing the letter we did a search of our system, all of our
records and discovered there has only been one such action.

We redacted and brought the letter with you and it
does show evidence of compliance. I would hate, since we have
the letter here today to not read the aspects into the record so that
we could wipe away this compliance concern. Usually when
agencies are able to show evidence of compliance before this body
you would accept that so that we don’t have to come back in 12
months to show you this letter.

CHAIRMAN KEISER: That’s not an accurate
statement. I think well over 10 years on the Committee and
anytime, we make it very clear that you don’t bring materials with
you. We believe you. We understand but that is not normally the
process of this group.

Let’s see if they can finish and then we can ask the
questions, Ralph?

VICE CHAIRMAN WU: May I add something to
support you?

CHAIRMAN KEISER: You don’t need to support
me.

MR. WOLFF: I’m just actually -- I’m just hoping
you will finish. I think we have got the message on the good cause
issue it is a matter of documentation we need to move on and focus
on the primary issue.

So I just want to say that’s the issue that’s primary
before us and even with that we have your memorandum so I think it would be important to highlight the key points of that to enable us to ask you questions and to have our own discussion.

VICE CHAIRMAN WU: So I want to reinforce what the Chair just said but also point out that we, NACIQI, have undermined ourselves, which is we don’t accept materials at this meeting.

Agencies often try to present, third-parties too and we have just been very consistent in saying no, that’s not the right process. However, in the past 24 hours we have said to agencies oh your stuff is going to be coming in, we will kind of trust that it is coming in, so I just want to note if we are going to do that, we can’t be sympathetic to some agencies but not others.

CHAIRMAN KEISER: That’s another conversation that’s included in tomorrow.

VICE CHAIRMAN WU: We have to be mindful of this otherwise people watching us are going to say, “Hey, how come you treated one agency one way with greater leniency and another agency with real strictness and that’s just not right.”

CHAIRMAN KEISER: Susan -- we will get back to the Agency but again the critical issue we have is that there is a debate, I don’t think it is critical to this Agency it is internal and it
is going to be there are issues and I think they have a lot of
sympathy on the Committee here but go ahead, Susan.

MS. PHILLIPS: I just want to reiterate the
dialogue, my part of the dialogue that Frank and I have had
yesterday about the issue is not about letting something slide, the
issue is what this body recognizes as evidence.

CHAIRMAN KEISER: If you could tie up your
conversation and make it very clear about the issue of I think data
recognition that seems to be the primary issue that you are facing.

MS. BUTLIN: Okay so let me tell you the story
briefly about how we got to where we are today. CCNE was
receiving questions from Chief Nurse Administrators, Deans and
Directors of Programs saying that if CCNE didn’t do what other
recognized accreditors do and backdate it’s decision to protect the
first class of students we will be harming initial students who were
enrolling into our program.

And in good faith can’t tell them that we may have
an accreditation decision by the time they graduate that would
protect them -- and so taking this information forward to Dr. Carol
Griffiths who was Chief of the accreditation group at that time.

I emailed her and I asked for the Department’s
position on this. Now keep in mind that most accreditors don’t ask
permission when they are contemplating a policy change. Most
accreditors work with their own constituents, communities,
professions, changes of policy send it out for comments and so on.
CCNE thought it was the right thing to do because
we saw this as you know, this is a change. We were recognized
under our old policy previously. It’s not working that well because
some students aren’t being protected and let’s reach out in writing
to the Department and find out if we can do this.

Because we knew that other accreditors were doing
it and those accreditors were recognized by the Department. When
Dr. Griffith responded to my email and I’m not going to read the
correspondence to you, you have it, but her response was, “We are
comfortable with the process by which a recognized Agency
established the date of the comprehensive site visit as the effective
date for the accreditation granted. Assuming that the vote on
accreditation is made no later than the next regular decision
meeting.”

We implied to CCNE that this is not Carol
Griffith’s opinion, this is the Chief of the accreditation group
responding to our question do we have your permission to move
forward to change the policy? The answer was yes.

We have no concerns and no problem with you
applying this policy okay. We were good to go. We communicated with our constituents. We did everything a responsible accreditor should do.

We proposed the change we got comment on it, we adopted the change, it went into effect as of a certain date and we have been implementing that policy since 2010. Thousands of nursing students have benefitted from this and we are aware of no harm, no federal money that could possibly be awarded to one of our nursing programs or their parent institution because of this policy.

And let me give you an example of why it’s correct as a Committee member stated earlier that CCNE is not a Title IV gatekeeper and all of the nursing programs we accredit are housed in colleges and universities that already are institutionally accredited by an accrediting agency recognized by the Department of Education, that’s their title for a gatekeeper.

So already qualifying for federal monies before we even go in and do our visit, let alone render the decision -- and there are grants for example with the U.S. Public Health Service, there are other federal monies that can be awarded to faculty but none of that can be awarded until the program gets their affirmative, positive accreditation action in hand from CCNE.
So CCNE conducts a visit several months later -- we are not talking about a year later, we are not talking about 5 years later, 10 years, we are talking about a few months after the visit the CCNE Board makes the final determination about accreditation and it is based on what occurred at that visit.

And it is not until 30 days after the Board meeting where the Dean and the President of the University receives the action letter saying you were accredited. That program therefore could not apply to qualify for any federal funding to show evidence that they are accredited until 30 days after the meeting when they have the letter in hand.

For a program that’s denied accreditation they are obviously not going to get the letter that says you are accredited, they are going to get a denial letter in which case they couldn’t apply for federal money to begin with.

So for our profession and for many other agencies that are in our situation we can’t see the harm. You will see that you know, just as I said there has been goodwill I think with the Department staff wanting to do the right thing and trying to explore this area.

There’s been good faith at CCNE in terms of writing in advance and seeking an understanding and permission
and moving forward once that was done. We have studied our
current new applicants for accreditation and if we were to change
our policy today there are almost 500 students under review right
now that could be impacted if we were forced to change our
policy.

We believe that we have a very strong argument,
that there is no basis in the regulation for this citation. You will
not see any language saying that accreditors cannot make a
determination about their effective date once the Board acts.

And I do want to correct something that Dr. Harris
read into the record in her opening remarks. She said that the
CCNE procedures dated May of 2017 state that accreditation is
retroactive, that is incorrect.

The accreditation procedures state and I quote,
“That CCNE accreditation actions are effective as of the first day
of the programs most recent CCNE on-site evaluation, there’s no
retroactive language. That’s sort of non-substantive but I do want
you to know that when we researched what other accrediting
bodies recognized by the Department were doing we found out that
hardly any of them use the word retroactive, but they were all
doing it.

CHAIRMAN KEISER: Dr. Butlin I think you have
made your point and I don’t like to you know, try to change it, you
know, but we do understand your concerns. We do understand
your point and it is starting to get repetitive so I think it would be
time either we could continue the conversation or take a break and
then come back on the conversation and ask the questions because
we have been -- this has been a very intense period.

VICE CHAIRMAN WU: So may I ask for a nature
break. I think we have been seated for 90-some minutes and a
break would be good. It doesn’t look like NACIQI members really
have more questions.

CHAIRMAN KEISER: Well we might have more
discussion.

VICE CHAIRMAN WU: Right, right, right,
discussion but not questions from the Agency, is my point. So I
am formally requesting a break.

MR. BOEHME: Does that require a second?

CHAIRMAN KEISER: That’s a 10 minute break
and that’s the Chairman’s discretion, thank you.

(Break 2:43 - 2:52 p.m.)

CHAIRMAN KEISER: Okay we are back in
session. Let’s see, 1, 2, 3, 4, 5,6,7,8, 9, 10 we are fine, hey I can
count that’s pretty good.
Okay we have you know we are at the point of
asking questions of the team and Claude, real quickly because I
think we have some ideas of where we want to go with this.

MR. PRESSNELL: Yes I just want to make one
clarification. So based on what you read before in terms of the
effective date of accreditation I just want to be clear, your policy
states that the effective date is when the team finished the visit.

So, in other words, so the team makes the visit, gets
all the material and then it has to go to the Board for a decision.
Your policy states that the effective date is based on the visit not
on the final decision of the board, is that correct?

MS. BUTLIN: That is absolutely correct. Our
Board is the decision-making body. We have never contended that
the team is the decision-making body. And when the Board takes
the action it is effective as of the on-site evaluation yes, that’s
accurate.

CHAIRMAN KEISER: Jennifer?

MS. HONG: Just real quick, Jennifer. Did you
attach that email from Carol Griffith on to your Petition? I see that
you have quoted it and embedded it, I don’t know if you have the
actual email?

MS. BUTLIN: It’s actually attached to our
communication to Mr. Bounds in September of 2016 in response to
his letter to CCNE of July, 2016. Plus we have pulled out the
relevant excerpts verbatim and included them in our Petition.

MR. KEISER: Okay any -- okay.

MS. ALIOTO: Did I understand that all of these
programs have been accredited by other agencies, so is this
somewhat a moot point? If their body is accredited so the money
would be going to them because they have been accredited by
other agencies, why is this a problem?

MS. BUTLIN: Exactly.

VICE CHAIRMAN WU: Isn’t it a problem for
licensure though potentially because they have to graduate from an
accredited program?

MS. BUTLIN: Well it depends on what you mean
why is it a problem? Is it the retroactive or are you talking about --

MS. ALIOTO: Well if they have already been
accredited by other agencies then it is not retroactive.

VICE CHAIRMAN WU: But if they graduated
from a nursing program that isn’t accredited at the time they
graduated it causes a problem.

In other words if you don’t have an earlier effective
date that’s what causes the problem, not for the financial aid but
for the licensure and other things.

MS. BUTLIN: Correct, for example for the nursing profession you may not sit to become an advanced practice nurse.

Think about all the nurse practitioners and the clinical nurse specialists, nurse midwives and so on. You can’t sit for the exam to actually practice unless you have graduated from an accredited program.

And so there is significant harm that could come if we were forced to change the policy. You heard from Dr. Pete Vlasses from Pharmacy yesterday and you might recall that he said the facts they make the effective date on the date the Board acts is actually problematic for them because they have residencies with the VA and students are being disenfranchised and they can’t qualify for that.

But he also said it is less of an issue for them as some other professions because pharmacy allows the exam to become a pharmacist when you sit for the licensing exam to become a pharmacist. They allow you to sit without having accreditation.

You can be a candidate. With nursing that is not the case you have to graduate from an accredited program to sit for certification, but keep in mind that’s just one of multiple issues.
You can’t be enrolled in graduate school in nursing, you can’t get jobs in certain hospital settings. We have a letter following the memorandum from the VA that they will not hire you. They are the largest employer of nursing in the world of nurses with 5300 nurses that they are hiring at the VA Boston facility.

They can’t hire you if you didn’t graduate from an accredited program. So it’s not just about certification.

MR. JONES: Can I just say one thing? To put it in practical terms I think there is actually one other challenge. So my institution we are regionally accredited. We launched a nursing program about a year and a half ago.

We got CCNE accreditation a month ago. We had our visit in the fall, last fall. But the fact of the matter is without that retroactivity it also is very difficult to recruit that first class of students which of course is essential to get their visit and get the program approved.

So from an institutional perspective to be able to say, “Hey come to our program, we are working on accreditation and if you come and join and participate in the program you know, the accreditation if we earn it will in fact apply to you.”

