U.S. DEPARTMENT OF EDUCATION

OFFICE OF POSTSECONDARY EDUCATION

NATIONAL ADVISORY COMMITTEE ON
INSTITUTIONAL QUALITY AND INTEGRITY

MEETING

WEDNESDAY
MARCH 3, 2021

The advisory committee met via video-teleconference, at 9:00 a.m. EST, Arthur E. Keiser, Chair, presiding.

ADVISORY COMMITTEE MEMBERS PRESENT:
ARTHUR E. KEISER, Chair
KATHLEEN SULLIVAN ALIOTO
JENNIFER L. BLUM, ESQ.
RONNIE L. BOOTH
WALLACE E. BOSTON
JILL DERBY
DAVID A. EUBANKS
PAUL J. LeBLANC
D. MICHAEL LINDSAY
ROBERT MAYES
ANNE D. NEAL
RICHARD F. O'DONNELL
CLAUDE O. PRESSNELL, JR.
ROBERT SHIREMAN
STEVEN VanAUSDLE
DEPARTMENT OF EDUCATION STAFF PRESENT:
GEORGE ALAN SMITH, NACIQI Executive Director,
Designated Federal Official
HERMAN BOUNDS, Director, Accreditation Group
ELIZABETH DAGGETT
LAUREN FRIEDRICH
NICOLE S. HARRIS
CHARITY HELTON
JASS HOLT
VALERIE LEFOR
REHA MALLORY
DONNA MANGOLD
STEPHANIE McKISSC
ANGELA SIERRA
KARMON SIMMS-COATES
MICHAEL STEIN

ACCREDITATION AGENCY REPRESENTATIVES PRESENT:
Montessori Accreditation Council
for Teacher Education (MACTE)
REBECCA PELTON, Board President
AIMEE FAGAN, Director of Accreditation
JOE LUBIG, Board Treasurer
CAROLYN PINKERTON, Director of Communications
STACEY SEAPY, Director of Finance and Technology
KAREN SIMON, Board President

Council on Naturopathic Medical Education (CNME)
JAMEY WALLACE, Board President
DANIEL SEITZ, Executive Director

Midwifery Education Accreditation Council (MEAC)
CASSAUNDRRA JAH, board president
AMARI FAUNA, Director of Accreditation
KATIE KREBS, Board President-elect
BEATRIX PACKMOHR, Executive Director
KRISTI RIDD-YOUNG, Board Vice Chair
Association of Institutions of Jewish Studies (AIJS)
RABBI DONIEL GINSBERG, President
CHAIM COHEN, Chair, Accreditation Council
DINA GONGOLA, Accreditation Liaison
NAOMI LANDESMAN, Accreditation Liaison

American Board of Funeral Services Education, Committee on Accreditation (ABFSE)
ROBERT C. SMITH, III, Executive Director
MARK EVELY, Board Chair
LEILI McMURROUGH, Board Vice Chair

PUBLIC COMMENTERS:
BERNARD FRYSHMAN, Association of Advanced Rabbinical and Talmudic Schools
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Mark Evely, Chairperson, ABFSE
Leili McMurrough, Vice Chairperson, ABFSE
THE OPERATOR: Welcome, and thank you for joining us for the first day of the National Advisory Committee on Institutional Quality and Integrity meeting.

Before we begin, please ensure you have opened the Webex participant and chat panels by using the associated icons located at the bottom of your screen.

Please note that all audio connections are muted at this time.

If you require technical assistance, please send a private chat message to the event producer.

With that, I will turn things over to George Smith, executive director of NACIQI.

DR. SMITH: Thank you, Candice. Good morning, and welcome everyone.

This is the meeting of the National Advisory Committee on Institutional Quality and Integrity, also known as NACIQI.
My name is George Alan Smith, and I'm the executive director and designated federal official of NACIQI.

As many of you know, NACIQI was established by Section 114 of the Higher Education Act of 1965 as amended, or HEA, and is also governed by provisions of the Federal Advisory Committee Act as amended, or FACA, which sets forth standards for the formation and use of advisory committees.

Sections 101(c) and 487(c)-4 of the HEA, and Section 8016 of the Public Health Service Act, 42 U.S.C. Section 2966, require the secretary to publish lists of state approval agencies, nationally recognized accrediting agencies, and state approval and accrediting agencies for programs of nurse education that the secretary determines to be reliable authorities as to the quality of education provided by the institutions and programs they accredit. Eligibility of the educational institutions and programs for participating in various federal
programs requires accreditation by an agency listed by the secretary.

That's provided in HEA Section 114, NACIQI advises the secretary and the discharge of these functions, and is also authorized to provide advice regarding the process of eligibility and certification of institutions of higher education for participation in the federal student aid programs authorized under Title IV of the HEA.

Further, in addition to these charges, NACIQI authorizes academic graduate degrees from federal agencies and institutions.

This authorization was provided by a letter from the Office of Management and Budget in 1954, and this letter is available on the NACIQI website, along with all other records related to NACIQI's deliberations.

Thank you for joining us today. I'll now turn today's meeting over to our chairperson, Art Keiser.

CHAIR KEISER: Thank you, George.
Good morning, everyone. Welcome to our meeting.

This will be for the next three days, and we have a pretty full agenda, so we hope everybody work with us.

This is a difficult environment with the pandemic and working on the Webex format, and I do have to say thank you to George and to Herman for the hard work in putting this meeting together.

I'd like to now have our members introduce themselves.

If you would, please make sure you're unmuted, and I want to go right down it alphabetically and ask Kathleen to start.

(No audible response.)

CHAIR KEISER: Kathleen?

(No audible response.)

CHAIR KEISER: You're muted, Kathleen.

DR. ALIOTO: Oh.

CHAIR KEISER: Well, I'll come back to Kathleen in a second. Can you unmute yourself?

DR. ALIOTO: Yes, this is Kathleen
Sullivan Alioto, and over the past 50 years of life, I have dedicated with teaching and leading educational excellence, and am honored to be part of this illustrious board, and working on how to continue that effort of true Department of Education and the institutions we serve. Thank you.

CHAIR KEISER: Thank you, Kathleen. Jennifer? One of our new members.

MS. BLUM: Hi there, Jennifer Blum. Happy to be here today, and look forward to being in-person hopefully next time. I am an attorney focused on higher education policy, development, I have my own firm, and I advise clients in that arena.

I have about 20 years of experience working on legislative and regulatory matters at the federal and state levels.

And I look forward to working with everybody.

CHAIR KEISER: Thank you, Jennifer. Ronnie?
DR. SMITH: I think Ronnie, he'll be late for today's meeting.

CHAIR KEISER: Okay. Wally?

DR. BOSTON: Hi, Wally Boston, president emeritus of American Public University System.

I'm pleased to participate in this committee and passionate about affordable education.

CHAIR KEISER: Jill?

DR. DERBY: Jill Derby, can you hear me?

CHAIR KEISER: We can.

DR. DERBY: Senior consultant with the Association of Governing Boards of Universities and Colleges.

CHAIR KEISER: David?

DR. EUBANKS: Good morning, everyone. I'm David Eubanks at Furman University, where I serve as assistant vice president for institutional effectiveness.

CHAIR KEISER: Paul?
DR. LeBLANC: Hi, I'm Paul LeBlanc, I'm president of Southern New Hampshire University, and the (audio interference) but I'm wearing a tie for the first time in a year.

CHAIR KEISER: That's good. I understand that, it's rare for me to wear a tie anymore. Michael?

DR. LINDSAY: Hi, I'm Michael Lindsay. I serve as the president of Gordon College, a liberal arts college on the North Shore of Boston.

CHAIR KEISER: Another new member, Robert Mayes.


It's a parent company and it's funded by Columbia Southern University in Orange Beach, Alabama, and Waldorf University in north Iowa, in Forest City.

A new member and glad to be here (audio interference) an honor to be a part of the
committee. Thank you.

CHAIR KEISER: Anne?

MS. NEAL: Good morning, everyone.

I'm Anne Neal, senior fellow of the American Council of Trustees and Alumni and president of the National Association for Olmsted Park.

CHAIR KEISER: Our Vice Chair, Claude?

DR. PRESSNELL: Claude Pressnell with the Tennessee Independent Colleges and Universities Association. I look forward to working with everyone.

CHAIR KEISER: Another new member, Bob.

MR. SHIREMAN: Bob Shireman. Happy to be here, and I am director of higher education at The Century Foundation.

CHAIR KEISER: And Steve?

DR. VanAUSDLE: Good morning, Steven VanAusdle, president emeritus of Walla Walla Community College out in Washington State.

I spend quite a bit of my retirement time helping those in higher education as a
mentor where I can.

CHAIR KEISER: So, we do have a quorum. I'd like to now introduce Herman Bounds to introduce his team.

DR. SMITH: I think you might have missed Rick O'Donnell.

CHAIR KEISER: Oh. He wasn't on my list, believe it or not.

DR. SMITH: Well (audio interference).

(Simultaneous speaking.)

PARTICIPANT: No problem.

CHAIR KEISER: You're right, I did.

Rick, I'm sorry.

DR. SMITH: (audio interference).

MR. O'DONNELL: That's all right, Art. Hi, this is Rick O'Donnell. I'm founder of Skills Fund in Austin, and good morning, everyone.

CHAIR KEISER: Okay, now Herman. Please introduce your team.

MR. BOUNDS: Sure, thanks, Art. Good morning. My name is Herman Bounds and I am the
director of the Accreditation Group, and I would like to introduce the Accreditation Group staff members.

We'll have Elizabeth Daggett, Reha Mallory, Nicole Harris, Stephanie McKissic, Charity Helton, Karmon Simms-Coates, Mike Stein, and Jass Holt will be providing any technical support that NACIQI members might have today accessing e-recognition.

I hope that doesn't happen, but she will be available to assist you in any way.

Thank you very much.

CHAIR KEISER: Great. It is now my pleasure to introduce Michelle Asha Cooper. Somebody?

DR. SMITH: Hold on. I'm sorry to interrupt, Art.

We've got three members of OGC who are part of today's meeting, too.

CHAIR KEISER: Okay.

DR. SMITH: Angela, go ahead. Angela, could you start and introduce yourself, please?
MS. SIERRA: Sure thing. Good morning, everybody.

My name is Angela Sierra, and I'm an attorney in the Department's Office of the General Counsel.

Glad to be with you today. Thank you.

DR. SMITH: Donna. Donna, please?

MS. MANGOLD: Good morning, Donna Mangold, also from the Department of Education Office of General Counsel.

DR. SMITH: And then, Lauren.

MS. FRIEDRICH: Good morning, everybody. My name is Lauren Friedrich. I'm also from the Department's Office of the General Counsel.

DR. SMITH: And we've got one person. Thank you, Lauren.

And one other person who's supporting us. Valerie, could you introduce yourself, please?

MS. LEFOR: Yes, good morning, this is Valerie Lefor, Office of Postsecondary Education
DR. SMITH: Thank you. All right, take it away.

CHAIR KEISER: Thank you, George.

Please welcome with me Michelle Asha Cooper, PhD -- is a strategic and collaborative leader with more than 20 years of experience in postsecondary education.

Through work and lived experience, Michelle has witnessed firsthand the transformative power of education.

Michelle has held key roles in leadership positions at the Institute for Higher Education Policy, the Advisory Committee on Student Financial Assistance through the U.S. Department of Education, the Council for Independent Colleges, the Association of American Colleges and Universities, and King's College in Wilkes-Barre, Pennsylvania.

Again, please welcome with me Dr. Cooper.

DR. COOPER: Good morning. Can you
all hear me? Can you wave if you can hear me?

Perfect. Okay.

Thank you so much for allowing me to drop by for a few moments this morning to greet you and to say good morning.

It's really good to see all of you. It's also really good to see some familiar faces, people like Claude and Bob who I have worked with in a previous lifetime.

I am so appreciative of the moment that you allow me to share with you because I know you have a real packed agenda.

There's a lot of work to do, and I recognize that we're all working in this sort of virtual environment, and this is your second virtual meeting since the pandemic started, so thank you for being experimental and trying something new, and just all that you're doing in this moment for students in colleges all across this nation in this virtual world that we're all in together.

I especially want to thank George
Smith and Herman Bounds, and other members of the Accreditation Group and Office of General Counsel, who are providing support for this meeting.

I recognize that over the next three days, that you are going to be reviewing nine accreditation agencies.

I am well aware that there has been a lot of work that has gone into preparing you for this meeting, and you have reviewed very detailed and lengthy documents in preparation for the deliberation that you're going to have.

Please know that all of us at the administration really appreciate what you're doing.

It's really, really, really an important job, and we thank you for that, but not only do we appreciate what you're doing, current and future students appreciate what you're doing.

And it is this work related to accreditation that will help, as you all know, set the standards of quality that are being
applied to the accreditation processes so that these students, the current ones, the future ones, can one day attend college, graduate from college, and ensure that they earn a degree that has value in the labor market and puts them on a path of social and economic mobility because that's why we're here, that's why you're doing this work, and I really do appreciate it and thank you in advance for what you are already doing, and I trust that you will have a very productive and engaging meeting.

Thank you.

CHAIR KEISER: Thank you, Dr. Cooper. We do appreciate your participation today. I'd like to go over our standard review procedures --

DR. SMITH: Art, before you do that, we're getting quite a bit of feedback. It's very important for people to mute their phone.

If you're not speaking, as Candice said a moment ago, it is very important for you to mute your phones. Go ahead. Sorry for the interruption.
CHAIR KEISER: Okay, thank you, George. Yeah, that is important because it'll be very hard.

We have 116 attendees, so it'll be very difficult if everyone doesn't participate in helping us make this meeting work.

What we normally do -- this is our standard review procedures. I'd like to go over those with you.

When we review an agency, we start with the primary readers who are assigned by the staff to introduce the agency application, at which point then the department staff provides debriefing.

Then, the agency representatives are invited to provide comments.

Then, there will be questions by the committee, which is followed by a response and comment from the agency.

Then, if we have third-party comments, the third-party commenters are introduced. They each have three minutes to make their
presentation.

Then the agency has the opportunity to respond to the third-party comments.

Then the department staff has an opportunity to respond to the agency's and third-party comments, at which point we will end the conversation with a discussion, and most importantly, a vote on our recommendations.

So with that, I'd like to begin the process, and we're talking about the start of the renewal of recognition for Montessori Accreditation Council for Teacher Education, and the primary readers are Wally Boston and Anne Neal.

Wally, Anne?

MS. NEAL: Wally, I think is going to do it.

DR. BOSTON: Yes. I just had to turn my mute off.

CHAIR KEISER: Just to let you know, the department official, the department reviewer is Stephanie McKissic. Thank you. Wally?
DR. BOSTON: The Montessori Accreditation Council for Teacher Education, or is shortened to MACTE, is a national programmatic and institutional accreditor. Currently, the agency accredits 103 free-standing institutions and 13 programs affiliated with the college or university located in the United States. Three of the free-standing institutions include a substantial distance education component. All three of those institutions require their students to attend at least 120 hours of residential instruction at their institutions in compliance with MACTE policies. The agency's recognition enables its institutions to establish eligibility to receive federal student assistance funding under Title IV. MACTE serves as a Title IV gatekeeper for four of the free-standing institutions that it accredits.
Four institutions with a substantial distance education component do not participate in Title IV programs.

The secretary of education first recognized MACTE in 1995.

Since then, the secretary periodically reviewed the agency and granted continued recognition.

The last review of the agency took place at the December 2015 meeting of NACIQI.

After that meeting, the department extended the agency's previous grant of recognition and required a compliance report on the three issues cited in the staff analysis.

All those issues have been reviewed, and the agency has met these requirements. This review is for renewal of the agency's recognition by the secretary.

CHAIR KEISER: Thank you, Wally. Let me introduce Stephanie McKissic, who's our staff, to discuss this particular agency.

DR. MCKISSIC: Good morning, Mr.
Chairman and members of the committee.

My name is Stephanie McKissic and I am presenting the petition for renewal of recognition for the Montessori Education Accreditation Council for Teacher Education, or MACTE.

The staff recommendation to the senior department official is for the agency's renewal of recognition for five years.

This recommendation is based on a review of the agency's petition and its supporting documentation.

In addition, the department staff observed an agency site visit and board meeting, and conducted a virtual file review in September 2020.

There were no issues with or complaints about this agency during this review period, and MACTE representatives are available to answer any questions that you may have at this time. Thank you.

CHAIR KEISER:  Thank you, Stephanie.
Is there any questions for Stephanie from the reviewers? Sensing none --

DR. BOSTON: All right, I have one clarification.

Stephanie, it's my understanding that there is at least one institution that is based in a foreign country that is accredited by this agency, but that institution does not participate in Title IV funding, correct?

DR. MCKISSIC: That is correct.

DR. BOSTON: Thank you.

DR. MCKISSIC: You're welcome.

CHAIR KEISER: Thank you, and just if you wanted to speak, introduce yourself so I can make sure that you come up on the screen.

At this time, I'd like to invite the agency's representatives to participate, and the people I have on the agenda are Dr. Rebecca Pelton, Dr. Carolyn Pinkerton, Aimee Fagan, Dr. Joe Lubig, and Karen Simon.

And if one of you would -- who will lead the discussion?
DR. PELTON: Can you hear me?
CHAIR KEISER: Yes.
DR. PELTON: You can hear me? Will we be on video, or no?
THE OPERATOR: You'll be able to share your video now.
DR. PELTON: Okay. I see. Oh, there it is. So, is my audio also on --
CHAIR KEISER: No, your audio's on your phone.
DR. PELTON: Can you hear me?
CHAIR KEISER: You need to put your phone up a little closer.
DR. PELTON: Now you can hear me?
Yes.
CHAIR KEISER: Yes.
DR. PELTON: Okay, great. Mr. Chairman and NACIQI committee members, thank you for another opportunity to speak to you.
My name is Dr. Rebecca Pelton, and I am the President of the Montessori Accreditation Council for Teacher Education, and I am joined
today with my colleagues, Dr. Carolyn Pinkerton, who is the director of Communications and State Relations, Aimee Fagan, who is the director of Accreditation, Stacy Seapy, who is the director of Finance and Technology, Karen Simon, who is MACTE's Board Chair, and Dr. Joseph Lubig, who is the associate dean for the School of Education and the department head for the Center of Native American Studies at Northern Michigan University, and MACTE's board chair.

I'd like to begin by thanking our analyst, Stephanie McKissic, for her thorough and tireless work during the renewal of our recognition.

Her feedback has not only been constructive, but focuses on our continuous improvement.

Our team found Stephanie always available for consultation and to answer any questions that we might have during this process.

Her presence provided invaluable help.

My staff and I have continued to strengthen and
recreate a positive atmosphere around the accreditation process, while reinforcing the importance of collecting data for use in demonstrating student achievement, and using this information for improvements and verification of quality in our programs and institutions.

With that, my team is now open to questions.

CHAIR KEISER: Are there any questions from the primary speakers?

DR. BOSTON: I have none, Art. My question was primarily for Stephanie, so I'm good.

CHAIR KEISER: Thank you. Are there any questions from any of the members?

(No audible response.)

CHAIR KEISER: Hearing none --

MR. SHIREMAN: I was raising my hand.

Art, I do.

PARTICIPANT: I didn't catch (audio interference)

CHAIR KEISER: I'm sorry, go ahead.
Go ahead. (audio interference) --

(Simultaneous speaking.)

MR. SHIREMAN: Hi, it's Bob Shireman.

Should I go ahead?

CHAIR KEISER: Okay. Go ahead, Bob.

MR. SHIREMAN: Okay, thank you. Thank you, Rebecca, for coming before the committee and for doing everything you can to be responsive during the pandemic.

I really thought that the materials that you've presented were a good example of what seemed like, you know, good use of accreditation.

And I wanted to point to a couple of things in particular and ask a couple of questions related to that.

One is in the area of student achievement.

Sometimes when you see the materials that an accreditor looks at, it is things like syllabi or what are referred to as student learning outcome assessments, but are not really the assignments and the (audio interference) of
what really happens in the school and the way
that learning happens.

And I was really pleased to see in the
exhibits that your process emphasizes what I
think of as being organic evidence of student
work and student learning.

I had not heard the term albums
before, but I thought that was an interesting --
it must be a Montessori, I don't know.

But albums and written exams, and the
original lessons, you know, looking at the
original lessons that the teachers that were
being trained were coming up with, and even a
mention of actual student work, saying that they
should also review some of the completed
assignments themselves just kind of as an audit
or check on the activity.

So I was really pleased to see that.

I also think a really important part
of accreditation -- the danger with any
accrediting agency is that it becomes essentially
a trade association for schools rather than
serving the public interest or students'
interest, and for me, part of the integrity,
which I think is what NACIQI is about, comes from
the public members of the board.

The public members of the boards are
the ones who are not directly a part of the
industry, and if they have the background and
independence to insist that what needs to be done
is for the interest of students and the public,
and not in the interest of the school, that
provides some confidence, at least to me as an
external person that, you know, that I can trust
this agency, and it looked to me -- I don't know
the people who were the public members, but they
seem to be people with stature in their own
right, and really had that kind of independence.

I did have one question I wanted to
ask, and that is whether you pay your public
board members, or really any of your board
members for their service?

And if you can say anything about how
you think about the public member -- kind of
public members, when you seek out people to play that role for you?

DR. PELTON: Thank you so much for your question and thank you for your comment. It's greatly appreciated.

We do not pay our board members at all, or our public members, are not paid.

One of our public members of our board is with us today, Dr. Joe Lubig, and we find the importance of our public board members to be very important because they represent higher education, and they both right now come from universities where they are esteemed faculty, and Joe Lubig is with us. He's a dean.

And another member, Dr. Mark LaCelle-Peterson is the head of AAQEP, actually.

MR. SHIREMAN: Okay. Thank you so much.

DR. PELTON: Thank you.

CHAIR KEISER: Thank you, Bob. Thank you. I have Anne Neal and then Kathleen. Anne?

MS. NEAL: Thank you so much for being
here. I'd like to just follow up briefly on the question that Bob had about public member.

    When I think of public, I think of someone outside the higher ed community.

    You're basically saying that you have two higher ed or education academics in your public position. Is that correct?

    DR. PELTON: Yeah, so we also have another public member that represents the Montessori community, and is not associated with higher ed.

    MS. NEAL: But they're all part of the Montessori or other community, so not just a random consumer or parent, or someone like that?

    DR. PELTON: No.

    MS. NEAL: Okay. And I guess I find that surprising, this, as I said, public seems to me to suggest someone outside the specific universe, so that's --

    (Simultaneous speaking.)

    DR. PELTON: Well, I would say that --

    I'm sorry, Anne.
Neither Joe nor Mark are Montessorians, and so, they do bring to the board what we feel is public support.

But as you said, at this time, we do not have just a parent, for instance.

MS. NEAL: And one other question. As I was looking through your materials, you all have a graduation or placement rate of 70 percent.

If you could just tell us how you all reached that particular benchmark, and how you ensure that benchmark?

DR. PELTON: Aimee, do you want to comment on that, or Stacy?

MS. FAGAN: Yes. Hi, my name is Aimee Fagan. I am the director of accreditation at MACTE.

So first, the 70 percent benchmark was set because many of our programs have smaller cohorts and it's what we saw as a good number for showing that the program is able to report (audio interference) their adult learners, the student,
and ensuring that they're graduating, competently carrying (audio interference) qualified teachers.

And the way that we check up to see that they are meeting that threshold is first during the annual report that they submit every year, they update all the cohort information.

We keep track of all their registered students, and when their students graduate, and it's also checked again when they submit their interim report, which is submitted for initial programs during the fifth year of accreditation, and it's also something that they self-report in their self-study renewal process.

MS. NEAL: Thank you.

CHAIR KEISER: Anymore, Anne?

Kathleen?

MS. NEAL: No, that's it. Thank you.

CHAIR KEISER: Kathleen? And then Jennifer. Kathleen?

DR. ALIOTO: This is Kathleen.

I have a question for Ms. McKissic, who always does such a great job, which actually
applies to not just Montessori, but to all of the presentations that have been made to us, and that is that the staff analyses often say that there is no documentation, no files uploaded by analysts, and are given a negative read on the various, or some of the competencies, and then ask the committee to support having the agency be accredited for another five years.

I don't get that, and that seems to be a policy throughout all of the documents that we have been presented with, so can you answer that?

CHAIR KEISER: Kathleen, can we wait until after we talk with the agency officials? Because Kathleen, we have a chance to talk to Stephanie after the agency officials. Is that okay?

DR. ALIOTO: Fine, fine. No, I think what they're doing is wonderful, but I just don't get what the department is doing. Thank you.

CHAIR KEISER: Okay, well we certainly can discuss that. But while we're with the agency, I'd like to stay with them.
Jennifer, you have a question?

MS. BLUM: I do.

I wanted to follow up on something that Anne asked, and how Aimee answered, and I just wanted to give Aimee an opportunity to perhaps elaborate on how you got to the 70 percent?

Because you said it was a good number, and I wanted to understand if that good number was based on a comparative analysis, a market analysis, sort of across your institution, perhaps across other institutions, if there are any, that offer the types of programs, and I understand the small cohort issue, but I'm just curious about, rather than just having it be a good number, I assume it was based on a little bit more -- it's a good number because of something else, that you all determined that there.

So I just wanted to give you the opportunity to perhaps elaborate on that.

MS. FAGAN: Yes, of course. I may
also ask Rebecca to jump in, as the 70 percent was developed before I joined the agency.

DR. PELTON: But it is --

MS. FAGAN: I'm sorry, do you want to go ahead?

DR. PELTON: No, go ahead. I'll piggy-back on what you're saying.

MS. FAGAN: Well, across the board for our program, it does seem to be a number that programs can hit, and many of our programs have a high graduation rate because people go into this usually having been in the Montessori classrooms, so they know essentially kind of what they're getting into.

So, I know many programs or many other accrediting agencies have a much lower graduation rate threshold, but 70 percent for us really seems to work and show us that the program is supporting.

And when we do have programs that are falling below that, and we follow up with them after their annual report numbers have been
submitted, we have a conversation, and sometimes
if it is with a small cohort, and they're maybe
at 60 percent, it's just because somebody left
because they were having a baby, but if it is
something that is happening continuously, we do
have them submit an improvement plan.

DR. PELTON: Yeah. It's an
improvement plan that comes in after that, and we
ask them to write out why the threshold dropped
below 70 percent.

Stacy, you might want to comment a
little bit about this. You do all the work with
the data and --

MS. SEAPY: Sure, yes. Hi. I'm happy
to jump in a little bit here.

So, one of the things, we revamped our
annual report a few years ago.

Because of these small cohorts, we
wanted the program to have an opportunity to give
us more information, so especially with if
there's a withdrawal.

A lot of times, they will tell us why.
And so, it's kind of a way to get another touchpoint with these programs so if they do fall below a 70 percent, many times, there's a reason why, they've already told us for each specific adult learner the reason.

MS. FAGAN: So, (audio interference) --

(Simultaneous speaking.)

DR. PELTON: And Jennifer, to answer your question directly, the 70 percent -- when I started in 2011, and we've analyzed it several times -- was a percentage that, again, we use because it had been set in place, however, it was set in place because of the reasons that Aimee and Stacy were just indicating.

And that's what we continue to use.

MS. BLUM: Okay. I'll just make one comment, which is that, and I'm not sure it's a question (audio interference) that I think understanding the background of how an agency gets to that placement rate itself, the 70 percent, is something that's really important.
I mean, to me that's a pretty high bar, so I'm not, you know, questioning really from a -- I would be much more concerned, frankly, if you were saying that your benchmark was 50 percent.

Then I'd really be pushing for the, well, how did you get to 50 percent?

Seventy percent is high, which is good, so that's good, and I totally understand the small cohorts making it even more complicated, but I guess I would press that both you and the staff -- and it's just more of a comment, that I think it's important to understand what the mechanics were that got you to understand why 70 percent is the right number for institutions that teach Montessori, you know, programs.

So that's where I was going with that, and I don't want to belabor it, it's just that (audio interference) --

(Simultaneous speaking.)

DR. PELTON: No. And it's a good
question.

We send out surveys to get input from
the community of our programs to establish this
graduation rate.

MS. BLUM: Okay.

DR. PELTON: So we get all this
feedback from them, and that was noted in the
petition itself, but I will reiterate that just
to say we get this input, and we gather the
information from the programs and the surveys.

MS. BLUM: Okay.

DR. PELTON: So, that is partially --

(Simultaneous speaking.)

MS. BLUM: That would be helpful, very

helpful.

And then my one other comment, Art,
real fast, is that -- and this is for the staff
later -- but I would like to understand -- it was
interesting, sort of Bob's question about public
members and then Anne's reaction, and at some
point, it would be great to talk to staff about
what the department views as sort of public
members' sort of capabilities, and things like
that, if there is a sort of guidance around that.

But that's not for this agency. Art,
I think you're on mute.

CHAIR KEISER: If you would lower your
hands after you speak so I can make sure that I
don't -- if you want to ask a second question,
I'll be able to recognize that.

Claude, you are up, and then Herman.

Or Herman, do you need to speak first?

(No audible response.)

CHAIR KEISER: Go ahead, Claude.

DR. PRESSNELL: All right, thanks.

Yeah, the question's for Rebecca.

I was just curious if you can kind of
backup and give us kind of the state of the
Montessori programs, and how the council is
responding to -- it may be stable in terms of the
number of programs that are out there, or it may
be decreasing, increasing, and I'm not sure that
-- you know, has COVID had any impact on the
programs, and then how the council responded to
that?

DR. PELTON: And thank you, Claude, for your question, and I'm going to let Dr. Pinkerton answer this because we did discuss this as something that would come up.

I can say as the president of the organization, we've done everything in our power to support our programs.

I'm not sure how much you know about Montessori, but teacher preparation programs are not usually delivered virtually because they rely so much on the materials, and their belief in, you know, face-to-face contact is so strong.

So, we have come up with ways to support them throughout this, and helping them with virtual delivery and hybrid.

So, Carolyn, do you want to add to that?