So I think that too is a very practical indication for an institute.
CHAIRMAN KEISER: Jennifer?

MS. HONG: Just for the record again. So if the actual email -- because I know a lot of this hinges on official written correspondence from the Department to you giving guidance on this issue, is the actual email attached to the Petition, I’m just having trouble finding it.

I see you quoting the email and embedding it in your memo and I don’t see the actual email I’m just curious.

CHAIRMAN KEISER: While they are talking we do have three commenters that we want to hear and then I think a lot of this can be in the discussion once we have a Motion, Federico?

MR. ZARAGOZA: I just want to ask a couple of real simple direct questions. So we all concur that the Commission is a decision-making body, one of the staff recommendations was pretty direct and that is could the Commission be meeting more often, would that address the issue?

And they even suggested virtual -- are those practical considerations?

MS. BUTLIN: No.

MR. ZARAGOZA: Could you elaborate please?

MS. BUTLIN: I would be happy to but I’ll try and
keep it brief. What I think you will notice as we noticed in the staff report is that the Agency staff I think with the intention to be helpful is trying to propose solutions for how accrediting bodies might be able to change their practices so that they are not accrediting with an effective date prior to the Board issue.

I think the issue is much different which is that there is no regulation that says anything close to the fact that CCNE and any other recognized agency shouldn’t have the ability to determine what the effective date is.

And you will see that the Department has linked the citation to a criterion that first of all only addresses Title IV gatekeepers which CCNE is not. That only speaks to issues of substantive change decision and also only speaks to issues of change in ownership.

The entire criterion is not even a relevant criterion for CCNE yet that is I think the best link that the Department has come up with to demonstrate that there is a concern here. So we really fundamentally disagree but there is a concern.

I prefer not to get into solutions.

CHAIRMAN KEISER: Dr. Butlin, we understand and we have heard that. There’s still the question we do not have a copy of that -- that’s a very critical document obviously but if from
us we don’t have any other questions I think a lot of this issue is
going to be on more policy and on, you know, the statute rather
than the individual agency.

Sensing no more discussion I want to thank you for
being up here. We do understand your concerns and the passion
you have for these issues. So thank you and if I can I would like to
call up from the audience a Doctor Carol Urban who is from
George Mason University.

Dr. Urban you have three minutes and I will try to
be as nice as possible if you go over.

MS. URBAN: I will speak, hopefully not too fast,
but within the three minutes. As you have heard I’m Dr. Carol
Urban from George Mason University in Fairfax, Virginia. I thank
you for having us here to make some public comment. We are a
public university.

Our school of nursing has been in place for 43
years. We offer programs at the Baccalaureate, Master’s and
Doctoral level include PhD and the new Doctor of Nursing
Practice Degree.

That degree in particular was just launched in 2012.

We had our site visit by CCNE in April of 2012 and accreditation
for that new program became effective in October of 2012 when
the Board Commission met. If that effective date had not gone back to April of 2012 our first graduating class would be significantly impacted.

In that class we had family nurse practitioners and adult gerontology nurse practitioners who would not have been able to sit for certification. We also had one nurse who was hoping to be commissioned who would not have been eligible for that commissioning.

And so to us it has tremendous impact. It has also been extremely valuable to us to have CCNE have the standard that we have a graduating class occurring before they come out and do our site visit. While that sounds like -- Gee it would be nice to have earlier - without those outcomes and especially as a nurse to have such solid outcomes is really not appropriately evaluating the program effectiveness.

As a nurse I have to say that would be like sending somebody home from the operating room directly and saying well you looked pretty good when you left. And so it is very valuable for us to demonstrate we have solid program outcomes that we can speak to as to the effectiveness to attract students to our program, to ensure our clinical agencies that we are putting out a solid nurse-educated practitioner.
And so I fully in support as George Mason is fully in support of CCNE’s continuing ability to effective date the accreditation to the site visit.

MS. MATTHEWS: Good afternoon. Thank you for this opportunity to speak with you. My name is Doctor Jean Matthews and I am the Dean of the Malek School of Health Professions at Marymount University. I’m also a nurse. Marymount University is a small private independent Catholic university across the Potomac from here in Arlington, Virginia. We have approximately 400 nursing students at any point in time many of whom would be impacted by the decision to change the current practice of CCNE of setting their own effective date.

As a public health nurse I am concerned about protecting the health of the public in addition to protecting students who make a significant financial investment in their nursing education.

Changing the current practice would have significant long-term impacts on both of those groups that I think it is important to note. It would put students at risk as you have heard, who might graduate in the gap between a CCNE visit and the decision by the Board.
It’s important to recognize that the effective date of using the site visit for that effective date. The effective date for a positive accreditation affects those students in a good way. Without a positive decision by the Board there is no conversation about when the effective date is. My concern is that for students who graduate from a non-accredited nursing program, they are unable to get a job in a healthcare facility which puts their own financial investment at risk, their ability to pay back student loans. I will share with you that at Marymount we have well over 40% of our students who are either first generation college students or they are from disadvantaged backgrounds. This would be incredible problematic for these students. In addition to that, having fewer students and graduates from an accredited nursing program will put fewer nurses in the work force, will limit the pool from which we can draw nurse educator faculty and ultimately will harm the public by not having a sufficient number of nurses being prepared.

CHAIRMAN KEISER: Thank you.

MS. MATTHEWS: Thank you.

CHAIRMAN KEISER: I would like to also recognize now Dr. Marie Nolan from John’s Hopkins University.
MS. NOLAN: Thank you Mister Chairman. I’m Marie Nolan, the Executive Vice Dean at John’s Hopkins University School of Nursing. I’ve been in academia for 15 years. My current responsibility is to ensure the quality of the academic programs in addition to faculty development.

I want to speak to the importance of the effective date issue from a faculty student and public perspective from a faculty perspective to give an example of how this rule is enacted.

We introduced a 6 semester program back in 2008. In the 5th of the 6th semester the faculty conducted a very rigorous self-study of the program including how the program was being enacted.

We had already spent two years planning the program but it was important for the faculty to look in the self-study of how the program actually had been enacted. After that we sent our self-study to the CCNE.

CCNE was able to have a highly qualified group of reviewers review our self-study within 8 weeks and come on site for a self-study within the 6 semester program. Within two months after the visit the full Committee, the Board, was able to approve our program.

That was exactly 2 months after the first class
graduated. The importance of graduating from an accredited school has already been emphasized. What has not been emphasized is what the results are if the schools are forced to back up the self-study and the on-site visit.

If we were forced to back up the self-study to say the second semester of a 6 semester program, we really would not be reporting on the curriculum as enacted, we would be reporting on the curriculum as planned.

So from a faculty perspective we would not be following the spirit of accreditation which is inviting highly qualified colleagues to review our program in the most rigorous way.

From a student perspective I have been present speaking to students at multiple open houses when we launched the new program and by far the most common question in launching the new program is -- is your program accredited?

Especially at a private institution like John’s Hopkins where students invest thousands of dollars and come from all areas of the country to be with our school, the second most common home state of our students is California.

We were ranked 2 years ago as the number 1 graduate school in the country by U.S. News and World Report.
Despite that, many students were unwilling to come to the first cohort of our program because they so feared that if the school did not get accredited in time they would have a degree that had no meaning for them. 

So from a student perspective it is essential. And then finally from the public perspective we are able to produce high-quality students who are very effective in delivering the highest quality of care to patients, families and populations because of the accreditation process we have now and its focus on evaluating the curriculum as enacted, thank you.

CHAIRMAN KEISER: Thank you that was a long sentence, that last one. Thank you very, very much. We need to bring up the staff do you have a question -- staff? Thank you very much.

But we have one more step. Comments, Nicole?

MS. HARRIS: Yes, just briefly I just wanted to back track on some of the things that were mentioned prior by the Agency in their decision of why they feel they are compliant. Just to document for the record, just to let everyone know.

The draft staff analysis -- I received documentation from the Agency with the dates blocked out and a lot of information redacted and it is documented in my response. So and
them updating their documentation there was a lot requested they were found out of compliance in the draft in 17 areas.

To speak to the good cause extension piece the staff determination for the draft the Agency mentions that they were never asked to provide any information and the staff determination was that the Agency needs to provide documentation without redacted dates and program identifiers to the Department to determine the Agency’s compliance with the good cause section which is 602.20B enforcement action.

And the Agency must also provide its written policies and procedures describing the length of time for extensions for good cause and evidence of good cause extensions.

I’m sorry --

CHAIRMAN KEISER: Go ahead.

MS. HARRIS: Oh and evidence of good cause extension -- so it was requested in the draft so I am not sure if they might have not understood but it is written here that that was requested and they updated their policies to reflect what was requested in the staff determination but they just didn’t provide an example.

And their update to their procedures was received in May of 2017. And to your question Claude their effective date is
to the first day of the site visit, not the end of the site visit, it is the
first day before it begins and so it is the first day of the site visit.
So that’s to that point and also the reason that they
were found non-compliant in the Competency of Representatives
602.15A-2 is not because they don’t have procedures which we
know they do have procedures, but when you are training staff you
are training staff on what’s required and the non-compliant
reference that the Department has already discussed with the group
about the back dating is something that they are trained on.
And at the site visit it was plastered on a
PowerPoint to the program, the program staff and the program
leadership that was being reviewed that this is a practice of theirs
and this would be their date of -- their effective date would be the
date of the first day of the on-site review.
So I did want to reference that, that’s the reasoning
behind them being found non-compliant. Not that they don’t have
procedures it is just the training of their staff on procedures that
has been deemed non-compliant with the Department.
VICE CHAIRMAN WU: Super quick comment. I
did notice that issue and I want to back up staff. It was probably
not a good idea for the Agency to redact things that aren’t
confidential and that sort of undermine the Agency’s position so I
just want to say for all the agencies that are still here, probably not
a great idea to do that unless there is some really compelling
reason.

MR. PRESSNELL: Just to make sure I kind of
understand the process. So what you are saying is that the
accreditation would go to the first date of the on-site visit. After
that site visit between the site visit and the Board decision is the
institution able to take any corrective action or are there things that
can be submitted between those periods of time?

MS. HARRIS: Yes actually I have a decision letter.

They do actually have an Accreditation Review Committee that
can disagree with the site visit determination and the school would
need to go back and submit additional information which is
reviewed some more and then they have additional issues that they
would have to address but they will still go to the Board.

And as an example they have a letter that was
submitted into evidence, just to read an excerpt. The Agency -- the
CCNE granted accreditation to a Master’s Degree program in
nursing for five years extending them to June 30th of 2020 and at
this meeting the Board determined that the program met all four
accreditation standards.

However, they also include a sentence that the
Board additionally determined that there is a compliance concern with respect to one of the key elements of the standard. So if you have a -- you are granting full accreditation with a compliance concern, I’m concerned if the deficiency that they are identifying is something that we should be looking at as you backdate their accreditation to the first day when you still have issues that are lingering but they still get this first day of the site visit as their accreditation date.

So that was my concern and that’s the reason why I think the discussion has gone on.

MS. PHILLIPS: Just a question about what you just mentioned. I understood the Agency to be making accreditation decisions on substantial compliance, not 100% precise compliance?

MS. HARRIS: That’s not referenced in their letter. In their letter -- what I read verbatim they don’t make a distinction they just give their full accreditation.