DR. PINKERTON: Certainly. We have seen in terms of how the Montessori community is doing for teacher education programs, that they are holding steady.
There has been, I would say in some programs, a reduced enrollment just because they have to adhere to safety distancing measures, but the majority of our program has worked to go online and be able to continue to meet the needs of their adult learners.

And specifically in terms of how we have helped our programs during the pandemic, we have from the get-go made sure we have a good understanding of the allowances permitted by the Department of Education, and we have used those to form our COVID policies, which we have communicated through emails, our website, our Facebook page, and meeting after meeting, phone call after phone call to answer questions and concerns by program directors.

CHAIR KEISER: Well, thank you (audio interference) --

(Simultaneous speaking.)

DR. PRESSNELL: Great, if I could ask -- Yeah. Here's where I need a little bit of education.
How do you all interface with the various state requirements on teacher preparation programs?

You know, there are (audio interference) standards for, you know, for public schools and so forth, and how do you guys navigate making sure that your programs are compliant with state regulations?

DR. PELTON: Carolyn?

DR. PINKERTON: Well, Montessori's -- a lot of our programs are going to be entering into the private sector, so when you're talking about CAEP or AAQEP, they're preparing for the vast majority a different population, he'll be going into public schools.

Our programs are required to meet the MACTE competencies, which envelop all of the Montessori philosophies of what they need to know and what they need to be able to demonstrate to do.

So while we are working with state agencies because we are interested and motivated
to have MACTE graduates be able to be recognized for state licensure where they may go, it is not the underlining of what our programs are required to do.

DR. PELTON: And let me just piggyback on top of that.

We do have right now nine states that recognize a credential diploma from a MACTE-accredited teacher education program for licensure to teach in that state.

As you know, every state has different regulations and different standards, so we have crosswalks to try to convince our states to, you know, recognize the credentials straightup because of the amount of work that goes into it, and it's interesting.

Montana will recognize the diploma or the credentials straight up for licensure, where South Carolina, they require all the graduates to take the Praxis.

So we say to states, you know, just let us know, and you know, you can add whatever
you need to to this recognition, but this is a
higher education, teacher education program.

Now, and Claude, I will tell you that
most of our teacher education programs are free-
standing institutions.

We have, I think -- Stacy, you'd have
to help me on this one -- what, 19 programs
within colleges and universities.

Oh, I know, Wally said that we have
some online delivery, but we do not accredit 100
percent online delivery or distance education
delivery.

They have to have 120 hours of
residency face-to-face.

So, you know, in talking with states,
and we do it every day, and Carolyn is our state
representative, or director of state relations.

We also work with another organization
that's called Montessori Public Policy
Initiatives, and they help with the states, too.

And again, that's with our public
members, they also help with negotiating with
states.

I don't know if that answers your question, but it is juggling and trying to get people at that state level to understand.

DR. PRESSNELL: Right. Yeah.

Like in Tennessee, we have different classes of accredited private institutions, and Montessori fits into that rubric here in Tennessee, but you're right, every state's different.

I was just curious as to how you, you know, navigated that, so thank you.

DR. PELTON: Sure.

And also just adding that the teachers that are prepared for infant, toddler, and early childhood is a completely different department in most states, and those are that are being prepared for K-12.

CHAIR KEISER: Are you finished, Claude?

(Simultaneous speaking.)

CHAIR KEISER: Finished? Okay, I
have Herman, then Bob Shireman, and I am not sure if Kathleen has kept her hand up or dropped her hand, so we'll find out.

Bob? Herman. Sorry, Herman.

MR. BOUNDS: Hi, Art. I didn't know if you wanted me to wait until staff comes up, but I wanted to address the question about our public member definition.

Would you like me to do that now, or wait until there is questions for staff?

CHAIR KEISER: Let's wait until staff so we can make sure it doesn't blend in with what the agency's reporting. So, Bob.

MR. BOUNDS: Absolutely. Go ahead.

MR. SHIREMAN: Thank you. I just wanted to follow up on some of the discussion about graduation rates, and I don't know where the committee might go on something like that.

But I wanted to actually caution against simple, strict graduation rates, and I don't think that's what you have, it sounds like it's more of a soft check, where, you know, if
you hit below a level, then there's a review and
a check on what's going on.

But graduation rates turned out to --
you know, there is a (audio interference) a lot
of -- when there are high stakes graduation
rates, there ends up being a lot of gaming of
rates, or graduating people who did not really
qualify, or keeping students out who you want in
higher education, and I think this is actually in
our area where the question of price and use of
student loans ends up playing a role.

For example, I have no problem with a
very low-cost or free program, letting almost
anybody in, and letting them try to see if a
program works for them, and having a low
graduation rate.

A lot of people do drop out.

You know, online programs that I've
tried because I was like, huh, that sounds
interesting, I get into it, I (audio
interference), maybe I benefit some, I drop out,
and in fact, because (audio interference) his
programs have graduation rates of, you know, under ten, under one percent.

It's free, nobody's taking on a bunch of debt, it does not hurt anybody. It helps a lot of people who get to try something out.

In something like teacher education, many of the programs that we're talking about here, it costs people money.

The program has a responsibility to make sure that the students who are entering know enough about what they're getting into to really make sure that they can stick with it, that they have the qualifications, and to help make sure that they don't end up with debts and regret about having get an education.

So, it seems to me like your 70 percent is kind of in that soft zone of something to check up on, but I didn't want to leave an impression that we want hard and fast graduation rate measures from agencies.

DR. PINKERTON: No.

DR. PELTON: Well, but --
DR. PINKERTON: Bob, the nice thing about the size of our organization is the ability to have personal contact with every one of our programs.

So, we are able, as we see that number, we pick up the phone and we're able to talk to them and discuss the numbers and the best steps forward.

DR. PELTON: And we have such a low number of programs that take federal funds.

CHAIR KEISER: Okay, thank you. Kathleen, do you have a question?

DR. ALIOTO: Yes, I do.

CHAIR KEISER: Do you have a question?

Okay.

DR. ALIOTO: Yes, I do have another one.

I would like to thank you for the excellence about what you're trying to do because as Mr. Shireman pointed out, your guide to accreditation, to me, is a model of what I'd like to see other guides to accreditation include, and
that is actually talking about candidates
learning, and the quality principles, and how you
go about it, so I wouldn't want you to think from
my previous comment that I don't heartily support
what you're doing because I believe that you are
planting the seeds of the future of children, and
potentially equality.

But in terms of your talking about the
private programs, and I know the cost of many of
the Montessori programs are prohibitive, so I
wondered what your diversity training is in these
programs, and if you're helping create models
that would be affordable?

Is what I'm asking. Hello?

DR. PINKERTON: Yes.

Thank you for your comment, Dr. Alioto, and while I should back up and say while
many people are going into the private sector,
there is a growing amount of public Montessori
schools.

If you look at the state of South Carolina, they have the largest amount of public
Montessori schools, so we certainly want our graduates to have the choice, whether they're going to be public or private.

In terms of the cost of programming, as we are preparing for teacher education programs at this time, we're not involved with the children school, but I know there is a Montessori community (audio interference) big push and a passion and interest in Montessori for social justice, and the cost is part of that conversation.

So the community is active and we play a role in the Montessori community, and our voice is of leadership, so we certainly participate in those conversations and encourage our constituency to move the work forward in that regard.

As for whether we are working with diversity training, that is left up to our affiliate organizations, which have more of a level of input in terms of what needs to be taught in the teacher education programs in that
DR. ALIOTO: So I'm just curious --

DR. PELTON: There's also -- I'm sorry, Kathleen. I was just going to piggy-back on what Carolyn said.

We also have a national center for Montessori in the public sector, and that was created several years ago, and they are all about affordability and getting Montessori into the public school system.

DR. ALIOTO: Good. I'm glad to hear that.

But in terms of the people you are working with, what is the diversity in your program, in terms of the teachers you are working with?

DR. PINKERTON: Are you talking about candidates, the future teachers, or are you talking about the programs themselves?

DR. ALIOTO: I'm talking about the candidates.

PARTICIPANT: The candidates are --
DR. PINKERTON: So, we do not require that programs collect that data on the makeup of their students, however, we are in current conversation with a few organizations who are expressing a desire for that data to begin to be collected.

And so, we again have spoken with our affiliate organizations to explain how that data could be useful, and we are trying to facilitate that conversation in the usage of the data for that.

DR. ALIOTO: Thank you.

DR. PELTON: And many of our programs are very diverse, as we observe the teacher candidates.

DR. ALIOTO: I'm glad to hear that.

CHAIR KEISER: Thank you. If I could ask you, please mute your phone because there is a feedback, unless you're speaking.

Now, I'd like to invite Stephanie, and of course, before Stephanie, Herman, to talk about the question that was brought up.
And then you have questions for Stephanie or Herman. Herman?

MR. BOUNDS: Yes, I just wanted to point out to the committee members that we have a definition of public member in 34 C.F.R. 602.3.

And basically, you know, there's nothing in the agency's policies or requirements that, you know, goes against that public member definition.

And basically, the definition says representatives of the public means a person who is not an employee, member of the governing board, owner or stakeholder of, or consultant to an institutional program that is either accredited or preaccredited by the agency, or have applied for accreditation or preaccreditation.

Two, a member of any trade association or membership organization related to, affiliated with, or associated with the agency, or three, a spouse, parent, child or sibling of an individual identified in paragraphs 1 or 2 of this definition, so there is no prohibition on one's
educational background, their degree level, whether they are a member of, in this case, the Montessori community. Those are not factors that dictate compliance with the department's public member definition.

CHAIR KEISER: Thank you, Herman. Stephanie, do you have comments about the agency's report?

DR. McKISSIC: I have no additional comments at this time. Thank you.

CHAIR KEISER: Are there questions for Stephanie from our primary readers?

DR. BOSTON: I have no questions.

CHAIR KEISER: Anne?

MS. NEAL: No. Although I do think there was a remaining question about the focused review and why, you know, in these cases that we see throughout today, tomorrow, and Friday, that if the institution says nothing has changed, then the department doesn't ask any questions.

I think that was Kathleen's question.
DR. SMITH: I think Herman is going to address that shortly.

We were thinking that he might talk about the (audio interference) the meeting. Correct me if I'm wrong, Herman.

MS. NEAL: Okay.

MR. BOUNDS: Yeah.

DR. SMITH: We're going to do it right after this agency discussion. Thank you for raising.

MR. BOUNDS: That's correct.

CHAIR KEISER: There are no third party commenters. We can now go into discussion. I usually like to have a motion to start the discussion.

Do the primary readers have a motion on this particular agency?

DR. BOSTON: Yes, I move that NACIQI recommend that the Montessori Accreditation Council for Teacher Education recognition be renewed for five years.

CHAIR KEISER: Is there a second to
the motion?

MR. SHIREMAN: I'll second. It's Bob Shireman.

CHAIR KEISER: Who was that? Bob Shireman, thank you very much.

MR. SHIREMAN: Bob Shireman.

CHAIR KEISER: Okay, now there's discussion. You have discussion on the motion.

As you can see in front of you, the staff recommendation, you see the NACIQI recommendation, which now we have discussion on the recommendation.

(No audible response.)

CHAIR KEISER: Sensing none -- I don't see any hands. Kathleen, is your hand up, or is that just from before?

It's down, okay. Sensing no more discussion, we're going to do a roll call.

So, we'll start with Anne. Aye, nay, or --

MS. NEAL: Aye.

CHAIR KEISER: Okay. Claude?
DR. PRESSNELL: Aye.

CHAIR KEISER: David?

DR. EUBANKS: Aye.

CHAIR KEISER: Jennifer?

MS. BLUM: Aye.

CHAIR KEISER: Jill?

DR. DERBY: Aye.

CHAIR KEISER: Kathleen?

(No audible response.)

MS. LEFOR: I think we lost her line.

CHAIR KEISER: Kathleen?

(No audible response.)

CHAIR KEISER: Okay. Michael?

DR. LINDSAY: Aye.

CHAIR KEISER: Come back to Kathleen.

Paul?

DR. LeBLANC: Aye.

CHAIR KEISER: Richard? Rick?

MR. O'DONNELL: Aye.

CHAIR KEISER: Robert Mayes?

MR. MAYES: Aye.

CHAIR KEISER: Robert Shireman?
MR. SHIREMAN: Aye.

CHAIR KEISER: Ronnie Booth?

DR. BOOTH: Aye.

CHAIR KEISER: Steve?

DR. VanAUSDLE: Aye.

CHAIR KEISER: Wally?

DR. BOSTON: Aye.

CHAIR KEISER: And Kathleen?

(No audible response.)

CHAIR KEISER: Kathleen --

(Simultaneous speaking.)

DR. ALIOTO: Yeah, I was muted. I was closed out. I'll say yes, but I would like us to discuss that problem that Anne pointed out.

CHAIR KEISER: Okay.

DR. ALIOTO: In terms of --

CHAIR KEISER: But there was no --

DR. ALIOTO: In terms of everything.

I mean, I think this agency is doing excellent work, but I don't know what's going on in terms of the department.

I'm saying that agencies don't meet
the requirements, and then recommending that we vote yes. I don't get it.

CHAIR KEISER: Okay. If you can, make sure when we ask for discussion, that's the time we need discussion because we are on the vote, and everybody wanted to move for the vote.

It looks to me that it's a unanimous vote, so thank you very much.

Thank you very much, agency, and we're going to move on to our next agency, which is the renewal of recognition --

DR. SMITH: Actually, we're going to -- Art --

(Simultaneous speaking.)

DR. SMITH: (audio interference), yeah, Herman's -- thank you. All right.

CHAIR KEISER: I keep wanting to ignore you, Herman.

MR. BOUNDS: That's okay.

I guess I was supposed to do this at the beginning of the meeting, and I forgot to chime in, too, so I wanted to provide some brief
written remarks that I had relative to the new regulations, you know, when they were incorporated, and then at the end, I'll make a slight (audio interference) comment about more detail about focused review.

I'll try to be as brief as I can.

Again, good morning, Mr. Chair and committee members.

My name is Herman Bounds and I'm the director of the Accreditation Group, and I would like to briefly discuss -- I would like to briefly discuss the regulatory changes that went into effect on July 1, 2020, and the effects the regulatory changes had on department staff review of accrediting agencies on the agenda for renewal of their recognition as a nationally recognized accrediting agency.

All accrediting agents appearing at this meeting for renewal of their recognition submitted their petition for recognition on February 1, 2020, prior to the effective date of the regulatory changes.
Accrediting agencies up for review at this meeting, summer 2021, and winter '22 NACIQI meetings were all required to submit their petitions for recognition on February 1, 2020, to facilitate the new review process timelines required by the regulatory changes.

Accrediting agencies submitted their petition in response to the regulations that were in effect at the time of the submission, and accrediting agencies that submitted their petition for recognition prior to the effective date of the new regulatory changes, which will only require to respond to the criteria included in the focused review.

I will add that the focused review has been in effect in the department since 2015.

The focused review allowed accrediting agencies to provide the standard attestation of the criteria not included as part of the focused review, unless an accrediting agency identified that changes have been made to its policies and procedures that would bring it into
noncompliance.

In 2015, when the focused review was only started after all accrediting agents had undergone a full review, and then therefore the focused review criteria were selected to be those that were most relevant to educational quality at the time.

Also, department staff review included only the information and documentation in the record at the time of the review.

In a memorandum sent to accrediting agencies on 1 July, 2019, accrediting agencies were informed that after the new regulations become effective, an accrediting agency may request to be reviewed under the individual new regulations, again, as applicable to the focused review.

Although no accrediting agencies specifically requested review under the new regulations, the department staff did apply the new regulations where it was clear that an accrediting agency's policy and the application
of that policy was in compliance with the new regulations.

Again, one additional note about the focused review.

For accrediting agencies submitting their petitions for recognition after 1 July 2020, the focused review had been suspended, and agencies will have to now respond to all regulatory criteria.

Since the focused review was based on a subset of regulations that have now been superceded, it would not be legally supportable to continue the focused review for agencies submitting after 1 July, which was the effective date of the new regulations.

Again, I'm sure there'll be more questions throughout the day about new regulations versus old regulations, and maybe even focused review criteria, and I'm happy to answer those as they come up.

CHAIR KEISER: All right. Any questions for Herman?
(No audible response.)

CHAIR KEISER: Kathleen, do you have your hand up?

DR. ALIOTO: Yes. Yes, I do have my hand up. Hello? Can you hear me?

CHAIR KEISER: You're up. Go ahead.

And then Bob.

DR. ALIOTO: First of all, Herman, thank you for your years of dedication.

Are you telling me that we will not be -- because of the new regulations, which have decimated some of the work that this committee has done, that I've done over the last six years to student success and graduation rates, and debts, that we will not be seeing as a committee what the analysts do on a situation because of these new regulations?

How can we make an informed judgment?

You know, with Montessori associations, they showed excellence in terms of their guide to accreditation, but some of the other agencies have not done this.
MR. BOUNDS: Kathleen, I think--

(Simultaneous speaking.)

DR. ALIOTO: Sorry, my question got a little compounded by my --

MR. BOUNDS: No, I was --

DR. ALIOTO: By my concern about this issue.

MR. BOUNDS: So I think there's two parts to the question.

Number one is that, you know, when the focused review now being suspended for folks that submitted their petition after 1 July, 2020, that means that the agencies who are no longer going to be using the attestation, and they'll have to respond to all -- I think it's expanded now to 107 or so regulatory criteria.

I think the issue with the petition is, when you look inside the petition -- and please correct me if I'm misunderstanding -- but when you look in the petition for recognition, you know, you see a couple of blocks there.

One block is the agency's narrative,
and then you'll see documentation uploaded by the agency.

That's what the agency puts in of course when they submit their petition. Under that, you will then see the staff analysis block. And then below the staff analysis block, what you will see is a block that says documentation uploaded by the analyst.

If the agency has already provided everything, you will very rarely see information put into the block that says documentation uploaded by the analyst.

That's for a situation where it's getting close for us to have to get the information to NACIQI, and the agency sends us something through email, and we upload it to complete the record.

So that may be causing some problems. There's really nothing that normally goes into that block that says documentation uploaded by analyst, so I hope I explained that clear to everyone.
DR. ALIOTO: Well, I understand that, and, you know, I understand what you're saying, but can you not ask the agencies in the future to upload their documents or to send their documents so that the committee will be able to look at those documents?

And in this case, we did have the guide, which was referenced by them (audio interference), and many of the other agencies that we're looking at, it just seems like it's become a bland (audio interference) acceptance.

I don't know if this is supposed to be a progress, not perfection situation here, but the analyst could say no, and then we're being asked to vote yes.

MR. BOUNDS: Well, Kathleen, there's a --

DR. ALIOTO: What is that?

MR. BOUNDS: There is, you know, an e-recognition system. There's two areas you have to look at.

In the draft staff analysis, that's
where you do see all the information where the analyst says no, and then once you're in recognition, you have to click on the next review, and that then will show the final analysis, which then answers those questions that the staff raised in the draft, so I think there may just be technical issues, or maybe, you know, when you access the system, you couldn't get to the other half of the report.

And if that happened, you know, we really do apologize for that.

Jass can help with that in the future, but there are two distinct sections when you look at recognition.

You can go back and look at the draft staff, or you can look at the final staff, and the final staff should round up and answer all your questions.

That's when the staff analyst will check, you know, if agency meets the requirements, and they usually do a very good, you know, closeout statement, you know, to make
that point clear, so I'm sorry that you had some
difficulty in the system, or maybe the system
wasn't working well for you.

   DR. ALIOTO: So, if you wanted -- I
don't know. Maybe we're working in two different
systems.

   The more I look through the other
agencies that we're dealing with today, it seems
to be more a question.

   Maybe my system is just different from
yours, but it's a question, and in almost every
single situation, you have this problem, this
challenge.

   MR. BOUNDS: Yeah. I'm just not
clear. I mean, I --

   DR. ALIOTO: But the analyst is saying
-- let's see. What does it say?

   No documentation, no files uploaded by
the analyst.

   Negative on the staff analysis, and
then we're asked to vote positive on the final
ruling.
That's what my (audio interference) is
telling me.

MR. BOUNDS: Yeah, it doesn't sound
like you've gotten to the final staff analysis,
and also, remember that there may not be any
requirement for the analyst to upload anything.

All of the critical documentation is
uploaded by the agency when they submit their
petition for recognition.

I'm just not sure, you know, where you
are in the system.

Maybe other committee members can
chime in.

(Simultaneous speaking.)

CHAIR KEISER: Herman, maybe you and
Kathleen could resolve this offline because --

MR. BOUNDS: Yes.

CHAIR KEISER: Because this is taking
a lot of time, and it seems to be more specific
to Kathleen's system.

Bob, you have a comment, and then
Jennifer.
DR. ALIOTO: (audio interference).

Excuse me, I do not think that that's really true.

I think that if you look, you have the first, you have the what the recommendation is, and then you (audio interference) have the analyst. I see that.

I don't think that's the problem, but I hope it is. Thank you.

CHAIR KEISER: Okay, well, okay, Bob and then Jennifer.

MR. SHIREMAN: Well, thank you. Well, maybe when both Kathleen and I are vaccinated, I can go visit and we can figure this out together. It is all pretty complicated.

I wanted to, first, just on all the process and rules and understanding focused review and all of that stuff, I wanted to thank Herman and George and the staff for being so patient with me as I tossed tens of thousands of questions at them in the last few weeks just trying to understand things that, you know, maybe
I already should have known given that I've worked in this field for a long time, but it's not until you jump into the pool that you understand what the challenges really are. So, I really appreciate that.

I wanted to ask about one thing that came up as I was trying to understand the procedures and it relates to what the situations under which an agency can enter, or the staff can enter additional information into the record, or cannot enter additional information into the record.

There's part of the regulation that is about what happens after the advisory committee has made a recommendation, and for those people who know regulations by number -- I am not one of those people, but it is 34 C.F.R. 602.35, so it's responding to the advisory committee recommendation, and it says that there's this 10-day period after the committee's recommendation when the agency and staff can respond to the advisory committee's recommendation, but they
only have access to that 10-day period if we have found the agency noncompliant or ineffective in its application of a criterion, and if the staff analysis did not find them in noncompliance.

So, I first want to ask counsel if I am understanding this correctly, so to just take an example of, we've already unanimously decided on Montessori, so does this mean that if we were to -- let's say we didn't think that their public members were qualified, and we gave them a non-approval or a, you know, one year to come into compliance on public members.

My understanding is that means they would have ten days to respond with additional information that would then go to the secretary.

The secretary might then have additional information to consider that particular question.

So, that's my question I had. Am I understanding that correctly about the way that would work, and if we just raised the issue and found the problem, but
didn't find them noncompliant, they would not have that 10-day opportunity?

MR. BOUNDS: Donna and Angela, do you want me to start off with this, or do you want to start first?

MS. MANGOLD: Go ahead, Herman.

MR. BOUNDS: Okay.

So, I would say that in according to that provision, you know, if NACIQI found an agency noncompliant and they know their area that was not included in the staff analysis, you're correct about that 10-day window.

What makes this a little different, of course, is that if we were reviewing all of the regulations, it makes it easier because then all of that information would have been in the record anyway.

But either way, you know, NACIQI can say, well I think they're noncompliant with something, maybe even something that's not included in the focused review.

That 10-day window would take effect,
but I mean, we would be limited.

I mean, on the extreme of that, if

NACIQI said, well, we find them noncompliant in
15 other areas, we could not possibly conduct an
analysis of all that criteria in that 10-day
window.

We would have to then revert back to
602.33 and investigate them in another avenue,
and if we found something, they should bring them
back in, or, you know, something like that.

Of course, it would all be up to the
senior department official.

Again, I just jumped around on that.
I think our legal counsel may be able to put that
in some more definite words and timelines for
you, but that's really the situation.

You know, you can find someone
noncompliant as a whole, and that 10-day window
applies, but it is limited to what we all can
look at within that timeframe.

MS. SIERRA: Yes, this is Angela. I
agree with everything that you said, Herman.
Mr. Shireman, I wasn't clear on whether you were also asking whether NACIQI can, during the meeting, enter additional evidence into the record?

MR. SHIREMAN: I am curious about that, so sure, I'll add that to my question.

MS. SIERRA: Right. Well, everything Herman said is correct.

If there's a finding that an agency is out of compliance with the criteria not previously identified by the staff, then under the regulation that you cited, 602.35, I believe it's C, either the agency or the department staff may submit new information to the senior department official.

I think it's a separate question as to whether NACIQI can enter evidence into the record that was not previously considered by the staff during the meeting, and that has happened before.

We've gotten advice from our FACa counsel that NACIQI may make a motion and vote on the inclusion of additional evidence.
However, I would note that it says the record is really described under 34 C.F.R. 602.36(a), in terms of the information that the senior department official will consider.

I think it would be up to the SDO's discretion as to whether or not to consider such additional evidence.

Donna may have something to add.

MS. MANGOLD: No, that's an accurate summary of where we think this would be.

MR. SHIREMAN: Okay.

MS. SIERRA: I hope that that answers your questions, Mr. Shireman, and thank you, Herman.

MR. BOUNDS: Yeah, thank you all for your comments, too.

MR. SHIREMAN: Thank you.

CHAIR KEISER: Jennifer, and then Wally.

MS. BLUM: Yeah, and I'll be quick, I promise.

Herman, so I just wanted to also just
echo Bob to Herman and George for fielding questions.

Appreciate it in advance, just to get us sort of, or at least hopefully, get me up to speed.

And in that regard, this issue around attestation, I just wanted to confirm what I think I heard you say, which I'm very happy about, which is regardless of the sections of the new regulations, we're actually going to see more material, not less material once the agencies are fully on-board with the new regs because they're no longer going to be able to attest that they meet a requirement because I will say that the policy was very frustrated by -- I don't really understand how agencies can attest to something, you know, five years in the making that they're still in compliance with something without having to demonstrate it.

So I'm actually happy that I think what I understand is that while we, the committee, will actually be more, not less,
coming out from agencies because they will no
longer be able to attest that they meet standards
that they're going to be required to meet.

So, I don't want to belabor it, but am
I correct in my understanding that the
attestation ability will be gone in the future?

MR. BOUNDS: Yes, you are correct.

The focused review (audio
interference) agencies that submitted their
petition for recognition in September of 2020,
those agencies will have to respond (audio
interference) to all regulatory criteria, so
instead of looking at, say 25 or so, you'll be
looking at 107.

So, the reports will expand
tremendously.

MS. BLUM: Thank you. And I just want
to say that I know that that's a burden to this.
I know there are a lot of people listening.

I know that's a burden to the agency,
but since this is a once in five year process for
those -- most of those, anyway -- it seems
appropriate that we would check every single standard, and not have the ability to attach.

    We wouldn't do that with our -- well, at least I wouldn't hope that they would do that with their schools, so we wouldn't want to do that with the agency.

    So, I'm just going to put a final point on.

    I'm really happy to hear that we're going to see more, not less, and thanks, because I know that's a lot on the staff at the department as well, so I know what that means in terms of work.

    MR. BOUNDS: Yeah, and I would just like to say for everybody, the focused review was really a policy decision by the department at the time that carried through, so, you know, it wasn't something generated solely, you know, by department staff.

    It was a department, you know, policy decision to do.

    Again, since we do have these
regulations, the focused review is really not legally supportable anymore because it was based on a subset of regulations that are no longer around, so that's why logically the only thing we could do was suspend it and review all agencies fully under the new regulations.

MS. BLUM: Art, you're on mute.

CHAIR KEISER: Wally, you're up, and then Jennifer and Bob, if you'd lower your hands, or if you want to keep them up, I'll recognize you after Wally.

DR. BOSTON: Thanks, Art.

I just want to clarify for the record that I thought the department's review was excellent, and that there could be some, you know, technology issues, but in the sections where initially the agency did not meet every one of those sections, there was supplemental material added, and particularly by the analyst, and I reviewed every one of those.

They were all met at the end, which is why I gave my unqualified recommendation, and,
you know, it was actually a clarity issue that I asked for at the beginning of this meeting, and got that, you know, clarified so that everyone would have access to that information that related to the one institution that was an overseas institution.

So, I'm very satisfied that, you know, if there's no confusion, which I get that technology can sometimes be confusing, but we have the documentation thanks to the excellent work of the department and the analyst in the file to make an unqualified recommendation.

CHAIR KEISER: Well, thank you very much.

We're going to move to the next agency, which is --

(Simultaneous speaking.)

DR. SMITH: Art, just before we -- Art, before we move through, Candice asked me to just mention that the number 775-790-4949, who's ever using that call-in line, we're getting, you know, some feedback.
So, if that's your number, just be cognizant of the fact that it's creating a noise. 775-790-4949. Back to you.

CHAIR KEISER: Okay. This is fun.

Renewal of recognition for the Council of Naturopathic Medical Education.

Our primary readers are Jill Derby and David Eubanks. Our department official is Elizabeth Daggett. Jill, David?

DR. EUBANKS: I think Jill is going to take the lead.

DR. DERBY: This is the Council on Naturopathic Medical Education status before us.

And for some background, the Council on -- and the acronym is CNME -- is a programmatic accrediting agency.

Its scope of recognition is the accreditation and preaccreditation throughout the United States of graduate-level, four year naturopathic medical education programs leading to the doctor of naturopathic medicine or doctor of naturopathy.
Currently, this agency accredits eight naturopathic medical education programs in the United States, and preaccredits one program in Puerto Rico.

These programs are located in institutions of higher education that are accredited by recognized institutional accrediting agencies.

This Council on Naturopathic Medical Education was first recognized by the secretary in 2003, and has been periodically reviewed with continued recognition since that time.

MS. DAGGETT: Good morning, Mr. Chair and members of the committee.

My name is Elizabeth Daggett and I am providing a summary of the review of the petition for renewal of recognition for CNME.

I do want to clarify one thing that Jill had mentioned, is that they do currently accredit six programs in the U.S., and two are actually in Canada, with one preaccredited in Puerto Rico.
So, the 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 the observation of a virtual board meeting in May of 2020 and a virtual file review in August of 2020.