MS. PHILLIPS: No, no, in their procedures at least that’s my understanding was that the CCNE procedures, operating procedures, provide for the decision-making body to grant an award of accreditation based on substantial compliance.

MS. HARRIS: Okay well I do so I have another
reference. I get that. I do also have another reference where they have a decision letter where they grant accreditation for three years for a program that has not met all four standards.

So they get accreditation but they also are non-compliant with one of the standards but they are getting granted the accreditation so I don’t know if that is considered substantial as well. It wasn’t made clear.

MS. MORGAN: Yeah I just wanted to make a few points as far as retroactive accreditation. The regulations and the statute have one term its accreditation. There is not a separate kind of accreditation based on the type of agency or how long retroactively that the effective date is set.

You are either accredited or you are not. So we -- if the Department were to change its policy from what it is announced it would have no limit on how far back an accrediting agency could set an effective date or in what circumstances it could do that.

The second thing is of course there has been a lot said about injuring students -- that is the very last thing we want to do. We believe that accrediting agencies can take care of these problems by timing their meetings. We have given them time to come into compliance.
The problems are not I mean as articulated the
problems are not with Title IV, with worries about Title IV funding
instead they are about problems with for example the Veteran’s
Administration and state licensing, they could come to
accommodations with them.

They could even grant accreditation for these other
purposes that weren’t within our recognition. There are lots of
potential possibilities beyond us accepting a retroactive
accreditation process that is not consistent with federal interests
and not supported by our regulations.

CHAIRMAN KEISER: I think we -- thank you
very much. Ralph you have a Motion?

MR. WOLFF: I have a Motion but I just want to be
clear we received information in the memorandum in support of
the objections of the Agency about the email correspondence from
Carol Griffith. As I understand she held a very senior position
within the accreditation unit, was the Director.

I do not feel that if it were the case a personal
decision, it is an action of the Department having received such
emails I can say that. So I just would say that I want to know --
were you aware of this email exchange at the time the “Dear
Colleague” letter was issued just so we know the record of -- given
Jen’s request about was it part of the Petition?

I would just like to know at what point did you become aware of it at least from the Agency given the fact you might not have been aware of it in your own internal record keeping about correspondence with this Agency?

MR. BOUNDS: Well I’m stating what, you know, the Agency, you know, quoted what Carol said I think in their response. Now I think Jennifer said it was in previous correspondence, I don’t recall or I don’t know that.

MS. HARRIS: No, I’m sorry Herman it was an excerpt. I included it in the draft.

MR. BOUNDS: Okay thank you.

MS. HARRIS: What was sent to the Department I included the draft which is a duplicate of what was included in a memo which is excerpts, it is not the original email.

MR. BOUNDS: So either way I acknowledged that -- I mean I acknowledged it and I understand the point about having the documentation and the email. I’m just saying sure, I was made aware that there was an exchange between CCNE and a former accreditation group Director.

The reason for the, you know, the additional documentation out to the agencies was to make sure that we
appeared we were handling this situation fairly by sending this
notification to everybody, thus we are leveling the playing field.
Nobody -- folks now know what the letter said and they could
make adjustments to their policies to come into compliance.

Again this letter is representative of all types of
accreditors, not just one single type. And as Sally said the decision
will affect all accreditors.

MR. FRENCH: Going back it was you said
between CCNE and the Director it was between the Department
and the Agency.

MR. BOUNDS: The only difference is I think that I
don’t have any other documentation saying that that conversation
was between any other accrediting entity?

MR. FRENCH: I mean the Department isn’t the
point. I’m making the same thing Ralph was --

MR. BOUNDS: Oh there’s no -- between that
person. It was between --

MR. FRENCH: You get where I am going?

MR. BOUNDS: I absolutely do 100%.

MR. FRENCH: Thank you.

MR. BOUNDS: But it was between the
Department official and accreditor but I can tell you that in other
places I’m sure things have been relooked and thought about and
said that probably wasn’t the right decision and then folks try to
change and make corrections as compassionately as we can.

CHAIRMAN KEISER: Does anybody else --
Claude? Because I would like to move to a Motion and then we
can have the same discussion.

MR. PRESSNELL: Okay if you want to get the
Motion on the floor go ahead.

CHAIRMAN KAISER: Yeah I would prefer to do
that rather than have the discussion.

MR. PRESSNELL: Then so be it.

CHAIRMAN KAISER: This is the time just to ask
the staff who was involved. Thank you very much now, if one of
the Readers or if someone would like to make a Motion, Ralph?

MR. WOLFF: I don’t know if Frank will agree but
let me put this out. And as a preface I want to say that I want to
distinguish between I think the larger policy questions around
which or about which I think there are several procedural,
substantive and the need for us to take action with CCNE.

My resolution is focused on CCNE. And it has a
little preamble but so let me read it and I can send it -- I don’t
know who I sent it to but Jen, to you or to Herman to put it up on
the screen.

MS. HONG: Pat.

MR. WOLFF: Pat. But so let me read it. The Committee does not --

CHAIRMAN KEISER: This is a Motion?

MR. WOLFF: Pardon me?

CHAIRMAN KEISER: You want to make a Motion?

MR. WOLFF: This is a Motion. The Committee does not support the interpretation made by the staff with respect to CCNE’s decision-making body. It should be with respect to the authority -- excuse me -- CCNE’s decision-making body to set the date of effective accreditation at the time of the site visit. If this decision-making body determines that at the time of the site visit the program met the Agency standards, the Council meaning NACIQI, should be Committee -- the Committee’s reading of 6.02.3 permits such an interpretation.

And I could go into detail but I believe our discussion earlier about grants and meets expectation could fall within that interpretation.

Moreover, the Committee finds that the rationale of protecting financial aid does not apply to CCNE since it is not a
Title IV gatekeeper and all programs accredited by CCNE are already regionally accredited. As a consequence, the Committee acts to grant CCNE continued Renewal for five years including approving its requested Expansion of Scope to Accredit Certificates.

Finally with respect to documentation of the Agency’s implementation of the Good Cause Extension following a show cause the Agency is directly to file all necessary documentation within 10 days following this meeting.

I think that’s just a ministerial documentation issue not an issue of non-compliance. And then to the policy question that I think we need to talk about. But the bottom line is to not accept the staff determination and to grant five year continuation of recognition.

VICE CHAIRMAN WU: I’ll second.

MR. WOLFF: And I’ll sent that to Pat.

CHAIRMAN KEISER: Now there is discussion, John?

MR. ETCHEMENDY: I want to speak in favor of this Motion in spite of the fact that I just heard it. And I want to make a simple point, I think it is a simple point, and that is when a Board or a Commission Accreditation Board or Accreditation
Commission votes, it votes to recognize that the institution meets the standards of accreditation. The vote itself is not part of meeting the standards. It can’t be because otherwise you could never vote that it meets the standards because prior to the vote up until the vote it has not met the standards. The vote is not part of meeting the standards. So as long as an organization as the Agency has a policy that it is recognizing that it meets the standards as of the effective date of accreditation, then I think it is in perfectly well in compliance with the regulations.

And Nicole’s examples are interesting examples and I think they don’t speak to the issue of the effective date. Because notice that in her example -- so take the example where apparently it sounds like an institution was granted accreditation in spite of the fact that they didn’t entirely meet the standards. That may be a problem, but it would be a problem even if the accreditation took place as of the vote just as much as it would be a problem if it took place as of the earlier date of recognition.

So, really the example does not speak to the issue of the effective date, and so I think we should just set that aside.

CHAIRMAN KEISER: Brian?
MR. JONES: So I will not support the Motion. So you know look I find myself torn here. You know as I said I represent an institution with CCNE accredited program and I do think that there is merit to the retroactivity and I do agree with the argument that in many respects it serves students well. But I also have the perspective of having spent four years as the General Counsel of the Department. And it seems to me sort of far beyond the authority of this Committee to purport to interpret the regulations of the Department. That is the purview of the Office of General Counsel. The policy decision again -- whether I agree with it or not again I think it is the purview within the purview of the Department’s policy and legal leadership. So I am very uncomfortable with an advisory committee, again our job is to make recommendations to the Secretary of the designated official but to have a Motion that says that while we disagree with the Department’s interpretation of its own regulation and so we are going to substitute our own judgment strikes me as just far beyond our authority here. And you know, to this point that well we had a prior representation from the Department about its practice of the way it interprets its reg. It happens all the time. Administrations change,
administrations change the way they interpret the regs, the way
they enforce the policies of the Department and again that’s
something that I said gave me headaches when I was the GC here.
I did have the sense that sometimes we were too
casual in the way that we purported to communicate policy like in
an email to one institution. And so I think what Herman has I
think very appropriately said is look, they have come to a
conclusion about what this regulation’s interpretation reasonably
ought to be and what they have set about to do is to try in a fair
way that is conscious of due process for all institutions, to give
them an opportunity to bring themselves in compliance and that
that standard applies to all agencies going forward.

And so you know, again agree or disagree on the
merits of the underlying policy but I think that the Department is
conducting itself appropriately here.

CHAIRMAN KEISER: Claude then Frank?

MR. PRESSNELL: Yeah I’m going to speak in
favor of the Motion. I think that the actual language of, you know,
excluding the document that Herman sent out the actual language
is not incredibly clear.

I think that it actually -- that and also that the
practice of the accrediting agencies have been basically that they
have the authority to set the effective date based on when they
determined the institution has met the criteria. And so if we have
an organization that says the substantial portion, the substantial
foundation of our decision is based on that site visit at that time
they were fully compliant, they are therefore accredited then so be
it.

But it does not, the language was not clear until the
guidance letter which has come after this that that -- no we have to
wait until the Board vote. So what we have is we have an
accrediting agency saying at the point of the site visit they were in
compliance, substantially in compliance if we want to go with
Susan’s language.

So I speak in favor of the Motion and I would say
that honestly it has been inconsistently applied, we are switching
here a little bit is my perspective on it and I hope we can get, you
know, move forward on some clarity but I will speak in favor.

CHAIRMAN KEISER: Frank then George then
Paul.

VICE CHAIRMAN WU: A question for Brian and
for others. What if Ralph’s Motion which I seconded had the
language about the policy issue stripped out? In other words what
if it just dealt with the Agency would that make you comfortable,
it’s just a question?

Because one way to approach this would be just to do it without the other language because that’s already been fully aired in this conversation?

But another point which we will talk about tomorrow which is something that Art Rothkopf raised before he left which is not new, it’s been kicking around NACIQI ever since we were reconstituted which is should we have some more authority here and this is a question not rhetorical to Brian, especially given that he was the former GC and given that there is a sister body to us which does have that authority, what if we urged Congress in the next Higher Ed Act change this so that we had more primacy in these discussions, would that be good, bad, would you oppose it support it, et cetera?

The main question Brian what if Frank’s Motion just had all the verbiage stripped out of it?

MR. JONES: Well I think even stripping out the verbiage at the end of the day I think that for us to vote suggesting that the Agency is in compliance even though the Department is clearly certain that it has an interpretation of its regs that puts the Agency and other similarly situated agencies out of compliance again seems problematic to me.
VICE CHAIRMAN WU: Say the language -- it is our recommendation to the senior official that this be changed. In other words if it were softened up so it wasn’t we are grabbing power?