Our review of the agency's petition found that the agency is in compliance with the secretary's criteria for recognition.

The department received no complaints regarding this agency during the recognition period, and received no third-party comments during this review.

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.

There are representatives of CNME here to answer your questions. Thank you.
CHAIR KEISER: Are there any questions to Ms. Daggett?

PARTICIPANT: I have a quick question.

(Simultaneous speaking.)

DR. DERBY: I have a question. Oh.

PARTICIPANT: Go ahead, Jill.

CHAIR KEISER: Go ahead.

DR. DERBY: Well no, I just had a quick question for Elizabeth, and that is I wondered why my information was off.

I was looking at the information on the website, so that was strange to me. Did I not get something that was more recent, or why would I --

MS. DAGGETT: No. I think the summary didn't reflect.

I had just put in eight all together in U.S., and that actually was North America, not just U.S. and Canada.

So, the number nine is the total.

It's still the same, just where they're located was slightly different.
So, no, the information you had was what was written. I just went back to ensure for clarity purposes.

DR. DERBY: Okay, I just wanted to make sure I had access to the latest documents. Thanks.

CHAIR KEISER: Kathleen, you had a question?

PARTICIPANT: Art, I had a question related to --

DR. ALIOTO: Yes. I wondered -- (Simultaneous speaking.)

DR. ALIOTO: Thank you. Thank you, Ms. Daggett for your usual excellent job.

I wondered how many students are served, and if there was any analysis of student debt?

MS. DAGGETT: Well, this is not a Title IV gatekeeper agency, so I don't have any numbers on any student aid that goes to those students.

That would be at the institutional
level.

As far as total number of students in all the programs, I don't have that number off the top of my head, but it's possible the agency representatives would be able to answer that question for you.

DR. ALIOTO: Thank you.

CHAIR KEISER: Bob?

MR. SHIREMAN: Yes, thank you.

The agency indicated that some of the -- as you said, they're not a Title IV institution, so they are able to come to the secretary for recognition, as I understand it, because there are other federal programs that require their programmatic accreditation.

They said in their petition that some of those programs that they had previously relied upon had been changed, but that some other programs that -- NIH and other agencies, I think, do require CNME accreditation.

Were you able to confirm with those other federal agencies that CNME accreditation is
actually required?

MS. DAGGETT: I mean, I did not go to the federal agencies themselves, I relied on the documentation provided by the agency -- this agency, CNME -- in their petition.

I did review the federal link that they provided.

There was one that had changed from being a -- it's called the AREA grant.

It's through NIH that previously had facilitated both undergraduate and graduate programs.

NIH subsequently bifurcated that program to -- the AREA grant is only at the baccalaureate or lower level, and the REEP (audio interference) Program is at the graduate level program, and it does require specific programs, such as in the naturopathic doctor degree.

So I did confirm that, and then they did provide the other documentation that they had before.

CHAIR KEISER: Wally, do you have a
question, or was your hand up before?

DR. BOSTON: It was up from before.

Sorry, I took it down.

CHAIR KEISER: Okay, thank you. And please lower your hands, you know, once you have your questions answered.

I'd like to now invite the agencies to appear before us. The member of the agency's Jamey Wallace and Daniel Seitz.

DR. WALLACE: Good morning, Mr. Chairman.

CHAIR KEISER: Please begin your presentation.

DR. WALLACE: Good morning, Mr. Chairman, committee members. My name is Jamey Wallace. I'm a naturopathic physician.

In a prior life, I earned a master of science in electrical engineering.

I am the president of the CNME, as well as the chief medical officer --

CHAIR KEISER: Could you get closer to your microphone?
DR. WALLACE: I can try. I'll put it on speaker phone. Can you hear me now?

CHAIR KEISER: Yes, much better.

DR. WALLACE: Is that better?

PARTICIPANT: Yeah.

DR. WALLACE: Okay. My apologies.

I'll start over again just so that everyone can hear it.

Mr. Chairman, committee members, thank you very much.

My name is Jamey Wallace. I'm a naturopathic physician.

In a prior life, I was an electrical engineer with a master's in electrical engineering.

I am currently the president of the CNME, as well as the chief medical officer of Bastyr University in Seattle, Washington. It's now daylight here.

I will now introduce Dr. Dan Seitz, who is the executive director of the CNME, and Dr. Seitz will lead the discussion, and I am
happy to answer any questions from the committee.

Thank you.

DR. SEITZ: Good morning, Mr. Committee Chair, good morning NACIQI members, and thank you also to Ms. Daggett and the U.S. Department of Education staff.

And I just want to say as a thank you to Ms. Daggett for her availability and help throughout the recognition application, recognition petition process, to identify the key areas where we need to refine our policies and to bring ourselves into full compliance.

I just want to add to the introduction to our agency that the candidate program in Puerto Rico did achieve its initial accreditation this past January with the agency.

So, that program is now also accredited.

It's our first Spanish language program and we think it could be a leader for natural medicine education, naturopathic medical education in Latin America.
Dr. Wallace and I are happy to answer any questions that you might have.

CHAIR KEISER: Thank you very much.

Primary readers, do you have questions?

DR. EUBANKS: Jill, do you want to go ahead?

DR. DERBY: No, this is obviously a small agency that got a very clean review, so I have no questions.

DR. EUBANKS: Okay, thank you. I have one question. I apologize for the video dropping out on my end. Apparently I have some connectivity problem. (audio interference) hear me okay. So, thank you, Dr. Seitz for the presentation, and I thought the handbook for accreditation, which I found online, was particularly helpful in getting acquainted (audio interference) with the agency and the standards. I thought it was well-written and well organized, so thanks for the attention to that.
I wanted to ask you a question about your standard seven (audio interference), which sets a goal of 75 percent graduation rates. That is all perfectly understandable.

My question is about the completion deadline, which seems to be that the institutions can set their own completion deadline, and parenthetically, it says usually six or seven years.

And I'm very familiar with undergraduate completion deadlines very often being six years for a four-year degree.

But I wasn't aware that for medical degrees, six or seven years would be a normal completion time.

I wonder if you could just characterize, you know, the rate at which that might happen, and how it might happen?

DR. SEITZ: So, first to say that the large majority of students do tend to complete the program within a four year time span.

There are some programs that, because
the program is so credit-heavy and time-intensive, have also created a five year option for their students.

Many of our students are older students.

They are coming to naturopathic medicine after having a full career in another field.

Many times, they have families or other major responsibilities, so there can be intervening issues that come up with naturopathic students that you might not find in some of the more conventional medical fields.

So that's really, sort of conceptually, you might say the basis for why we felt that as an agency, it was necessary to have a longer rate to accommodate the needs of some of our students.

This timeframe was established in conversation and dialogue with the programs.

We felt it was sufficiently (audio interference) that someone would not lose
completely the continuity of their education, and
at the same time would allow for the intervening
life circumstances that may necessitate someone
dropping to part-time, or even taking off a year
from the program.

DR. EUBANKS: Thank you for your
answer. I think I understand.

So the intent is that programs could
be flexible, and so for example, a student
wouldn't necessarily be paying full-time tuition
for six or seven years, but could instead take
advantage of the flexibility and spread the cost
and the studies over more time?

Is that correct?

DR. SEITZ: Yes, that's correct, yeah.

We would not see a situation where
someone was paying full-time tuition throughout
and needing to drop to part-time, or take a
temporary leave of absence.

DR. EUBANKS: Okay, thank you for
answering that. That's great.

DR. SEITZ: Sure.
CHAIR KEISER: No questions from the committee?

David, you had a question, or your hand just dropped.

DR. EUBANKS: That was my --

CHAIR KEISER: David, do you have a question?

DR. EUBANKS: Yeah, that was my question.

CHAIR KEISER: Okay. Claude, and then Bob.

DR. PRESSNELL: Great, thank you. Thank you for your presentation.

Could you address the general acceptance of other accrediting agencies and placement issue?

I'm trying to figure out, you know, community support for your accreditation agency, as well as students who graduate from your program.

And, you know, typically, we're able to see evidence that, you know, that there is
reciprocity, or there's other type of agreements with other agencies out there.

So how would you address the community reception of your agency and the institutions you represent?

DR. SEITZ: Sure.

Let me begin by offering some information, and then I'll ask my colleague, Dr. Wallace, to talk specifically about some of the types of connections that his institution has with the broader community.

So first, just to say that naturopathic medicine is a licensed medical field in half of the U.S. states and five Canadian provinces, and it's not easy for a newer medical field to get that type of public recognition, so it's quite significant that in a matter of several decades, the field has been able to achieve recognition as a licensed profession.

Additionally, in a number of states, you have medical insurance coverage for naturopathic medicine. That would show another
indication of acceptance.

Several of the programs have relationships with other institutions of higher education.

Bastyr University, notably with the University of Washington, National University of Naturopathic Medicine with the Oregon Health Sciences University, Southwest College of Naturopathic Medicine in Arizona with the University of Arizona.

So, there are certainly major higher education institutions that see the education as providing people with expert knowledge in natural medicine, and where you have the development of what's called integrative medicine or complementary medicine as part of a medical approach.

Naturopathic doctors can be very valuable assets to research programs and clinical offering.

Beyond that, Harvard University -- a while back, Dr. David Eisenberg studied the
general acceptance of what's called complementary
and alternative medicine beginning in the
nineties, and his findings pointed to roughly
about half the U.S. population accessing various
modalities outside of more conventional
approaches to healthcare.

So, those would be some of the
indications showing acceptance, but I'd also like
to invite my colleague, Dr. Wallace, to perhaps a
little bit about the types of clinical
opportunities and connections that would show at
least in the wider Washington area, or Seattle
area.

That type of acceptance.

DR. WALLACE: Hello again.

As I've mentioned earlier, I'm the
chief medical officer of Bastyr University and
have worked on a number of different
collaborations, so I can really speak for my
institution and Bastyr, and we have relationships
with a number of healthcare entities in Seattle,
the greater Seattle, Washington area, including
the Center for Integrative Medicine at Virginia Mason Medical Center, one of the larger independent hospitals here in Seattle.

Some of our grads are in a variety of different places, including the Fred Hutchinson Cancer Research Center here in Seattle.

Also, the branch chief of clinical research and complementary integrative health at the National Center for Complementary and Integrative Health. It's part of the NIH.

We've done a number of different research grants with researchers at other universities, as Dr. Seitz had already mentioned.

We have providers in a few hospitals.

Our current (audio interference) model is outpatient care, not affiliated with hospital settings, as part of our programs at any rate (audio interference), but we have a number of folks in staff positions at general hospitals, so quite a variety of interactions with the public.

As Dr. Seitz had mentioned, we have insurance reimbursement in a number of states,
including Washington State.

I am covered under Washington State's Medicare, also Medicaid plan for under-served populations, and that's the case in several other states.

So there's a wide array of public access and public acceptance what we offer.

CHAIR KEISER: Claude, does that work for you?

DR. PRESSNELL: Yeah, if I could just do a quick follow-up?

Could you address, you know, student placement issues, and you know, actually, job placement is more of what I'm looking for.

And also, just to educate me a little bit, could you compare and contrast with the scope of authority that you have, like, compared to the doctor of osteopathic medicine versus your programs?

DR. SEITZ: Sure.

So first, again, sort of the scheme of development of medical fields in the United
States, it has been a gradual process of job opportunities opening up within more conventional hospitals and clinics, although you will see now quite a number of hospitals and clinics that offer a team-based approach to medicine, often again termed integrative medicine, where the team would establish which practitioner, whether a naturopathic doctor, you know, MD, a chiropractor, or acupuncturist, or what have you, would provide care, or in some cases you would have several people providing care because again, the medicines can support one another.

So, but many naturopathic doctors do tend to either join existing naturopathic practices, or sometimes will open up their own private practice, and that's a major root for naturopathic doctors to establish their professional situations.

Also just to say that we do have within naturopathic medicine, residency opportunities for some of our students, and often those will then open up post-residency job
opportunities.

A number of the schools will publicize opportunities that are available to naturopathic doctors to licensed naturopathic doctors, and similarly, some of the professional society, national and state, will also publicize those.

So in short, there's a range of opportunities.

The majority would be through private clinics, but additionally we're seeing some multi-disciplinary clinics and hospital-based opportunities, as well.

CHAIR KEISER: Thank you. If I could remind everybody to please mute their phones?

Thank you.

Bob Shireman, and then Kathleen?

MR. SHIREMAN: Thank you.

As you indicated, the naturopathic medicine is kind of in this period that's probably some other fields of medicine, where (audio interference) years ago, seeking kind of demonstrates legitimacy, and seeing some of the
challenges of that.

And one of the ways that, as I mentioned earlier, that an agency can help bring legitimacy is through this public board members who are not affiliated, not part of, like, being a trade association.

And so, I wanted to ask you about how you approach your public board member situation?

I see a lawyer, an accountant, and a new public member who is a social worker.

I have to say that given the questions that get raised about whether naturopathy is a legitimate, scientific, medical field, I would've felt more confidence if there was somebody with more of a scientific or medical background among your public members.

I know that NACIQI does not -- the qualifications are not such that we can designate, you know, which fields or backgrounds, but there is the general requirement that everybody at an agency has to be qualified in their own right, and competent, and another
adjective that I can't remember.

But in any case, there is some general expectation that the people are prepared for their particular functions.

Again, I don't have any questions about the specific group of people, but it would be just (audio interference) whether you have considered having people with a medical or a scientific background as your public members?

Maybe you have in the past.

And also, my other question of whether you pay your public members? Thank you.

DR. SEITZ: Sure. Yeah. Actually, before I answer that question or comment on that, because it's slipped my mind to address the scope of practice question that was asked just before about doctors of osteopathy -- and just to say that doctors of osteopathy are, if my understanding is correct, widely regulated by the same agencies that regulate MDs, and often, their scope is quite a broad scope, just as the MD scope is a broad scope.
In contrast, because naturopathic medicine focuses on a range of natural approaches to healthcare, the scopes of practice in the 25 states that license naturopathic doctors are all more defined and more narrow so that the scope is appropriate to the type of training that the naturopathic doctors receive.

Switching gears, just to talk about our public members, we have found it very helpful to have someone with a finance background, and we've had that now consistently for a number of years.

Because a couple of our institutions have been smaller and have had some financial challenges, and it's been a tremendous help for us to have someone with that type of background.

So that's been one criterion for looking for public members.

Our lawyer member is a JD, but he also has a master's degree in gerontology, and his experience in accreditation extends to having served on other healthcare-related accrediting...
agencies.

So although he's not named as a practitioner, he has, I believe, the connection with healthcare accreditation, and as I said, has done a master's degree in gerontology.

PhD/MSW member was a career faculty member at St. Louis University, very involved with research in her field, and served for many years on the social work accrediting agency.

So we felt she brought both an understanding of at least scientific research, clinical fields, and of course, accreditation.

So in that sense, we strive to find people with very useful backgrounds for us, but who are one step removed from medicine because as one of the NACIQI members mentioned earlier, it's very important to make sure that an accrediting process serve the public and not be something that's really geared to serve solely the needs of a profession.

And we feel by having three members who are public members, which is beyond what, you
know, the Department of Ed require, in these
diverse fields, and either with skills and/or
accreditation backgrounds, that's the type of
public member that can really contribute.

With that said, we would welcome
having a scientific researcher or someone from
another medical field, you know, provided of
course that they were able to meet the technical
requirements of the public member regulation.

MR. SHIREMAN: Thank you. I think Art
might be muted. Are you calling on Kathleen?

(No audible response.)

DR. PRESSNELL: Art. You're muted,
Art.

DR. SMITH: We can't hear you, Art.

DR. ALIOTO: Art, I can't hear you.

We can't hear you.

THE OPERATOR: I think we may have
lost his line, actually.

DR. SMITH: Oh, okay. What does he
need to do? I can shoot him an email.

THE OPERATOR: He can call right back
DR. SMITH: Okay. He likely knows that, but I'll shoot him an email.

DR. ALIOTO: Should I go forward?

MR. SHIREMAN: Can the vice chair step in?

DR. PRESSNELL: Yeah, let's wait one minute.

(Simultaneous speaking.)

DR. PRESSNELL: I want to make sure that Art is able to hear the question, so.

DR. SMITH: Okay. I sent him a note, but he likely is figuring this out.

DR. PRESSNELL: Yeah. Well, Art, can you hear us?

(No audible response.)

DR. PRESSNELL: Yeah, he can't hear. I want him to be able to hear the question, if that's all right. So, if we could wait a moment?

DR. SMITH: Okay. So I sent him an email, and yeah, he's probably looking at his computer now.
DR. ALIOTO: That, of course, happened to me earlier. You have to call back in.

DR. PRESSNELL: Well, Kathleen, you've got one on him now, so.

DR. ALIOTO: Well, while he's off, I can -- it probably is a technological problem with me.

You know, I bring strengths to this committee, but like everyone else, I do have weakness.

DR. PRESSNELL: All right.

DR. ALIOTO: So I apologize if I was going on and on.

DR. PRESSNELL: No problem. Okay, well let's go ahead and move forward, and so Kathleen, if you want to go ahead with your question?

DR. ALIOTO: Yes. I wondered how many students are in the programs that you're overseeing?

DR. SEITZ: No, unfortunately I don't have the current number.
If I had to guess, it would probably be in the range of say, 800 students.

DR. ALIOTO: Okay. And --

DR. SEITZ: But I don't have the exact number. I apologize for that.

DR. ALIOTO: Well, that just was the ballpark.

And I was interested in hearing about your Hispanic -- and it's not only in South America, but it's also here.

In California, we have huge populations of Hispanic people, and nationally, so I'm glad that you're doing that.

I was curious about whether or not you have any programs that involve Chinese professors and students because of their strengths in this area?

DR. SEITZ: So, first of all, let me just comment that our council was very pleased that a Spanish language program approached us, and the UAGM University, Ana Mendez in Puerto Rico, is I think the largest private university
in Puerto Rico, with a number of other healthcare programs.

And they had a particular dedication on the part of the leadership, the university leadership, that they wanted to have this program because they felt it could be very beneficial to the people of Puerto Rico, in particular, but then again also be a leader.

And the naturopathic educational standards of our agency are really among the highest that you'll find anywhere in the world.

So, you know, we feel it's a very important addition.

To the degree that naturopathic programs include instruction in traditional Chinese medicine, there would certainly be some faculty who would come out of traditional Chinese medicine, and oftentimes, these are people who are trained in China.

So, in that sense, you would find some influence from Chinese medicine.

But that's only a piece of what might
be taught in a naturopathic medicine program.

DR. ALIOTO: And I was also just curious if you're involved in any of the OSHA institutes?

Because that's what they are doing with several hospitals and universities in the country.

DR. SEITZ: The OSHA institutes connected with Harvard University?

DR. ALIOTO: Harvard and UCSF, and I don't know, Duke, or there are four different great institutions that they're involved with.

DR. SEITZ: Sure. You know, I cannot answer that for naturopathic medicine.

I was previously president of the New England School of Acupuncture, and we collaborated with Harvard University on matters related to traditional Chinese medicine.

So I would imagine they have an openness to working with naturopathic medical institutions and doctors, but I don't know specifically what connections there are.
Perhaps my colleague, Dr. Wallace --

I don't know if you would have any information
about that?

DR. ALIOTO: Well, it's not really
pertinent. I was just being nosy. But in terms
of your other programs, thank you.

CHAIR KEISER: I'm sorry, I got
disconnected. I was double muted. Jennifer,
you're up.

MS. BLUM: Yes. Thanks, Art. So,
this question is actually for both the
accrediting agency and for the staff.

I might ask it later in a different
way, but, so my first question is are your
institutions also institutionally accredited by
one of our recognized institutional accreditors?

(audio interference). Again, that
one's straightforward. I'll tell you why I'm
asking that in a minute.

DR. SEITZ: Sure, yes. All of the
institutions in the U.S. and Puerto Rico would
have institutional accreditation by the national,
formerly regional, accreditor, and that's
actually a requirement of our standards, that
they would have that before becoming initially
accredited.

MS. BLUM: Great.

Okay, I just wanted to double check
before I ask my next question, which is, so is
it, as it relates to the non-federal alliance of
other non-Department of Ed agencies through your
accreditation -- I think there's a piece in
there, in your petition and in the summary, the
department summary, and I think Bob sort of
alluded to this earlier in a different question,
that the agencies -- I think it's NIH --

DR. SEITZ: For some reason, you've
stopped coming through.

MS. BLUM: Yeah, let me pause. So,
George or Herman, I keep getting a message saying
your line is muted, your line is unmuted, and
it's not by me.

So, I don't know if the --

CHAIR KEISER: That's what happened to
MS. BLUM: Okay. So, the --

(Simultaneous speaking.)

DR. SMITH: Candice -- okay, hold on just a second.

MS. BLUM: And to me --

DR. SMITH: Candice, do you know what's going on there?

THE OPERATOR: I don't, but I can look into that on the line.

DR. SMITH: Okay, great..

(Simultaneous speaking.)

DR. SMITH: Go ahead and proceed, Jennifer. We can still hear you.

MS. BLUM: Okay, thanks. So --

DR. SMITH: All right.

MS. BLUM: So the reason I'm asking is, what I wanted to get at is, so for example, NIH, I look at the language within the materials, and it says that in order for your students to receive and for the institution to receive certain non-federal aid, the institution needs to
be accredited by an agency approved by the
secretary, or in some cases, just an accredited
institution, and I'm curious -- so, but it's your
view that it has to be specialized accreditation
by CNME?

And just, I mean, if the institution
is already accredited, I just want to understand
the thinking of why it has to be accredited by
CNME?

DR. SEITZ: Sure.

So, first just to say that the
institutional accreditors would not have
expertise in naturopathic medical education.

They wouldn't necessarily understand
how to know if a faculty member had the
appropriate credentials, and so forth.

So, I believe that the NIH felt that
it had to rely on the programmatic accreditation
to determine whether someone who was applying for
research funding, or an institution that was
sponsoring research funding had the programmatic
-- you might say programmatic expertise to
responsibly be awarded federal funding.

So, there are a couple of those regulations or policy documents where the ND (audio interference) degree is specifically referenced, and it's referenced in respect to a Department of Ed recognized accrediting agency.

So, I think it's just simply that the regional, as much as they provide obviously incredible oversight of the institution, does not have that specific programmatic knowledge.

MS. BLUM: Okay.

I'll continue the questions with the staff because I think it's a little bit more for the department, because there's an overarching issue of just understanding what the level of reliance is of non-federal agencies and what the impact is on students.

So, I just want to drill a little deeper on that, but it's with staff, not with you all.

DR. SEITZ: Thank you.

DR. SMITH: Art, you might be muted.
Are you talking, Art? I don't think we can hear you.

CHAIR KEISER: I'm sorry, the muting is driving me crazy. Bob, is your hand up again, or is this the old one?

MR. SHIREMAN: It is. It is up again.

Okay, are you ready for me?

CHAIR KEISER: If you are ready, (audio interference).

MR. SHIREMAN: Okay, thank you.

I wanted to follow up actually more on Jennifer's question because the petition very clearly says that -- or at least the analyst, I can't remember which one -- but it says that the REEP Program, and perhaps another program, require CNME accreditation.

When I looked at the link program, it was very clear to me that the agency wanted the institution to be an accredited institution.

It used the word accredited institution, which comes from a different agency.

It was not clear to me that it's a, yes,
naturopathy was listed among a lot of other areas, research topics, or research areas, that they would consider, but it was not clear to me that was -that the agency was requiring programmatic accreditation.

The reason I think this is important goes actually to some of the questions that Claude was asking about credibility and acceptance, and your answer to that question named states and other government agencies that recognize CNME.

And I find that many accreditors, they use the fact that the government recognizes them to demonstrate that they are a reliable authority, but for the secretary of education and for NACIQI, we are supposed to determine that an accrediting agency is a reliable authority in its own right, and therefore deserves recognition by the secretary.

It's not supposed to be the other way around, where because we're recognizing the agency, and of course this creates this trap
where agencies want to come to us and seek
secretarial recognition in order to gain
credibility and legitimacy, rather than to kind
of affirm that they are or were in their own
right, a reliable authority.

And when it's a programmatic agency --

CHAIR KEISER: Is this a question for
the agency, Bob?

MR. SHIREMAN: Pardon me? This is a
question for -- so, when it's a reliable --

CHAIR KEISER: There's --

(Simultaneous speaking.)

MR. SHIREMAN: This is a question for
the agency.

Is it required -- let me finish -- so,
they are able to bypass the separate and
independent rule if they're programmatic
agencies, so they can be basically part of a --

DR. SEITZ: Trade association.

MR. SHIREMAN: Sorry, part of a trade
association, exactly.

So, I want an answer from the agency
about whether it is their view that programmatic accreditation is required by these other federal agencies?

DR. SEITZ:  Yes.

So, short answer would be yes, and just to say that in some of the language that you'll see in these regulations, there's a reference to schools, institutions, and I think what can be confusing there is that oftentimes, something like a medical school will be called a school of medicine. Okay?

So, in working with our legal counsel, and identifying the link language, what they looked at, and what we felt was a very strong and legitimate interpretation, is that where there are references to schools and such, that oftentimes that means a school of medicine, and were similarly some of the programs are housed within a school of medicine within their university.

So we think that's an appropriate interpretation.
The other thing is, again, as I said earlier, the institutional accreditation process would not be drilling down into the specifics of a field.

So, there would need to be a reliance on an entity that had that type of expertise.

Dr. Shireman, I'm not sure if I fully answered your question.

Is there some other aspect of that that you'd like to me to address?

MR. SHIREMAN: I guess my only follow-up is, do you feel that the record currently available to the secretary, to the secretary's representative, and the staff is adequate to confirm that the programmatic accreditation is required, or would more information needed to be added?

DR. SEITZ: So, just to say that, if the secretary, if the staff feels that more information would be helpful, we'd be happy to provide it.

We do think that the language provided
and the interpretation we gave it is accurate, and but, obviously, of course, happy to provide some additional information, if that's the question.

MR. SHIREMAN: Can I ask the council, whether we are right at this moment in that situation that we described earlier, where the only way we can be certain that additional information could be in the record would be if we, as NACIQI, found the agency in some form of noncompliance?

MR. BOUNDS: Was that question for -- was that a question for staff?

(Simultaneous speaking.)

MR. SHIREMAN: That was a question for, yes, for staff or counsel.

In other words, could the agency submit additional information as it stands right now, or, you know, does our action, our motion, the form of what is contained in our motion, affect whether you can get additional information to confirm that they are eligible under the links
of federal programs?

MR. BOUNDS: Yeah.

I'm probably going to punt to Angela and Donna to give you a more detailed, you know, legal response, and then I think Beth, and I would also want to provide some additional comments on, you know, the federal link for this agency as a whole, anyway.

MS. SIERRA: This is Angela Sierra.

I don't think that the agency is in a position today to provide additional documentation that could be entered into the record, so I'm not sure how we would proceed forward.

I think, you know, you would have to make a decision as to whether you needed that additional information to find them in compliance with the federal link requirement, but since the agency I don't think has that information for you today to enter into the record, I just am not sure how we would proceed.

Donna, do you have thoughts?
MS. MANGOLD: Yeah, I think that the agency at this point would be not allowed to put it into the record under 602.35(c)(1), but I think that if a NACIQI recommendation found out of compliance, then we would be allowed to submit that information to the SDO in the comment process.

MS. SIERRA: Yes, that sounds right, Donna. Thank you.

MR. SHIREMAN: And can I ask is a monitoring report requirement sufficient, or does it need to be whatever the other form is, you know, a one year compliance?

MS. MANGOLD: (audio interference) staff review as to whether this would have to be at a compliance report level, it seems to me could be triggered by a recommendation of a monitoring report, but look to your expertise on that.

MR. BOUNDS: Yeah. Can everybody hear me? I'm sorry. Yeah, I mean, it could be done with a monitor report.
Of course, monitor reports in the end, you know, can be reviewed by staff and not come back to NACIQI, where the compliance report you're actually finding the agency -- you know, you have evidence to find the agency noncompliant, and then of course that would require another appearance at NACIQI within, you know, 12 months after the decision.

MS. SIERRA: Yes, and this is Angela Sierra again from OGC.

So I think you would have to find them substantially compliant, and then require a monitoring report.

If you found them out of compliance, especially out of compliance then, there would have to be a compliance report that would have to come back before NACIQI, whereas a monitoring report, the staff -- correct me if I'm wrong, Herman -- the staff could review, and if there were no issues, it wouldn't necessarily have to come back to NACIQI for review.

MR. BOUNDS: That's correct, Angela.
The monitor report would be reviewed solely by staff and would not come back to NACIQI.

And you're right, that would be just the standard compliance within -- require the monitoring.

DR. SEITZ: May I (audio interference) for a second?

PARTICIPANT: Go ahead.

DR. SEITZ: Oh, just to say that, so I've been with the agency for 16 years, and it has been the consistent interpretation that these links have been accepted as being legitimate, that federal links during that time.

And I understand of course that the secretary and NACIQI can take a new look at that. They're not bound by previous decisions.

But that has been a consistent decision over a number of years now.

DR. BOOTH: This is Ronnie Booth. I'm just trying to figure out what problem are we addressing, what specific problem?

Why is there a need for -- I feel like
we're changing rules here at the finish line.

    MS. BLUM: Art, you're on mute.

    CHAIR KEISER: Jennifer?

    MS. BLUM: Yes?

    CHAIR KEISER: And Claude, and then

Ronnie Booth.

    MS. BLUM: So, to the gentleman's

point, the agency, and to Ronnie -- I think

Ronnie -- somebody else just mentioned the same

thing -- to me, this is not necessarily an issue

of compliance on the part of this agency,

especially given the prior interpretations of the

department.

    To me, that's why I processed this as

I'd like to ask the department staff a line of

questions about this area.