MR. JONES: Yes and I have no problem with a recommendation to the Agency that it rethink its interpretation, given all that we have heard about how this benefits students. And I agree with that but ultimately I think that has got to come in the form of a recommendation and let them make the decision through their policy and legal shops.

CHAIRMAN KEISER: George -- you’re okay, Paul?

MR. LEBLANC: I have to speak in favor of the Motion. I think that with enormous respect for the work of staff on this but if we can’t form our own opinions on these matters which are not rigidly or clearly set out then I am not sure why we meet at all.

And I think as Claude has pointed out not only is the language not as clear as some might suggest, there is no language that suggests one can’t set the effective term and in fact on the statute -- the language around substantive change, a labor of pains were taken to actually delineate the effect of the term starts.
So the absence of that effort in this language seems to me to strengthen Claude’s case. I also think I mean having sat on a Commission of a learning institution I have gone through this process. This is not only sensible it is common sense, it serves students well. This feels like a bit of bureaucracy getting in the way of good thinking and good practice by well-intended people.

CHAIRMAN KEISER: If I may comment before you Frank, I would support the Motion even though I can’t vote on it unless you guys tie.

First of all our job is to make a recommendation not to make the final decision. I think we make -- and Ralph’s Motion makes a good case for us to at least and most importantly have the senior Department official look at this and look at the process because this has a huge impact upon a lot of accrediting agencies and I think this tees it up for them and if for no other reason they need to change it or if they feel strongly enough as the senior Department official to adopt, you know or maintain the policy that the staff has taken then that takes it out of our hands and it makes it very clear to the agencies what the policy is.

So I think it is incumbent upon us to advance this, not to pull it back but to advance this to the designated Department official, because the students are the ones impacted by it.
VICE CHAIRMAN WU: So I actually have a Motion to amend Ralph’s Motion and then something I want to state for the record because I want to see this actually get through. So the first is an effort to win Brian’s vote. So my Motion is that Ralph’s Motion and his language be amended to add at the end, “The policy recommendations here are made by NACIQI as a fact advisory body with the understanding that that is its role.”

So I’m making a Motion. Then I have a comment to try to increase the appeal of this position to the current Department of Ed which is the position consistent with less regulation, more autonomy, less federal government bureaucracy is the one that favors the accrediting authority.

So the administration with the articulated philosophy that it has had should find it appealing to lessen the regulatory burden here. So and we are not a partisan body and we are very mixed but I think we are sending a signal that there’s no reason to needlessly bureaucratically rigidly interpret rules in a way that adversely affects students, does not clearly produce a benefit and questions the expertise of accrediting authorities and long same practice.

So my Motion is to amend Ralph’s Motion with just
the language at the end, the policy recommendations here are made
by NACIQI as a facto body understanding that that is its role.

CHAIRMAN KEISER: Ralph, would you accept
that as a friendly amendment?

MR. WOLFF: Not yet. I want to make it clear I
tried to say at the onset.

CHAIRMAN KEISER: Yes or no because if we
have a second that would solve the problem. If you don’t accept
this friendly -- that’s fine.

MR. WOLFF: No.

CHAIRMAN KEISER: There’s a Motion to accept
the amendment so there is a Motion, Second to amend it, any
discussion on the amendment?

MR. BOEHME: I do not support it, this is Simon.

MR. PRESSNESS: Yeah I don’t support it either. I
think it’s inherent it’s in our title, that’s who we are. But I think to
call the vote on the amendment.

CHAIRMAN KEISER: That’s what we do first,
Ralph do you have discussion on the amendment?

MR. WOLFF: I just want to say that I tried to say
at the onset there’s a distinction between the policy issues which
include procedural and an actual decision on CCNE. So I would
support a separate way of approaching the larger policy question around the procedure and how this all came about, the role and relation to NACIQI but with respect to this recommendation I think we need to be very clear this is what we are recommending for this specific Agency so that’s why I opposed it.

MR. JONES: But doesn’t the Motion include language expressing our disagreement with the interpretation of the RAC?

CHAIRMAN KEISER: It does.

VICE CHAIRMAN WU: So Ralph, why not just strip that language out?

CHAIRMAN KEISER: No, Frank let’s just -- there’s an amendment to the Motion let’s stay on task. Any further discussion on the amendment -- sensing none, all in favor of the amendment signify by raising your hand -- 1, 2, 3, 4, it looks like the amendment fails.

We now still have the Motion on the floor any further discussion on the Motion -- Claude is recognized?

MR. PRESSNELL: You know I think that we may get into this tomorrow but this is germane to this that I think the language that we are bound to is the language in the statute and not the language of a memo.
And we talked about this before about sub-regulatory influence and I don’t want to go there. And so I think it would be incumbent upon changing the statutory language to make it more clear if that is what we need to do. But I think that it’s intentionally the way it is because I think agency’s should have the right to determine when an institution meets its criteria regardless of a Board vote, per se.

CHAIRMAN KEISER: Frank?

VICE CHAIRMAN WU: So I hesitate to make another Motion to amend but I will.

CHAIRMAN KEISER: You are going to make me work.

VICE CHAIRMAN WU: No, no, no, it’s a very simple Motion and remember -- I seconded Ralph’s Motion so if it passes as is I am fine with that. But it will be futile if the senior Department official doesn’t accept it.

So I am trying to increase the likelihood that this will actually happen. So my Motion is that we reach the result with no extra verbiage. That in one sentence we recommend approval of the extension of scope period. No reference to policy, none of this.

Because Brian is right we are picking a fight here if
we load it up with all of this language and this goes up and the
senior official will be briefed for five minutes and the briefing will
say, “Staff said this and it was fully vetted and NACIQI who you
don’t really even know or care about, they disagree and intruded
into policy.”

And you know, the result is just going to be clear --
the official is going to say, “Alright well I’m going with staff.”

CHAIRMAN KEISER: What you recommended
doesn’t solve the problem because we also have a re-recognition
situation not just expansion of scope.

Are you going to make a Motion?

VICE CHAIRMAN WU: So my Motion is to
amend to say the Agency is re-recognized with the expansion of
scope period, nothing else -- the standard Motion that we have --
no other verbiage about policy, staff, disagreement, et cetera.

CHAIRMAN KEISER: There’s a second by
George.

MR. BOEHME: I’d like to comment on that
Motion.

CHAIRMAN KEISER: You may.

MR. BOEHME: NACIQI after tomorrow will not
be involved in the process of staff being able to come back to the
senior Department official and comment on our record --

MS. HONG: They don’t do that.

MR. BOEHME: Well so then the accreditors get to come back and respond to the NACIQI recommendations.

MR. HONG: Right formal comments, I’m sorry I thought you were talking about briefing.

MR. BOEHME: No. It is so important as an advisory panel that we make it expressly known the way that we feel about this. I 100% support Ralph’s Motion. I do not support Frank’s Motion in any regard.

Because this has serious implications about students in ways that institutional leaders and former accreditor leaders know much better than I do. But I can just tell from this conversation students are going to get -- I’m not going to swear but really messed up and caught in the bind.

So I 100% am behind Ralph’s Motion. I think we need to make it knock the senior Department official over the head with the way that we feel about this and how potentially devastating this could be to students across the country.

CHAIRMAN KEISER: George you seconded the Motion?

MR. FRENCH: Yes I seconded the Motion fully in
support because I think there is a need to disaggregate as Ralph said this Agency. We have to deal with the Agency and if we keep the Agency with the almost -- the first part of the Motion I don’t agree with, I do agree that we need to get the Agency through is my point but we don’t need to indicate that we disagree with the staff’s interpretation and go through that whole thing.

I think that if we want to deal with it like Simon is saying we can deal with it separately than this Agency. We can get it through.

MR. BOEHME: But my only concern to George, and I agree with George, is that how do we do that? Because the accredditor is going to be able to respond after this NACIQI meeting and then the staff through formal -- that’s my only point.

CHAIRMAN KEISER: Yes we recognize. George on that we will have come across and we will have disagreed with the staff recommendation so it only has that specific language that we disagree and what we want. It doesn’t express the reason why.

So I think Ralph’s -- my belief and again I don’t vote until you guys vote and tie, I believe that Ralph sends the message to the designated official that there was a significant and serious difference and that you should look at this conversation because this is all transcribed and this is important stuff because it
will have serious impact all across the community.

It is not just the -- unfortunately poor CCNE is caught in the middle of this but the fact is this has much greater impact on many other agencies and I think that’s the key to this thing and teeing it up for the Secretary or the designee to make a good decision.

MR. FRENCH: If I can respond to you. I concur with you that it is going to be an issue and I think it needs to be brought to their attention. I’m just wondering if there’s a way to separate these two to let them know that we have an issue with interpretation to be sure but to also deal with this specific Agency.

The second thing I would just say is that it has been my experience in dealing with accrediting agencies what I do like about them is they are not prescriptive. They don’t come and tell you what to do.

What they do is they tell you to follow your own policies and in this case we have an agency that has a policy and we have DOE saying no, that cannot be your policy and they are being prescriptive so I have an issue with that.

CHAIRMAN KEISER: That goes to the original Motion or even to the amendment but they haven’t gotten there yet to make that determination. So is there any more discussion on the
amendment?

MR. FRENCH: Call the question.

CHAIRMAN KEISER: Thank you, thank you,

thank you. A Motion has been called -- what? No we are on the

amendment to the Motion to strip out everything but the final

recommendation. All in favor of the amendment please signify by

raising your hand, 1, 2, 3, 4, 5 all opposed, the amendment fails.

I would like to go to the main Motion now and we

have it up on the Board, it is long so I won’t read it, I think you all

know it, yes Susan?

MS. PHILLIPS: Would you entertain an alternate

amendment?

CHAIRMAN KEISER: We don’t need an alternate

we just need to maintain an amendment. You don’t need an

alternative because we only have a Motion. You can entertain as

many Motions and amendments as you want but it just takes time

and we have already lost two. We are batting zero for two.

The inning will be over at the end of this one, okay.

MS. PHILLIPS: I would like to propose an

Amendment that recasts the first two paragraphs in the existing

Motion to simply say that NACIQI accepts the authority of

CCNE’s decision-making body to set the effective date of
accreditation at the time of the site visit, end of that sentence and
then go on to as a consequence the Committee recommends
granting.

CHAIRMAN KEISER: Was that a friendly amendment?

MS. PHILLIPS: No.

CHAIRMAN KEISER: Is there a second to the amendment?

MR. FRENCH: I'll second it.

CHAIRMAN KEISER: Any further discussion on the amendment, Ralph?

MR. WOLFF: I just want to say that there has been an official ruling by the Department with all due respect through its procedures that have gone out to every accrediting agency that is recognized. We need to speak to that. This is not a be nice, let's hope that we at least I believe strongly and in fact if I were to amend it I would add the implications to the students is severe were the Department’s action to be completed.

And I do think, I feel deeply that regardless of the process and the good intentions the impact of this is so severe that the consequences, not just in nursing but to so many others is so important and that there is the possibility of reasonable
interpretation of 602.3 that would permit this Agency and others to continue what they are doing, that we need to make clear that we support a different kind of interpretation.

And we can’t ignore the fact that a “Dear Colleague” letter has gone out, with all due respect there was the best effort of the Department, the staff but this is our role to say we can’t support that based on the knowledge that we have, that’s my opinion thank you.

CHAIRMAN KEISER: There’s an amendment on the floor and it has been seconded. Is there any more discussion on the amendment? All in favor of the amendment please signify --

MR. FRENCH: Mr. Chairman can we get a just a recap?

CHAIRMAN KEISER: The amendment strips out the --

MR. FRENCH: First two paragraphs?

CHAIRMAN KEISER: First two paragraphs -- I wouldn’t put it up until we have it.

MS. PHILLIPS: The amendment was to replace the first two paragraphs so the Committee paragraph.

MR. FRENCH: And basically you want to say basically what are you going to say?
CHAIRMAN KEISER: No it just was to replace the two paragraphs.

MS. PHILLIPS: To replace those first two paragraphs with simply a statement that the Committee supports CCNE’s -- the right of CCNE’s Advisory Board Commission to make decisions about the effective date. I didn’t say that right.

CHAIRMAN KEISER: Is that clear to everyone because we can wordsmith --

MS. PHILLIPS: It takes out the controversy.

MR. JONES: So the language would be we support CCNE’s right or we support the wisdom of CCNE.

MS. PHILLIPS: I think actually the Motion spoke about the authority of it so there it is. So if I can just take the first - no. So the Motion was to take those first two paragraphs out, don’t do it please and to replace it with starting on the second line of the first paragraph that NACIQI respects the authority of CCNE’s decision-making body to set the effective date of accreditation yada, yada, yada.

And then just as a consequence the Committee has to grant.

MR. FRENCH: Brian what were you saying, Brian what did you say about respect?
MR. JONES: So again as I said, so I’m in the position of agreeing on the merits with the wisdom of that policy but also wanting to be very mindful about this body purporting to interpret their reg’s and such.

And so all I’m saying is to say -- if we were to say that we respect CCNE’s right to set the effective date of its accreditation in my mind that’s at odds with their interpretation of the reg and so I would not support that language.

I would however support language that says, we support you know, the benefit of this policy to students and would urge the Department to rethink its position.

CHAIRMAN KEISER: Please if you need, I would rather not have the conversations if we can try to keep it in line.

Are there any further questions or concerns on the amendment?

MR. ZARAGOZA: Brian, were offering that as an amendment?

MR. JONES: No that’s the old one.

CHAIRMAN KEISER: One amendment at a time.

You can have an amendment to the amendment I mean it gets complicated. So there is an amendment on the floor --

MR. BOEHME: And that’s this one?

CHAIRMAN KEISER: Yeah.
MS. PHILLIPS: Actually the sentence, that first sentence would end with everything that was in that sentence previously. So just go back to that sentence.

CHAIRMAN KEISER: Well we understand the idea I think we can wordsmith it.

MS. PHILLIPS: So take from authority all the way down through standards.

CHAIRMAN KEISER: Brian just out of curiosity when a rule, when a statute is interpreted a rule is written doesn’t it have to in the Department of Ed doesn’t that go to negotiated rule-making?

MR. JONES: No only if well again what we are doing here is changing the interpretation of a RAC and that does not have to go to --

CHAIRMAN KEISER: Is that clear?

MR. JONES: And I should say because the initial interpretation wasn’t --

CHAIRMAN KEISER: Does anybody have a question on the Motion?

Okay there’s an amendment to the Motion, the original Motion, all in favor of the amendment to the Motion raise your hand, just the amendment. There is 1, 2, 3 okay all in favor of
defeating the amendment signify by raising your hand, I did not vote. So the amendment failed we are back to the original Motion, back to the original Motion. Any more discussion on the original Motion, we have done a good job with this one.

MR. ZARAGOZA: Brian can you follow-up I liked where you were going with your comments on reconsideration?

MR. JONES: Okay, yeah. So, again as I said I agree with the merits of the position that the retroactive date of the accreditation benefits students. It has benefitted my own students however I am just -- I’m concerned and again it goes far beyond this issue.

It just it is a question of our authority as a body to interpret the regulations of the Department which I think is wholly in their purview. And so I would favor something along the lines of indicating that while the Committee disagrees with the Department’s interpretation that we support renewal of the Agency’s approval, you know, again subject to this interpretation of the regulations.

So I guess where I am at a difference with many around this table is I agree with the Department that as they interpret the reg’s today, CCNE is out of compliance as is any other similar situated agency.
And so under the current interpretation they have to get into compliance. But I would urge the Department to reconsider its interpretation because of the impact of its interpretation on students.

CHAIRMAN KEISER: Claude, Jill, Frank?

MR. PRESSNELL: Yeah I would first of all I think I need clarification. Tomorrow we are going to have a big policy discussion and I think this would go into that bucket. I think we need to make it very clear and even if we instruct to write a memorandum related to that discussion we can.

CHAIRMAN KEISER: We are capable of doing that.

MR. PRESSNELL: The other is that we are an Advisory Committee. We are to advise and we are not bound by an interpretation. We can engage in interpretation and say we advise you against that interpretation.

But I think this is a tomorrow discussion. I know you have other people in the que here but boy I would make a Motion, I’d call the question.

CHAIRMAN KEISER: I do have two people recognized, there is a Motion to call the question but I will continue with Jill and then Frank and then I will entertain that
Motion.

MS. DERBY: Well it’s my sense that we are all in agreement here but it seems to me the point Brian has made is about couching on the language of advising in a way that is probably more in line with the way we are defined as an Advisory Committee.

At the same time I have been part of this body and we many times had this discussion on the point that Arthur made earlier about having the final say. And we have sought that authority but it seems to require Congressional approval of it so I think that Brian’s point about couching it in the language of advising -- strongly advising, clearly we are all in agreement here about this might be the more appropriate language.

I just want to say it that way and my support for the amendment has been looking for the kind of language that I think might be more effective when it reaches the senior level.

CHAIRMAN KEISER: Frank and then I’ll entertain your Motion.

VICE CHAIRMAN WU: Super quick question for Brian. Brian, what would persuade the senior official to ultimately do this because if we have lots of language and we all feel good about what we said and the senior Department official just rejects
it we have just wasted 6 hours of our time.
So what would persuade that individual to say,
“Hey, let’s go with this decision”?
MR. JONES: Well again I think focus on the
impact on students. Sally already explained to us that from OCC’s
perspective this is a permissive interpretation not a mandatory one
so clearly there is room for reinterpretation.
Now, again I presume that they have considered the
impact on students and so it may well be that we don’t impact -- it
may well be that we can’t change their mind but I certainly think
that by saying that we think that you have misinterpreted the reg’s
or we don’t agree with your interpretation of the reg’s I think is
just again not appropriate for an Advisory Committee in my
humble opinion.
CHAIRMAN KEISER: I did ask you know, we
now got back into another heavy discussion. I’m not sure we want
to go there. I would rather if we want to vote up or down the
Motion and then if we have to go back to more discussion we can
do that.
The Motion has been made by Ralph, it has been
seconded by Frank.
MR. BOEHME: A point of information I have not
yet expressed my specific opinions on this Motion and I would like
to do so before.

CHAIRMAN KEISER: The question has been
called. We certainly have had -- you certainly had plenty of
opportunity.

MR. BOEHME: I think this is a departure from -- I
do not agree with this. I think you have been very fair in the past
about allowing other people to say how they feel about Motions
and I have commented on amendments to the Motions.

VICE CHAIRMAN WU: It’s going to be faster if
Simon just speaks.

CHAIRMAN KEISER: Actually I’m going to cut
you down, call in security. Go Simon, go, go, no please after all of
that you have to.

MR. BOEHME: I make a Motion to call the
question.

CHAIRMAN KEISER: Well the question has been
called, all in favor of the original Motion signify by raising your
hand -- all those opposed to the Motion raise your hand. George
this is the opposition to this Motion so there are four -- no Brian is
not part of it, we are on Ralph’s Motion. That Motion is passed the
discussion is over. Wow, you guys made me work too hard.
The Committee does not support the interpretation made by the staff with respect to CCNE’s decision-making body. It should be with respect to the authority of CCNE’s decision-making body to set the date of effective accreditation at the time of the site visit. If this decision-making body determines that at the time of the site visit the program met the Agency standards, the Council meaning NACIQI, should be Committee -- the Committee’s reading of 6.02.3 permits such an interpretation.

Committee finds that the rationale of protecting financial aid does not apply to CCNE since it is not a Title IV a gatekeeper and all programs accredited by CCNE are already regionally accredited. As a consequence, the Committee acts to grant CCNE continued Renewal for five years including approving its requested Expansion of Scope to Accredit Certificates.

Finally with respect to documentation of the Agency’s implementation of the Good Cause Extension following a show cause the Agency is directly to file all necessary documentation within 10 days following this meeting.
We do not accept the staff determination and to grant five year continuation of recognition.

MR. FRENCH: Mr. Chairman must amend the policies and cease this practice going forward. This letter was June the 6th and they were almost through the process at the time. So would it be if this Agency said that they are looking into amending their policies going forward wouldn’t that satisfy this particular Agency?

CHAIRMAN KEISER: If the Secretary doesn’t uphold our suggestion and reinforces and significantly says that this policy is appropriate then the June 6th letter would be enforced for all Commissions going forward.

MR. FRENCH: Right.

CHAIRMAN KEISER: At least that’s how I understand it is that correct Herman?

MR. BOUNDS: It would support what was said on the record.

CHAIRMAN KEISER: But I will forward and reviews will be looking at this issue of retroactivity.

MR. BOUNDS: So the letter went out to the broad accrediting community so those agencies right now they will amend their policies going forward or tell us how they are going to
do it and what’s easy for them.

This, I guess once the senior Department official --

she will be ruling on our recommendation which was specific to

CCNE because they determined that they didn’t think the policy

was correct.

So they would have -- and I don’t know what she is
going to rule but that recommendation of hers would be specific to

what we put in the staff recommendation. It is still going to be

change of policies but in our recommendation we recommended a
time limit.

MR. FRENCH: Can I --?

CHAIRMAN KEISER: George, we are going to

have a whole part of tomorrow to discuss exactly this.

MR. FRENCH: Well Mr. Chairman I’m not talking

about, I’m talking about you are right the whole policy but I am
talking about this particular agency.

CHAIRMAN KEISER: This agency we are

finished. We have given them a 5 year recognition, approval -- no,

no of course but we had made the recommendation to five years. It

is contradictory to the staff recommendation now it is the

Department officials -- the designated Department official’s job to

work it out and they will make the final decision, we don’t, so it is
out of our hands.

MR. FRENCH: Now Jennifer shook her head. My simple question still is -- I know we are finished with it I’m just asking a simple question. Is this agency has said yes we will look at our policies going forward the staff could agree with that, we wouldn’t have two different things going up to the senior official.

MR. BOUNDS: That’s correct.

MR. FRENCH: Right so what’s going up to the senior official right now is what we all described and we know what’s going to happen and I’m just trying to like Frank, avoid that. If this agency is saying they are going to look at their policies going forward the staff would agree.

MR. BOUNDS: They are saying they don’t want to.

CHAIRMAN KEISER: And most of us disagree with the fact that the Department’s interpretation is correct. I certainly do. Okay we have got to move on.
Renewal of Recognition

American Occupational Therapy Association

Accreditation Council for Occupational Therapy Education (AOTA ACOTE)

CHAIRMAN KEISER: We are now moving into another Agency, thank you, we are sorry it took so long but that’s the way we are. And I honestly want to congratulate the Committee. I think you folks really flushed this out and I think it was a really effective discussion and we should be proud of our Committee.