    I don't think it's an issue of

noncompliance on the part of the agency because

the separate and independent provisions of the

statute are so complex, and really relate to

Title IV eligibility, in which this institution's

not.
But, there is this sort of little bit of this backdoor reliance that Bob was getting at, and I, you know, honestly agree with him on, but I don't think that this is an issue of compliance on the part of the -- in my view, an issue, a question as to the agency's compliance today, because there's been a long, I think, interpretive view of this non-federal aid piece.

But I do think that there's a line of questioning for staff, and so, my question is -- and I think that we'll have another opportunity to talk to staff where the agency, you know, is not the subject of the questions, before we close this out, right?

CHAIR KEISER: Correct. We'll be talking to staff right after this.

(Simultaneous speaking.)

MS. BLUM: Okay, yeah, so I'm going to go back to saying what I said before, and, you know, if there are any other questions for the agency, then that's great, but then afterwards, I would like to ask Beth some questions. Or
counsel.

CHAIR KEISER: Claude?

DR. PRESSNELL: Yeah. Thanks, Art.

Yeah, I guess, you know, Jennifer kind of explained kind of my concern, as well.

I think that, you know, obviously if Bob wants to make an alternative motion at the point that the motion comes up, he can do that, and, you know, but I'm trying to figure out what is materially inadequate in this application based on our regulations.

And so, I would need for Bob to clarify for me, you know, exactly, precisely what the issue is.

And then again, if Bob wants to make, you know, an alternative motion at the time that we take our action, he has every right to do that. We can do that.

But I would need to have more explanation from Bob as to how they are, you know, materially out of compliance on that point.

CHAIR KEISER: Okay, Ronnie Booth was
next, then Jill Derby.

DR. BOOTH: Yeah.

Maybe I'll going along the line of some of the others, but I think the question goes to the heart of the nature of the accreditation process, and the way the regs are written, and what we can and cannot do, so I'm not sure that the question Bob asked is in our purview.

I think that's -- goes beyond our responsibility and our authority, our advisory capacity.

So again, I believe we're asking a question that is not ours to ask, it's a question that goes to the regs and the rules set up for us to operate within.

CHAIR KEISER: Jill?

DR. DERBY: Yeah, well following on that, it just seems to me this isn't an issue of compliance.

But if the committee is interested in a kind of monitoring report, further information, is it something that we can request whether we
put it in form of a motion or not?

Is there precedent for that, since we have a member of the committee that's making that request?

CHAIR KEISER: Well, we're not at a point of making motions.

We can certainly make any motion we want once we get into the discussion on the motion.

DR. DERBY: Well, I'm asking about precedent, or is there really?

CHAIR KEISER: I don't think we have any rules about what motions we want to make.

I think we certainly can make the motion.

So, when we get there, I think, you know, we'll be glad to entertain any kind of motions that are appropriate.

And I have hands that are still up. I have Ronnie's hand's still up, Kathleen's hand's still up, Jill's hand's still up, Jennifer's hand is up, and Bob's are up.
Is there anyone who did not drop your
hand and want to speak again?

MR. SHIREMAN: Yes.

CHAIR KEISER: Bob, is that you?

MR. SHIREMAN: Yes. Thank you.

CHAIR KEISER: Okay.

MR. SHIREMAN: So I wanted to answer
the question.

So, I looked at the record that we
have, and it raised questions to me about whether
the agency met the federal link requirement.

Regardless of what NACIQI votes, the
secretary's representative might look at the same
record and determine that there is a problem, or
have questions, or might have questions.

Given the conversation that this has
raised, if I were the agency, I might want an
opportunity over the next ten days to provide
more information, or I might want the staff to
take a closer look, so that within those ten
days, the secretary would have more information
and could fully -- the only way that that can
happen is if we ask for a monitoring report, or
declare some version of noncompliance.

Otherwise, no additional information
can go into the record.

So, my question for the agency -- and
they may want a few minutes to think about this --
is do they want a 10-day opportunity to be able
to provide more information so that the secretary
has more than what is currently available in the
record, or would they prefer to, or us, to just
vote them fully, running the risk that the
secretary has inadequate information to answer
this particular question?

DR. SEITZ: So, let me say, that's a
dilemma of biblical proportions that you just
presented to us.

You know, I don't feel I have enough
of an internal understanding of how that process
might play out with the secretary or the
representative to know what would be better for
our agency.

I guess I would say if NACIQI feels
that it needs more information from us, we always stand ready to -- and the staff, as well -- we always stand ready to provide that.

That's a non-answer to your question, but I don't feel we have enough understanding of how that might play out to be able to really respond.

CHAIR KEISER: Do we have any other questions, Claude, because --

(Simultaneous speaking.)

DR. PRESSNELL: Yeah, I just need clarification.

CHAIR KEISER: I'd like to hear from the staff on their analysis and why they did that.

DR. PRESSNELL: Yeah, thanks, and I just need one point of clarification, not from Bob, but from the staff, and so they might be able to address this, as well, that --

CHAIR KEISER: Claude, how about we call Elizabeth back and have her answer some questions?
DR. PRESSNELL: Okay.

CHAIR KEISER: What's your question for her?

DR. PRESSNELL: So my question is, I just want to make sure from a procedural standpoint, this 10-day period that Bob is referring to, is that activated only if we find them substantially compliant but not fully compliant?

In other words, there's got to be a problem that we're submitting with it that triggers their opportunity to respond.

If we simply accept the staff report and give them an additional -- you know, recognize them for five more years, I don't see that that activates the 10-day response.

I'm trying to get clarity in -- Herman, or Beth, you might be able to help me on that -- what provides them that opportunity?

MR. BOUNDS: Yeah, I think --

(Simultaneous speaking.)

CHAIR KEISER: Claude, if I can, I'd
like to just thank the agency.

Unless we have questions for the agency, I'd like to bring Elizabeth back, and then Herman. They can answer the questions you have.

It's not fair to the agency to really be part of this discussion.

Jennifer, your hand up. Was there anything else you wanted to say? To the agency.

MS. BLUM: My hand's up to talk to staff, just for when you get to staff there.

CHAIR KEISER: Okay. I want to then thank the agency for being in front of us, and I'd like to now call Elizabeth Daggett back to answer questions of the team. Go ahead.

MS. DAGGETT: Well, first off, for the question of whether or not there would be the 10-day allowance, I would need to defer to the Office of General Counsel to answer that question because that's a procedural question that honestly, we haven't done recently under the new regulation.
MS. SIERRA: Thank you, Beth. This is Angela Sierra from the Office of the General Counsel.

My understanding is that NACIQI would have to find the agency out of compliance with this criteria in order to trigger that 10-day comment period that would allow the submission of new information.

NACIQI would also have the option of finding the agency substantially compliant, and referring a monitoring report or recommending a monitoring report.

MS. MANGOLD: This is also Donna Mangold, and because some of these regulations are new, they haven't been implemented, we haven't tested the kinds of things that these questions are raising.

I do want to caution that the language in 602.35(c)(1) that Member Shireman is raising about the trigger for the agency to be able to submit additional information, is -- I'm going to read it just so everyone has it and so it's
familiar to them.

            Hold on one second, and of course, I
locked it.

            Okay, it says, neither the department
staff nor the agency may submit additional
documentation with its comments -- the comments
are those that are given ten days after the
meeting -- unless the advisory committee's
recognition recommendation proposes finding the
agency noncompliant with or ineffective in its
application of a criterion or criteria for
recognition not identified in the final
department staff analysis provided to the
advisory committee.

            So, the words of the regulation
require a finding of noncompliance.

            The wrinkle of it is now that the new
regulations that recently went into effect allow
for a monitoring report, as well as a compliance
report.

            And I'm going to sort of back to
Herman, as to whether he thinks that this
provision that I just read actually would require
a compliance report recommendation, and that a
monitoring report recommendation wouldn't get it
over the threshold.

MR. BOUNDS: Yeah, Donna, I agree that
a monitoring report, I mean, would not go over
the threshold.

I think this, the whole 10-day
submission, they would require a determination of
noncompliance.

And again, the monitoring report could
be reviewed solely by staff.

MS. MANGOLD: Yeah, I may have jumbled
that up earlier, but a reading of the regulations
actually, we have to have a finding of
noncompliance.

MR. BOUNDS: Yeah, a finding of
noncompliance. Yes.

CHAIR KEISER: Okay.

MS. MANGOLD: And therefore, a finding
of noncompliance requires a compliance report,
not a monitoring report, in your view?
MR. BOUNDS: Yes. A finding of noncompliance which would then require the compliance report.

CHAIR KEISER: Okay. Jennifer, you have your hand up?

MS. BLUM: Thanks, Art.

So I want to get back to the line of questions (audio interference) sort of not the procedure necessarily on the compliance, because, in my view, this agency may be -- well, this is much more of a question for the department about the language that -- so, the agency seems to be saying, and I think the petition and the documents sort of concretely or try to concretely say that this agency has a link to federal programs, not Title IV, but other non-HEA federal programs, and I think that provision of the regs is 602.10, where there's a provision from Section B that speaks to links to federal programs that are not Title IV, and I'm questioning that validity.

Now, I'm actually not laying this at
the agency's feet necessarily, so I just want to
be clear about that -- the accrediting agency's
feet, necessarily, because I don't think it's
clear.

And I also think that they are living
under an assumption -- somebody else said it --
I'm not big on changing policy to the detriment
of an agency, but I do want to understand from
the department's standpoint whether it is
actually an accurate statement that NIH or the
other agencies listed for those programs are
reliant on CNME because -- and I'll frame the
question this way -- if a student at one of
CNME's schools, or the school itself, because
maybe it's a grant for the school -- were to
approach NIH and ask for funding and utilize its
regional accreditation, or a different
specialized accreditation -- would they still
refuse the grant money without the CNME
accreditation?

To me, when you're analyzing a federal
link, that would be the -- that's how I would ask
the question.

And so, I guess I'm asking the staff, like, did we ask that question, because if there is no federal link, then that does ultimately relate to other aspects of how we consider the agency.

But I wouldn't go so far as to call this agency out of compliance today.

So I just want to be really clear about where I'm sitting on this, but I am interested in this because it does have a somewhat weird link -- no pun intended -- to the separate and independent requirements.

And so I'm not trying to lay this at the feet of CNME, but I am wanting to get to this issue from a policy standpoint and from a go-forward standpoint from the staff.

I know that was long-winded, but that's why I've been waiting to say that to staff, and not to the agency.

MS. DAGGETT: Okay, I totally understand your question.
I do believe that we have gone through the specific federal link that has been provided.

I will go to the REEP Program, which actually what I said before was a derivative from a prior program that they had submitted, and I actually looked at the language itself, and although it says it does require as the eligible entity -- it would be a higher education institution.

It goes further to clarify that the applicant organization must be an accredited public or non-profit private school that grants baccalaureate or advanced degrees in health professions, which is has defined below, which then further defines that they are training in degrees such as the ND program, and actually defines a health and professional school or college as a college of naturopathy, and then the last sentence says, accreditation must be provided by a body of proof for such purpose by the secretary of education.

Besides CNME, there is not another
accrediting agency that would be able to provide
for the purpose of naturopathy to be able to
provide that accreditation, and so that's where
we would find the federal link.

MS. BLUM: So it's the wording for
such purpose that you're relying on?

MS. DAGGETT: Yeah.

MS. BLUM: Okay.

CHAIR KEISER: Are there any further
requests for information from Ms. Daggett?

(No audible response.)

CHAIR KEISER: Seeing none, thank you.

Thank you very much.

If there are no third-party
commenters, I would ask the primary readers to
make a motion.

Then we can discuss --

DR. DERBY: I'll go ahead. Is that
agreeable, David?

DR. EUBANKS: Yes, please, Jill.

DR. DERBY: I move that NACIQI
recommend that the Council on Neuropathic Medical
Education recognition be renewed for five years.

CHAIR KEISER: Is there a second to the motion?

DR. EUBANKS: This is David. I'll second.

CHAIR KEISER: The motion is moved and seconded. Now there's discussion.

Jennifer, is your hand up, or is that from before?

(Simultaneous speaking.)

CHAIR KEISER: Okay. No further discussion. You folks are going to keep me on time. I appreciate that.

We're going to do a roll call, unless there's any other discussion?

(No audible response.)

CHAIR KEISER: I'm looking. Okay, no. We will start with Anne. You're going to accept, reject, or abstain from the motion? Anne?

MS. NEAL: Yes.

CHAIR KEISER: Claude?

DR. PRESSNELL: Yes.
CHAIR KEISER: David?

DR. EUBANKS: Yes.

CHAIR KEISER: Jennifer?

MS. BLUM: Yes.

CHAIR KEISER: Jill?

DR. DERBY: Yes.

CHAIR KEISER: Kathleen?

(No audible response.)

CHAIR KEISER: Kathleen?

DR. ALIOTO: Yes.

CHAIR KEISER: We're going to have to get you a better mute button. Michael?

DR. LINDSAY: Yes.

CHAIR KEISER: Rick?

MR. O'DONNELL: Yes.

CHAIR KEISER: Robert Mayes?

MR. MAYES: Yes.

CHAIR KEISER: Robert Shireman?

MR. SHIREMAN: I'll abstain.

CHAIR KEISER: Abstain. Ronnie Booth?

DR. BOOTH: Yes.

CHAIR KEISER: Steve?
DR. VanAUSDLE: Yes.

CHAIR KEISER: Wally?

DR. BOSTON: Yes.

CHAIR KEISER: The motion passes. It is 11:57 when --

DR. LeBLANC: Art, this is Paul LeBlanc.

I have to drop off, but I am still on with you, and I'll register as a yes, as well.

CHAIR KEISER: Okay. Did I miss you?

How did I miss you?

DR. LeBLANC: You did, but I'm not offended. It's okay.

CHAIR KEISER: God, I cannot read. I guess I've lost -- was he on there? I don't see in the list. Okay. Well Paul, as voted for.

Okay. Yeah, see, he was not on my list, so thank you, Paul, for bringing that to my attention. It is three minutes before 12:00.

We will have a closed meeting with the Office of Ethics. I do want to say one thing.

I did not introduce myself at the
beginning.

My name is Arthur Keiser. I am chancellor of Keiser University in Florida, so I needed to get that out of the way.

Okay, we will --

MS. NEAL: Art?

CHAIR KEISER: Yes?

MS. NEAL: Art, if I might just impose an objection to closing this session? I think this is the ethics training.

I see no reason that it should not be open for public review, and so I object to closing it.

DR. SMITH: This is George. I was under the impression that this was always a closed session.

Is Nathan on already? Nathan, are you -- Candice, has he joined us already?

MR. MITCHELL: Yes. I'm on the voice line, if you can hear me?

DR. SMITH: Hi, Nathan. So, is this typically a required closed session, or did I
Just misunderstand that?

MR. MITCHELL: We always do it in a closed session.

DR. SMITH: Okay.

MR. MITCHELL: One, it's mostly so that we have an environment where members are free to ask more personal questions than they might be willing to otherwise.

Hopefully that makes sense?

DR. SMITH: Okay. So, for the record --

MS. NEAL: Well, if I may say --

DR. SMITH: Go ahead.

MS. NEAL: I think because it's always been done is not necessarily the best reason, and I just wonder if in fact there are individual questions relating to specifics of members of the committee, if those might not be better handled one-on-one, as opposed to in a group ethics training session?