VICE CHAIRMAN WU: This was important, this was a good discussion. It was collegial, it opens up all the issues of policy that we need to talk about. There’s nothing to be sorry about it is good we spent this time.

CHAIRMAN KEISER: Okay the Renewal Recognition of the American Occupational Therapy Association, Accreditation Council for Occupational Therapy Education, George French and Steven Van Ausdle are the Primary Readers. Elizabeth Daggett is our staff person and we have a number of Agency representatives and one third-party commenter.

MR. FRENCH: Mr. Chairman, American Occupational Therapy Association Petition for Continued
Recognition. This organization is actually celebrating their
Centennial -- 100 year anniversary this year. The Agency is
engaged in the accreditation of occupational therapy educational
programs for Master’s Degrees -- am I supposed to be going now?

CHAIRMAN KEISER: You are doing fine.

MR. FRENCH: A Bachelor’s, combined Master’s
and Bachelor’s and the Doctorate of Therapy Education. They
currently accredit almost 400 programs throughout the United
States, D.C. and Puerto Rico, first recognized 1952 the Agency last
recognized by this body in 2012.

Staff has no problems, no issues and they are
recommending the five year recognition.

CHAIRMAN KEISER: Thank you George,

Elizabeth?

MS. DAGGETT: Thank you. Good afternoon Mr.
Chair and members of the Committee. Again for the record my
name is Elizabeth Daggett and I am providing a summary of the
review of the Petition for Renewal of Recognition for the Agency,
the Accreditation Council for Occupational Therapy Education
under the American Occupational Therapy Association.

As noted the staff recommendation to the senior
Department official for this Agency is to renew the Agency’s
recognition for a period of five years. This recommendation is based on our review of the Agency’s Petition and its supporting documentation as well as observation of an on-site evaluation in February of 2017.

The Department did not receive any third party comments. Our review of the Agency’s Petition found that the Agency is in compliance with the Secretary’s criteria for recognition. Since the Agency’s last review in June of 2010 the Department had received no complaints until last month. That complaint is currently under review and I believe the third-party commenter is commenting on that particular complaint.

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

CHAIRMAN KEISER: Any questions, Valerie?

Seeing none will the Agency Representatives please come forward? Please introduce yourselves.

MS. ROBERTS: Mr. Chair, members of the Committee, we would like to thank you for this opportunity to speak on behalf of the Accreditation Council for Occupational Therapy Education, otherwise known as ACOTE.
My name is Dr. Pamela Roberts and I am the current Chair of ACOTE. I would like to take this opportunity to introduce Dr. Heather Stagliano to my left who is the Director of Accreditation at the American Occupational Therapy Association, otherwise known as AOTA and Dr. Neil Harvison to my right who is the Chief Officer for Academic and Scientific Affairs at AOTO. We would like to express our appreciation to Miss Elizabeth Daggett for her assistance in developing our Petition. Her knowledge of the regulations was clearly evident and her guidance proved invaluable during the process.

The ACOTE accreditation process is designed to assure that there are appropriate and quality practices in place to safeguard students, patients and the public. As a result of our accreditation process patients in the public are assured of high quality occupational therapy services.

Before I address the standard questions I would like to give you a little background on ACOTE. ACOTE accredits occupational therapy known as OT programs at both the Doctoral Master’s Degree level as well as the Occupational Therapy Assistant known as OTA programs at the Associate’s Degree level. ACOTE is made up of 24 members, 20 of whom are certified and licensed occupational therapists or occupational
therapy assistance with academic and practitioner backgrounds.

The remaining members include three public members and one higher education administrator member.

Now I would like to address NACIQ I’s questions regarding our accreditation decision and data gathering student achievement, standards performance and outcome data and our efforts to improve program quality.

Every accredited OT and OTA program is responsible for complying or maintaining compliance with all ACOTE accreditation standards related to its degree level. Any program failing to comply with any ACOTE standard is cited with an area of non-compliance.

If a program is in substantial compliance with the standards or in non-compliance with one or more standards believed to be readily correctible within a mandated correction period it is not denied in the show accreditation or placed on probation but is given a shorter accreditation term and monitored with plans of correction and progress reports until it comes into full compliance.

However, an accredited program that is cited with one or more areas of non-compliance, not deemed correctible within a mandated correction period is placed on probation. Since
ACOTE’s last Petition in 2012, 165 programs were granted a reaccreditation term of 5, 7, or 10 years. 76 programs became initially accredited and 172 programs progressed through the initial accreditation process.

Overall in 2016 ACOTE took action on 1,194 accreditation reports pertaining to 520 OT and OTA programs. Over the past five years and including ACOTE’s most recent meeting in April of 2017, the Council has placed 23 accredited programs on probation.

11 of the probationary actions were due to non-compliance with Standard 8.5.6. which relates to NBCOT exam pass rates. Trial programs were placed on probation due to approaching the end of mandated correction period which to come into compliance with the standards or due to the number and nature of the areas of non-compliance.

The area of non-compliance most frequently cited and resulting in probationary action includes standard related to faculty, strategic planning, program evaluation and curriculum.

ACOTE has withdrawn accreditation from two programs since 2012.

In April of 2013 accreditation was involuntarily withdrawn from a program for failure to correct or demonstrate an
upward trend for the certification pass rate during the allotted
correction period. The failure of the program to return to full
compliance and its inability to meet the criteria for extension for
good cause, led ACOTE to vote to change the program status for
probationary accreditation to accreditation withdrawn

In December of 2016 ACOTE voted to involuntary
withdraw accreditation from a program due to school closing
without warning. ACOTE worked with the program’s national
accreditor and other programs to assist the transfer of students into
qualified programs to complete their education.

Next I would like to address ACOTE’s standards of
practice related to student achievement and performance in
outcome data. ACOTE’s standards of practice related to student
achievement insures student success based on close monitoring,
the requirement that every program systematically collect specific
outcome data that is analyzed and incorporated into the program’s
evaluation report, strategic plan and curriculum.

Every program must report on student achievement
measures through their interim report, self-study and annual report.
The student achievement measures including retention and
graduation rates, work level 2 competency and completion, pass
rates on the national certification exam and employment rates.

Prior to the spring ACOTE meeting, ACOTE established an expert panel to calculate and compare the student achievement data benchmarks between like programs which are subsequently reviewed within the context of each program’s mission.

Typically the benchmarks are established at approximately two standard deviations from the mean. Any program reporting retention or graduation rates, Level 2 pass rates or low on point rates that do not meet the established benchmark must provide additional information to ACOTE that specifically addresses the issues and includes a program evaluation to address the low rates.

If a program fails to address the issue, the program is cited with an area of non-compliance and is closely monitored through the more frequent reporting. As with all citations for non-compliance a program is required to return to full compliance within a mandated correction period as required by the U.S.D.E. and ACOTE policy.

Failure to maintain the required student achievement standards is one of the primary reasons behind adverse program actions taken by ACOTE. ACOTE’s continued

monitoring of student achievement through multiple reports allows it to maintain high student achievement in OT and OTA education.

Next I would like to address the student achievement measures individually. I’ll begin by discussion the retention and graduation rates. Graduation rate is defined as the number of students that complete the program within 150% of the stated program length.

The graduation rate must be reported on the program’s website and through all reports, annual, interim and self-study. Retention and graduation rates have remained consistent over the past five years with Doctoral student retention staying within the 96 to 98% range, Master student retention staying within the 94 to 97% range and OTA student retention remaining within the 84 to 86% range.

Regarding the experiential component of the educational program known as Level 2 field work, ACOTE standards dictate that each OT student must complete at least 24 weeks or 6 months of full-time Level 2 field work and OTA students must complete at least 16 weeks or 4 months of full-time Level 2 field work as a requirement to complete their educational program.

Our latest annual data shows that 98% of the OT
students and 97% of the OTA students pass their experiential component after being evaluated by the field work sites to possess the necessary skills for entry level competency, clinical competency.

Additionally these rates have remained consistent over the last five years. ACOTE has one bright line standard, the national certification examination pass rates which are reported directly to ACOTE by the certification body, the National Board for Certification Occupational Therapy which is better known as NBCOT.

ACOTE standard 8.5.6 requires that each program maintain an average pass rate of 80% over the three most calendar years for graduates attempting the national certification exam within 12 months of graduation from the program regardless of the number of attempts.

Overwhelmingly the majority of our programs exceed this benchmark. ACOTE instituted this bright line standard in 2006 and in 2011 changed the three year, 80% pass rate within one year of graduation after analyzing credentialing examination results data made available from NBCOT.

When the benchmark was first established in 2006 the standards stated the average total pass rate of graduates taking
the national certification exam for the first time over three most

calendar years must be 70% of higher.

In 2011 based on extensive feedback from

stakeholder groups, ACOTE introduced a new benchmark of the

three year average of 80% pass rate within one year of graduation.

ACOTE defines the employment rate as the number of graduates

employed in occupational therapy practice within 6 months of

graduation.

The United States Department of Labor, Bureau of

Labor Statistics and AOT’s 2015 salary and workforce survey both

report the job market for OT’s and OTA’s is very strong. The

Department of Labor reported that the job outlook for OT’s and

OTA’s between 2014 and 2024 will increase by 27% and 40%

respectively with an expected increase in the number of OT

positions by 30,400 and 16,800 for OTA positions.

ACOTE is currently in the midst of comprehensive

standards revision. In the process of this revision ACOTE is

analyzing the validity of the existing standards relating to student

achievement and is gathering input from our communities of

interest regarding these standards.

The revised standards will still require all programs

to maintain high student achievement.
Finally I will address ACOTE’s efforts to improve program quality. ACOTE defines a program as “at risk” if one -- has areas of non-compliance that are so serious, that the capability of the program to provide acceptable educational experiences for the student is threatened.

Two -- is at risk for carrying a cited area for areas of non-compliance outside the mandated timeframe or three -- has poor accreditation history.

In addition to being monitored through annual and interim reports, at risk programs are provided with shortened accreditation terms, monitored through increased reporting and potentially subject to a fact-finding visit.

ACOTE offers multiple resources to assist at risk programs and documenting full compliance and to promote program improvement, including accreditation workshops throughout the year and individual consultations with the accreditation staff to address specific standards of concern.

As a vast majority of our at-risk programs maintain accreditation we believe the resources provided have been beneficial in assisting their programs and successfully reversing their at risk status.

This concludes our remarks. Once again on behalf
of the Accreditation Council and staff we would like to thank the
Department and the Committee for the opportunity to present
additional information in support of our Petition for Recognition
and we are happy to answer any questions you may have.

CHAIRMAN KEISER: Thank you. Any further
correspondence, questions? Steve you were one the Readers?

MR. VAN AUSDLE: I want to start by
commending you for past performance, relationship to this
organization and commend you for the use of information in
decision-making and the influence that it appears your Agency has
had on your member institutions in terms of helping them use data
in that decision-making format.

You covered a lot of the student outcomes and a lot
of the student achievement and how you are measuring it. And
certainly, when you look at your completion rates, you would be
commended for the successful levels and the relevance that you
have.

Could you expand just a little bit on you talk here
how you encourage your member institutions to use information
and data in their strategic planning, how you have tied evaluation
to future planning and what difference that has made and maybe
specifically focus on how that is helping institutions that have
MS. STAGLIANO: Hello, what we do is we educate our programs into what you do with program evaluation data. So you don’t just collect data, look at it and say, “Oh that’s interesting.” You take that data and you use it to inform your program so you will understand that students are struggling in this aspect of the curriculum or on field work with these clinical skills and that incorporating that into the curriculum, looking at the different faculty members -- are they, do they have the competency? Do they have the expertise to be teaching a topic? Do they need additional training or whatever it is and incorporating all of that into the strategic plan and into the professional development plans and then looping around again to collecting more data to see what you are doing, is it working? And we do that with all of our programs, any program that calls up and is struggling with strategic planning or understanding where they are having trouble with their data, then we walk them through that process of making sure that everything links together.

MR. VAN AUSDLE: And what I think I observed in your report this is an on-going systematic process of collecting
information and using it in decision-making. It goes beyond just 
the self-study. What other reports and communication do you have 
that’s making this effective?

MR. HARVISON: Just to add this comment -- 10 years ago the most frequently cited standard outside of the 
certification pass rate would have been related to 
curriculum/curriculum design so we do a lot of work on curriculum 
enhancement.

Currently the most frequently cited standard is 
related to strategic planning and it’s failure of the program to 
demonstrate when they have systematic outcomes, learning 
outcomes that demonstrate there’s an issue but they haven’t 
reflected it in the strategic plan and they haven’t reflected it in their 
program enhancement strategies.

And that is the most frequently cited area. And then 
it comes back to staff to work with the program to explain why 
they received that area of certification and recommendations as to 
what sort of strategies they need to implement to get themselves 
out of that area of non-compliance.

MR. VAN AUSDLE: So what’s your strategy for 
improving your graduation rate significantly? It’s kind of a 
rhetorical question -- what’s your graduation rate, 96-97%, that’s
MS. STAGLIANO: To answer your other question we have annual reporting, then there are interim reports and then there is the self-study report.

MR. VAN AUSDLE: Okay.

MS. STAGLIANO: And we have workshops throughout the year that the program directors can engage in or other faculty members. They can call staff at any time to walk them through the process -- where they may be struggling, where they want to perform better.

And each annual report asks a question about what they are doing to improve their program and their outcomes so we are making them re-evaluate it annually.

MR. VAN AUSDLE: So my final question is so student achievement kind of has two dimensions. One is how well your cohorts of students are doing and the other is you expand more students and provide access.

You are in an emerging field correct? Are there strategies with your member institutions finding those needs and opportunities and growing their programs?

MS. STAGLIANO: We do see a lot of growth in our programs. We are also seeing that there is a lot more of a push
to move into community-based practices so that working with
individuals in their communities versus working with them in a
medical type of model.

So going down into the community level and going
to where those individuals are and helping them to live their life
mostly.

MR. HARVION: And something we have also
modified the last time around -- the standards are related to the
experiential learning requirements -- the field work Level 2.
Traditionally they mostly occurred within traditional medical-
based facilities or health related facilities or school systems.

But now we have standards in place that allows
programs to be more innovative in taking students into settings
where OT’s haven’t traditionally been provided those services.

And then there are requirements that go with the
scope and back through the aspects of practice relate to the scope
of practice of OT. If they bring in a supervisor in OT for that
aspect, but they can use other community based providers to
provide that experiential component, which is really expanding
practice into those non-traditional areas between community-based
practices.

CHAIRMAN KEISER: Any further questions?
MS. ALIOTO: You certainly are doing some impressive work. Could you tell me, does occupational therapy -- does that involve drugs at all with this OP thing, I’m sort of --

MR. HARVISON: Every health profession in this country at the moment is addressing the issue with the opioid addiction and the issues that are going on with that. Quite honestly when I was listening to your questioning yesterday I was thinking about the fact that the focus is really primarily on continuing professional development in the current workforce that is addressing those issues.

If you go to the entry level educational standards -- the standards are designed to prepare a graduate to deal with any societal issue that comes up and have that flexibility, have the skillset to deal with that.

Because really the students that are in our pipeline now are going to be facing some other societal issue when they finally come out of school in a few years’ time -- I don’t know what that will be but there will be something else.

MS. ALIOTO: Hopefully it won’t be opioid.

MR. HARVISON: Hopefully the current workforce will have addressed a lot of that issue for us because it is constantly changing. So we are really preparing our graduates to
think on their feet and deal with whatever the issue is of the day.

MS. ALIOTO: And the second question -- I strongly support using data to actually change behavior instead of just getting all of this data but you said you would do that as part of the annual plan. Do you ever look at the data and intercept early -- like you get the data in November so then you could help the students so they don’t -- obviously whatever you are doing is working but when do you make interventions?

MS. STAGLIANO: So the programs are required to complete an annual report and they are looking at their programs annual data and they are going to take that information and then analyze all of that, provide us with an annual report of how they are performing.

And so every April the Council will look at every program that we have, all of their reports of their data. And we then also look at how they performed last year to see if there’s an upward trend or a downward trend.

And if we notice a downward trend the Council may cite an area of non-compliance if it is non-compliant. They may ask for additional information from the program to say we need to know a little bit more about what’s going on and that opens the door to investigating are they looking at this data really
closely?

What are they finding? What are they doing about it?

MS. ALIOTO: Thank you.

MR. FRENCH: My colleague was saying you engage in both formative and substantive evaluation, correct? I saw that. I did see the evidence.

CHAIRMAN KEISER: Can you get a little closer to your microphone.

MR. FRENCH: I did the evidence of formative and substantive evaluation in reviewing the case which I think is part of that success.

CHAIRMAN KEISER: Thank you, any other questions, comments? Well thank you very, very much for agreeing to be with us. We have a third-part commenter, Mary G. Hardy?

MS. HARDY: That’s me.

CHAIRMAN KEISER: You have three minutes.

MS. HARDY: Good afternoon. I’m a former student of an OTA program recognized by ACOTE as one with no areas of non-compliance and of exceptional educational quality.

Unfortunately that was false and a lot of people were harmed. I’m
here to describe how this Agency has repeatedly protected a
program.

I do so in hopes that you will take action to ensure
that this Agency changes its behavior to comply with the USDE’s
criteria for recognition. I turned to ACOTE for help. I filed a
complaint documenting non-compliance with 14 standards.

After their alleged investigation Dr. Stagliano
advised me that my complaint had been fully evaluated and that
the program was found to be compliant. That was wrong. I knew
the program was not fully compliant. I challenged Dr. Stagliano.

She refused to discuss ACOTE’s decision with me.
She refused to let me see the evidence. She would only say that
the information was confidential and the decision final. I obtained
a copy of the evidence from my college. I was shocked.

ACOTE’s investigation was fraudulent. I filed a
complaint about ACOTE’s process. ACOTE’s panel dismissed my
complaint. They advised me that ACOTE’s ruling could not be
challenged.

Why? Because and I quote, “ACOTE will not
consider complaints that include matters pertaining to an adverse
accreditation action or citing of areas of non-compliance.” This
interpretation defies the U.S.D.E. criteria.
I wasn’t challenging an adverse action -- there wasn’t one. I was seeking the citation of areas of non-compliance. Why was ACOTE lying to me? I began to wonder whether their review of reaccreditation had been properly done.

I obtained the report of self-study. To my horror I discovered non-compliance with 18 standards, far from being fully compliant. I filed a complaint and guess what? That’s right, ACOTE dismissed that complaint too for the same reason -- but again there wasn’t an adverse decision and no areas had been cited.

Dr. Pamela Roberts, ACOTE Chairperson filed with a letter stating that ACOTE would not process or consider any other complaints by me. I am appalled at ACOTE’s and AOTA’s outrageous behavior. They do not uphold the standards of the profession, they are not fair or objective in their reviews, they ignored the report of self-study.

They lack integrity. These actions are in violation of the U.S.D.E.’s criteria for recognition. The Agency’s behavior is reprehensible, thank you for this opportunity to address you.

CHAIRMAN KEISER: Thank you for doing that under three minutes. Questions from the Committee, from us the Committee -- yes Claude?

MR. PRESSNELL: Yeah the complaint is clear but
it is vague. So I mean you say so many numbers of standards and
that you found it you know in compliance and when you say you
read something and you found it non-compliant with 18 standards,
you know, what did you read? What was non-compliant? What
was your experience precisely what happened?

MS. HARDY: Well the report of self-study is what
I read which is part of the reaccreditation process and in reading
that and in looking to each of the exhibits in there I could see that
this was not compliant and that was before I entered the program
and they got this stellar recommendation.

I am the one who filed the complaint within the last
month. That was done so late because I was not aware of the
criteria for recognition. I knew my program had been out of
compliance but I wasn’t aware of it. I was talking with an attorney
about where do I go next with this and he said, “What do you
want?”

What I want is for them to do their job. I want the
program to be brought into compliance and all programs brought
into compliance. This is my experience. I am only representing
one student in one program but so I learned about it about a month
ago. I found out -- oh my goodness this meeting is coming up and
they are coming up for a reaccreditation.
I want to be there, I have submitted a complaint background, volumes, but it is also digitalized that they will present.

MR. PRESSNELL: I’m sorry, so just to clarify you are saying in the self-study they had that the institution, the program, was not compliant with the self-study that went to ACOTE?

MS. HARDY: Well for all of the standards the colleges respond to all of the standards.

MR. PRESSNELL: Correct.

MS. HARDY: And there’s some evidence so one of them was that there needed to be a complaint process for complaints against the program and the college pointed to the grievance procedure for students who disagree with their grades and there is another standard that deals with the grievance procedure.

They are not the same thing but it was accepted as - it was accepted by ACOTE, by the college and essentially when I was having problems I was trying to find out what the complaint process was, well there wasn’t any.

CHAIRMAN KEISER: Ralph?

MR. WOLFF: I’m not sure if you are an aware we
are not an adjudicatory body for complaints so I am wondering if
you are aware that the Department of Education has a complaint
process. Having gone through the Agency’s complaint process that
you have the right, if you so choose, to file a complaint with the
Department of Education around the Agency’s non-compliance
with its own procedures and Department criteria.

MS. HARDY: I became aware of that about a
month and a half ago. I knew that U.S.D.E. accredited, you know,
recognized accreditation. I didn’t really know much more about it
and it was really through the discussion with my attorney that I
started to follow-up more and I again have submitted a complaint
to the Department which is what Elizabeth acknowledged but they
have not had a chance to take a look at it and I fully understand
that.

CHAIRMAN KEISER: John and then I would like
to ask a question.

MR. ETCHEMENDY: I just want to say thank you
for taking the trouble to come and I am glad that you have
submitted the complaint to the Department of Education. As
Ralph said we are not an adjudicatory body and of course we could
not possibly judge the evidence based on a three minute
presentation.
And as you know or maybe I don’t know whether you know, but the evidence -- the external evidence of the success of this Agency is really quite positive in terms of the success with the graduates of the programs that they accredit.

So based on that, that’s how probably most of us are going to have to vote, but I do want to thank you and I do want to wish you luck in -- I know the Department of Education will pay great attention to your complaint.

MS. HARDY: Thank you.

CHAIRMAN KEISER: Thank you very much.

Elizabeth? Oh the Agency has a chance to respond.

MR. HARVISON: Just that the third-party commenter did actually file three separate complaints against the school from which she was dismissed. This was investigated fully and the program was found in compliance with the standards at the time that the complaint was filed.

A second complaint was filed but was withdrawn by the complainant before the investigation was completed. A third complaint was filed again to different standards in each case and again the third one was withdrawn by the complainant before we completed the investigation. And there have been several legal actions that have been taken by the complainant.
CHAIRMAN KEISER: Thank you, any questions of the Agency, George?

MR. FRENCH: You said the third one was dismissed, withdrawn by the complainant?

MR. HARVISON: Correct.

MR. FRENCH: So there is not one currently?

MR. HARVISON: There is none currently no.

MR. FRENCH: There’s one with the Department currently?

MR. HARVISON: There’s one filed -- oh there was also a complaint filed against ACOTE that went through the process as to our procedures and that was dismissed, I guess that would be the right term. I’m not sure that’s the actual term.

And then recently we learned that within the last month a complaint was filed against the Department. There was a small claims suit filed in the state of Connecticut against the parent organization so there have been numerous different actions taken.

CHAIRMAN KEISER: Thank you. No further questions? Elizabeth, are you up -- thank you very much.

MS. DAGGETT: I have nothing further to add. I did say earlier we had received a complaint and it is under review.

CHAIRMAN KEISER: Thank you. Readers would
you like to make a Motion -- Steve?

MR. VAN AUSDLE: I would move for Renewal of
the Agency’s Recognition for five years.

CHAIRMAN KEISER: Your microphone, do it
again.

MR. VAN AUSDLE: Excuse me, I move Renewal
of the Agency’s Recognition for five years.

CHAIRMAN KEISER: Second by George. The
reason we use the mic is it is being transcribed so it is important
for the transcribers to hear though your voice carries. There is a
Motion and a second, is there further discussion of the Motion?

Sensing no further discussion, I’m sorry --

MR. FRENCH: I just want to thank John for his
empathy with the lady who brought the complaint and I want to
thank you for coming as well and I concur with John we base our
decisions based on the full scope of what the Agency has done, but
thank you anyway, thank you.

CHAIRMAN KEISER: Yes Jill?

MS. DERBY: Yes just following-up on that. I
know this has been brought up before but often we hear these but
we don’t have an opportunity to know what is the resolution of the
complaint -- just like we are always anxious to know how the
senior Department official acted in the face of our
recommendations, that sort of follow-up information is I think
important and relevant for us.

CHAIRMAN KEISER: Okay Jennifer you can do
that without a Motion -- let us know what happens.

MS. HONG: Of this particular?

CHAIRMAN KEISER: Yes. Okay any further
discussion? All those in favor of the Motion raise your hand? All
of those opposed -- Motion is unanimous we are on to the next one,
thank you Elizabeth, thank you members of the AOTA.

NACIQI RECOMMENDATION

Renewal of the Agency’s Recognition for a period of five years.
Renewal of Recognition

Association for Clinical Pastoral Education, Inc. (ACPEI)

CHAIRMAN KEISER: The final -- it’s hard to believe we are coming to our final and we are almost on time. We still have a quorum that’s fine. This is a Renewal of Accreditation for the Association of Clinical Pastoral Education, ACPEI.

Neither of the Primary Readers are here but Simon is it you that has agreed to fill in for Bobbie and Anne? The Department staff is Valerie, thank you very much Valerie. We have three Agency representatives and no commenters. Valerie you are up -- oh no, Simon you are up.

MR. BOEHME: The Accreditation Commission is the accrediting body within the Association for Clinical Pastoral Education, ACPE. ACPE is a multi-cultural, multi-faith organization devoted to providing education and improving the quality of ministry and pastoral care offered by spiritual caregivers in clinical settings where ministry is practiced.

The Commission accredits 267 centers, 5 candidate centers and 23 accredited systems with 78 components. The accreditation does not enable the ACPE centers or programs to establish eligibility to participate in the Title IV HEA programs.
However, recognition by the Secretary enables the Agency’s accredited centers and programs and/or students of these programs to participate in non-HEA programs such as the International Exchange Visitors Program.

CHAIRMAN KEISER: Now it is your turn Valerie, sorry.

MS. LEFOR: Good evening Mister Chair and members of the Committee. For the record my name is Valerie Lefor and I will be presenting a summary of the Petition for Continued Recognition submitted by the Association for the Clinical Pastoral Education referred to as ACPE or the Agency.

The staff recommendation to the senior Department official for the Agency is to renew the Agency’s recognition for a period of five years. Based on review of the information in the Agency’s Petition and observation of the Agency’s Conference and a site visit, Department staff found that ACPE is in compliance with the Secretary’s criteria for recognition with no issues or concerns.

The Department did not receive any written third-party comments and has received and resolved one complaint during this review cycle regarding the Agency. Therefore, again, the staff recommendation to the senior Department official for the
Agency is to renew the Agency’s recognition for a period of five years. Representatives are here from the Agency and I am happy to answer any questions that you may have. This concludes my report, thank you.

MR. HAYTHORN: Somebody has to be last today.

Thank you very much. Mr. Chairman my name is Trace Haythorn, I serve as Executive Director for ACPEI.

MR. MEDWED: My name is Marc Medwed, I serve as the Program Manager for ACPEI.

MR. MAYBERRY: Good afternoon, my name is Wayne Mayberry. I am the current Accreditation Chair for ACPE. In my day job I am the Director of Pastoral Care and ACPE at Tampa General Hospital.

Trace, Marc and I want to thank you all for letting us be with you today. We look forward to the review. We are particularly thankful to Valerie for shadowing and observing an actual 10 year review and being involved in the preparation for that review and the follow-up of the review.

It was additionally quite instructive for me to meet with her at our national meeting and I think she learned a lot also about ACPE. Though our Primary Reviewers aren’t here we want to thank you Simon for stepping in at the last minute.
I think I would only add to the little blurb that you
gave about us a statistic that last year our centers certified 9,000
plus units of ACPE which is the equivalent of 2,700,000 hours of
clinical care given to patients and families.

That care that is given to patients and families is the
particular place that students draw most of their learning from.

ACPE offers unique training. It’s a blend of academic and
experiential learning, a form of theological training that takes place
in the classroom and in clinical settings where ministry is being
practiced.

The primary textbooks are the students themselves.

Beyond that they include patients and families with whom they
visit and then regular textbooks like you might find in any college
or seminary.

ACPE exists to offer two functions. The first is
accreditation of centers. The second is certification of supervisors
or educators. Each of those are essential and necessary for pastoral
ministry.

All of our ACPE centers are accredited to offer
Level 1 and Level 2 CPE and Level 1, Level 2 CPE has its own
core curriculum. Approximately one-third of our centers are also
accredited to offer supervisory CPE which is the training to create
Within Level 1 and Level 2 programs all centers offer individually units of ACPE, both full-time units in the summer or part-time units that occur September to April, September to January on a semester basis. Additionally most centers offer residencies which are a year-long program comprised of three or four units of clinical training and clinical pastoral education which we offer is one of the requirements, the essential requirements for individuals to become certified as a chaplain.

A unit of ACPE includes a minimum 400 hours and other than that 400 hours at least 100 must include a blend of classroom education, individual and group supervision. At the end of each unit students writes and supervisors write an evaluation connected to the ACPE outcomes and objectives as articulated in our standards. ACPE is a developmental process, there’s not a predefined number of units as student will take. Much of that depends on the student’s motivation for enrolling in a program.

Our students enroll for a variety of reasons. For many it is a requirement of their theological school. For others, it is a requirement of their faith group and part of their ordination.
Still others enter with the intention of becoming Board certified Chaplains with one of our cognizant groups.

Students are eligible to apply for Board certification after having completed four units of clinical training. Other students enroll as a means of preparing themselves for military service.

And finally, this is the smallest number but a number of students enroll because they have a sense that our clinical training offers something that their professional training missed.

I mentioned earlier that approximately a third of our centers are accredited to offer ACPE. Students who enter that program are actually learning to wear another hat, that of an educator. It is a further development of the training that began with Level 1 and Level 2.

And following that training they are either able to step in as a certified supervisor at a center or create a new center and a new clinical setting. The Accreditation Commission requires programs to maintain our minimum threshold of 75% of all students who enroll actually completing the 400 hours of the unit.

Today, every center has met and usually far exceeds this threshold. The Commission for our regional Committee
structure monitors this number as one data point in the collection
of annual reports we receive from each center. From this data
collection we know that our annual completion rate is about 99%.

In addition to monitoring the completion rates, the
Accreditation Commission requires centers to engage in regular
program evaluation gathering information from students at exit
interviews, making use of a professional advisory group and
reporting changes made to curriculum and the ACPE program as
part of the annual report.

There’s a lot more I could say for my sake and
maybe for yours at the end of this long day, Marc and Trace
whittled it down. They said that’s way too much information to
give, but we are certainly glad to respond to any questions you
have about our programs.

CHAIRMAN KEISER: Simon?

MR. BOEHME: Thank you it seems like you guys
are doing a great job I have no questions.

CHAIRMAN KEISER: Other members of the
Committee? Wow, that’s a first since I have been Chair. Thank
you for joining us. I think we will bring back the staff person,
Valerie? That you very much.

MR. MAYBERRY: Thank you.
MS. LEFOR: I have nothing additional.

CHAIRMAN KEISER: Okay we waited for that.

Simon do you have a Motion?

MR. BOEHME: I do.

CHAIRMAN KEISER: I’m sorry do you have a question, Kathleen?

MS. ALIOTO: I just wanted to thank you for your excellent work. You have been before us so many times this week and are so competent, thank you.

MR. BOEHME: I have a Motion to Renew the Agency’s Recognition for a period of five years.

CHAIRMAN KEISER: George French beat Federico to the Motion. Is there any other discussion on the Motion? Sensing none all in favor of the Motion signify by saying, “Aye”, raise your hand you did, thank you. All those opposed raise your hand -- there are none. Thank you very much.

**NACIQI RECOMMENDATION**

Renew the Agency’s Recognition for a period of five years.

I will say it was a very long day but most importantly we covered a lot of important issues and there were some really in depth and good discussion. We will carry on tomorrow.
Please if you have anything else let me give you what is on the agenda for tomorrow. The first will be the whole issue of the student unit records and big data, the use of the data, creation of bright lines, measured learning versus measured outcomes.

The third part sub-regulatory directives, best practices verses required practices. NACIQI as the final authority is the fourth issue, fifth the whole concept of military approvals and what we do in that and sixth -- can we look at different timelines for approvals from 12 months to a shorter period based on the issues that are at hand.

And we have a presentation on the dashboard and Kathleen has something she wants to say.

MS. ALIOTO: I wondered if we could also add what that second to the last group -- how do you assist your members to use data to improve student learning outcomes? Could we add that to our questions?

CHAIRMAN KEISER: That’s actually number two in terms of how do we use the data and how do we want it to be used not only in a negative light but in a positive light, you know, that’s a very important part of that.

MS. ALIOTO: Okay thank you.
CHAIRMAN KEISER: Okay again thank you for being so patient. Thank you audience for being with us and we will reconvene tomorrow at 8:30 is that correct? Now, just to let you know it is my goal to finish by noon if not earlier but that is going to be up to you and your discussions but the agenda is to complete at noon if you want to change your flights.

(Concluded at 5:00 p.m.)