DR. SMITH: Nathan, how would you respond?
I mean, should we move with the closed session today, and look into opening it up for future meetings, or -- I don't know if you have the authority to make the decision that it would be open today?

MR. MITCHELL: Honestly, it's completely up to the members. If you want to do this in an open session, that's fine.

Usually we use this as an experience, yeah, to field questions and that, and we --

DR. SMITH: Okay.

MR. MITCHELL: Yeah, don't (audio interference) with the public.

DR. SMITH: Art, can you call a vote on that to see whether or not, you know, it should be an open session, or do you want to do - -

CHAIR KEISER: I don't have an objection to leaving it open. Does anybody have an objection to it being open?

DR. SMITH: To what? Okay.

CHAIR KEISER: Does anybody have an
objection to being open?

  (No audible response.)

  DR. SMITH: Okay, excellent. Well, we'll proceed. It's noon.

  Did you want to take a quick break, Art, or did you want --

  CHAIR KEISER: I think we need a ten minute break and --

  DR. SMITH: Okay.

  CHAIR KEISER: And --

  DR. SMITH: Okay, a ten minute break.

  CHAIR KEISER: Also, get your lunch.

  We're going to eat while this meeting is going on.

  Hopefully you will have ordered your lunch already, and or not, you won't eat during this, you can eat during the next meeting, but let's take a break for ten minutes, please.

  DR. SMITH: Okay, so Candice, it's open at 12:10 for everyone, for the participants who have called in.

  THE OPERATOR: Okay.
MR. MITCHELL: Hi, everyone. Hopefully you can hear me. It seems like Art can at least, but I got one of those muted line messages, so just making sure.

If you can nod, Art, then I'll go along. Perfect. All right.

I'm Nathan Mitchell and I'm your committee's ethics attorney.

Just a few housekeeping things before we really start the briefing/debriefing (audio interference).

I emailed to the members on Monday a copy of the ethics primer for NACIQI, as well as a training certification form.

For the rest of the time we spend...
together today, I will talk you through the ethics primer, so it will be more helpful for you to look at a copy of it while I talk.

However, after we finish talking today, you must complete this certification form by adding your name and signing the form and then emailing it back to me in order to receive credit for attending this training.

If you are not to return this certificate to me, then you're probably going to have to sit through this meeting again before the end of the year as there is an annual requirement for you to attend an ethics briefing to continue to participate in the committee.

My email address for that form is in the email, but it's nathan.mitchell@ed.gov. All right.

Now, as I talk about the information (audio interference) primer, please feel free to ask questions, although since this is an open session, it will be apparently transcribed and available to the public, so keep that in mind.
If I can provide you an answer immediately, I will do so, but I may ask you instead to email me to follow up with your question because of the fact-specific nature of most ethics questions.

In addition, like I said, this is going to be a very public forum, so if you don't feel comfortable asking questions or would like more privacy, please call or email me so I can answer any questions you have.

Also, I think actually because this is a public session, I think, you know, whoever wanted this to be public, said that you all would communicate with me one-one-one. Maybe you don't have any questions, I don't know.

Also, I wanted to thank all the members for submitting your confidential financial disclosure reports in a timely manner, and potentially answering questions from me recently by email.

I will soon provide you all but the four newest members an updated ethics advice memo.
that will supplement the information I discuss today.

For now though, you can still refer to the ethics advice you've been previously given.

Let's see.

Now, if you would please turn to page 4 in the guide, if you're following along?

You were recruited for temporary service to the federal government because you provide outside expertise or perspective that may be unavailable among the department's regular employees.

We are talking today because your personal finances, professional affiliations, and other personal activities may conflict with your activities on NACIQI, and the ethics rules guide you in identifying such conflicts and resolving them.

As you're all aware, since you just did it, you are required to file a confidential financial disclosure report in order to avoid involvement in any real or apparent conflicts of
The purpose of the report is to assist you and the Department of Education in avoiding conflicts between your official duties as a member of NACIQI and your private financial interests or affiliations.

The due date is usually February of each year.

The reporting period covers the preceding calendar year if you're a returning member.

You cannot participate in committee activities if your report is not filed with the Ethics Deadline after the deadline until you submit your report and it's certified.

So again, everyone did that, so thank you very much.

Please keep a lookout next January for instructions on how to complete your next financial disclosure form.

Furthermore, sometimes additional instructions are provided with the email, asking
you to submit that form.

You may want to review those instructions, as it may lessen the amount of assets you actually need to include on the report.

Although the ethics rules are complicated, please keep in mind if you take nothing else from this briefing, that you should never use your public office for private gain, either for yourself or for any third-party.

That is the most prominent principle underlying these rules.

In addition, you must refrain not only from engaging in activity that violates the ethics rules, but you must also refrain from any activity that creates the appearance of a violation of any of these rules.

You are by law classified as a special government employee, or SGE, and because you have been appointed to be a member of this committee, you are expected to perform your duties for not more than 130 days during the 365 days subsequent
to the date of your appointment.

As an SGE, you are a federal
government employee.

It is particularly important for you
to track the number of days you work as an SGE
because duty of working less than 130 days, you
qualify for exemptions or exceptions from various
ethics rules that otherwise pertain to other
government employees like me.

If you happen to serve on multiple
advisory committees as an SGE, you should keep
count of all of your days where you work as an
SGE in all positions, as that will be the figure
that governs which exceptions apply to you.

Please remember that with the
exception of the limitations on political
activity, the ethics rules apply to you all of
the time, even on days when you're working on
committee matters, as well as when you are.

18 U.S.C. Section 208 is a criminal
statute related to conflicts of interest. As it
is a criminal law, it is very important that you
do not violate it.

Section 208 prohibits you from participating personally and substantially in any particular matter that has a direct and predictable effect on your financial interests, including certain interests of others that are imputed to you under the statute.

In addition to your own personal financial interest, the statute imputes to you the financial interest of your spouse, minor child, general partner of business, an organization for which you serve as an officer, director, trustee, general partner or employee, and any prospective employer.

This means that you may not work on committee matters if you have certain connections, such as being on a board of directors, or certain financial interests like stock ownership with an organization that has a financial interest in the matter before the committee, unless certain exceptions or exemptions apply.
For example, if you're employed by an organization such as a university, then you cannot participate in matters that would affect the financial interests of that university because the financial interests of the university are imputed to you.

Similarly, if you own stock in an entity and there's no exception applicable, then the financial interests of that company in which you own stock are also imputed to you.

Now please keep in mind that it's important to keep me updated about any new employment or activities that you engage in so that we can provide you with updated advice between times when we issue you a formal ethics advice memo or emails.

For example, if you joined a board of directors last month, despite it not being in the written advice you received, the financial interests of that entity are now imputed to you, therefore for your peace of mind, it's best to keep me updated with any changes in affiliation.
or changes in ownership of your assets related to the work in NACIQI, so your advice can be updated.

Now, I use the term particular matter in discussing the elements of Section 208.

It is important for you to know that there are two types of particular matters.

First, there are particular matters with specific parties, such as a renewal of recognition, a grant or a contract, where you can (audio interference) the parties involved in the matter.

Second, there are particular matters of general applicability, such as a rulemaking where the matter affects a discrete and identifiable class of entities.

Because NACIQI falls within the Federal Advisory Committee Act, there is an exception that allows SGEs like you to participate in particular matters of general applicability when the only conflicting financial interests you have is due to an employer/employee
relationship with that entity.

For example, if you're an employee of the Middle States Commission on Higher Education, and had no other financial interest in that organization, then you could still participate in matters such as a new rule requiring all accrediting organizations to submit different information to the committee.

However, you would still need to recuse yourself from participating in the review of Middle States when it becomes before the committee.

Generally, determining which of these two types of particular matters applies is a very fact-specific analysis, so if you have any question when this issue arises, please contact me.

Now on page 7, even when you do not have a conflicting financial interest under 18 U.S.C. Section 208, you may still appear to have a conflict due to a relationship that does not necessarily involve finances or a fiduciary
relationship.

The standard of ethical conduct for employees of the Executive Branch addresses impartiality or appearance issues.

The purpose of this regulation is to prevent the appearance of conflicts by ensuring that employees perform their jobs impartially, acting in the government's best interest without bias towards any private individual or organization.

Generally, the rule of impartiality in performing official duties is more likely to affect your work on the committee compared to the criminal statute regarding financial conflicts of interest because it is broader in scope.

Now, pursuant to 5 C.F.R. Section 2635.502, you should not participate in a particular matter involving specific parties where you know that such a matter is likely to have a direct and predictable effect on the financial interests of a member of your household, or you know that a person with whom
you have a covered relationship, is a party, or
represents a party to the matter, and where you
determine that the circumstances would cause a
reasonable person with knowledge to the relevant
facts to question your impartiality in the
matter.

The regulation indicates an employee
has a covered relationship with the following
entities.

A person other than a prospective
employer, which is addressed in a different
regulation, with whom he or she has or is seeking
a business, contractual, or other financial
relationship, that is not a routine consumer
transaction, a member of his or her household, a
relative with whom he or she has a close personal
relationship, a person whose spouse, parent, or
dependent child is, to his or her knowledge,
serving or seeking to serve as an officer,
director, trustee, general partner, agent,
attorney, consultant, contractor, or employee,
any person or entity that you have within the
last year served as an officer, director,
trustee, general partner, agent, attorney,
consultant, contractor, or employee, or an
organization, other than a political party, where
you are an active participant.

One example could be where you have an
unpaid position on an advisory committee for some
entity.

While this relationship would not
trigger the criminal conflict of interest statute
since you receive no compensation and have no
fiduciary position with that entity, you would
still have a covered relationship with that
entity at least as an active participant, so you
would still need to recuse yourself from specific
party matters affecting that entity.

It is important to note that there is
a one-year cooling-off period regarding any
entities for which you served as an officer,
director, trustee, general partner, agent,
attorney, consultant, contractor, or employee.

However, there is no cooling-off
period regarding your spouse's former employer, nor your being an active participant in an entity.

If the one-year cooling-off period applies, then you would need to recuse yourself from particular matters involving specific parties for a year after your position ended.

In addition, there is something we refer to as the catch-all provision of Section 502, which also applies in determining whether you should participate in a particular matter involving specific parties.

All government employees are required to act impartially and not give preferential treatment to any private organization or individual.

For the catch-all provision, you need to consider whether other circumstances exist that I did not previously describe that would cause a reasonable person to acknowledge the relevant facts, to question your impartiality in participating in that matter.
I'm not sure whose phone that is, so
I'm sorry about that. I lost my place.

So, for the catch-all provision, you
(audio interference) other circumstances exist
that I didn't previously describe that would
cause a reasonable person with knowledge of the
relevant facts to question your impartiality in
participating in a matter.

In essence, this goes to the idea
that even if the statutes and regulations do not
specifically preclude your participation, that
does not mean you should participate.

This is a very fact-specific analysis,
so if you believe there are other circumstances
outside of your household's financial interests,
or you have a covered relationship with a party
involved in the matter, please reach out to me
and we can talk about whether you may want to
recuse yourself.

Now, there are four ways to resolve
conflicts of interest that vary based on the
interest causing the conflict.
The most common and easiest method is disqualification, where you simply do not participate in a matter in which you have a conflict.

If you will recuse yourself on a matter before the committee, you should notify the chair and George, the DFO, and leave the meeting entirely for the duration of that matter.

Other options include obtaining a waiver or authorization, divestiture, or resignation from the conflicting outside activity, but these are rarely used for NACIQI member conflicts.

It is important to note that if you're considering resignation as a resolution to a conflict, depending on your position with the entity, you may still have that one-year cooling-off period that I mentioned.

Finally, authorizations and waivers are very rarely granted by the department, and are generally considered a last resort.

Next, on page 8, we will talk about
There are two criminal statutes, 18 U.S.C. Sections 203 and 205, that prohibit you from representing a third-party with or without compensation before any court or federal agency in connection with a particular matter involving specific parties in which the United States is a party or has a direct and substantial interest, and of which you have participated personally and substantially as an SGE.

This is (audio interference) than the rule that applies to full-time employees.

If you plan on making any sort of representation on a matter you participated on as a member of the committee, or you plan to receive compensation for representation that's made by another in such a matter, then please reach out to me first to determine if you may do so without violating these criminal laws.

Please see your ethics memo for specific language of each of those criminal statutes once you get the memo for these in.
In addition, if you serve the federal government for more than 60 days during the immediately preceding period of 365 consecutive days, these restrictions apply to any matter that is pending in the department in which you were serving.

However, these restrictions do not apply to particular matters of general applicability, which, as discussed before, includes broadly applicable policies, rulemakings, proceedings, or legislation that did not involve specific parties, but rather apply to a discrete and identifiable class.

On page 9, it talks about post-employment limitations.

After you complete your service for the committee, 18 U.S.C. Section 207 governs one activity you can do when interacting back with the government.

If as a committee member, you participated personally and substantially in a particular matter with specific parties, then you
can never make a representation back to the federal government or a court concerning that matter.

In addition, if you serve 60 or more days as an SGE within the one-year period before your termination, then you are banned from making any representation to the Department of Education for one year, which is in essence a one-year cooling-off period.

However, once you are no longer a member of the committee, you can still reach out to the Ethics Division and me with any questions you have.

Now, well we talked about it before regarding impartiality, the standards of ethical conduct for employees of the Executive Branch, which you can find at 5 C.F.R. Part 2635, are regulations that apply both to regular federal government employees and to SGEs.

Although you are treated generally the same as a regular employee under the standards, a few exceptions do exist for SGEs in recognition
of the fact that SGEs are working for the
government only in a very limited way.

For fundraising, you do not use your
department or committee title, position, or
authority to solicit funds for any organization.

In addition, you may not personally
solicit funds or other support from persons whose
interest may be affected substantially by the
performance or non-performance of your official
duties.

The next topic involves gifts.

A gift is almost anything of monetary
value, including and in gratuity, (audio
interference), entertainment, hospitality, a loan
or forbearance.

It includes services as well as gifts,
of training, transportation, local travel,
lodgings and meals, whether those are provided in
kind or by purchase of a ticket, payment in
advance, or reimbursement after you incurred the
expense.

Specifically, you are prohibited from
accepting gifts from a prohibited source of the department, or gifts given because of your official position on the committee, unless a specific exception applies.

The definition of a prohibited source includes any person who is seeking official action from the department or committee, doing or seeking to do business with the department or committee, conducting activities regulated by the department or committee, or having interests that may be substantially affected by your performance of your official duties on the committee.

It is important to remember that the most common prohibited sources for the department are state or local educational agencies, educational associations, banks and universities that participate in the federal student loan programs, department contractors, and department grantees.

Common exceptions used by SGEs to the gift rules include modest items of food other than a meal, such as coffee, soft drinks, or
doughnuts, discounts available to all government employees, gifts valued at $20 or less per occasion with no more than a total of $50 in a calendar year from a single source, gifts clearly motivated by friendship or family relationships, or gifts resulting from your outside business activities, including those of your spouse.

Even as an exception applies, you should decline an otherwise permissible gift if you believe that a reasonable person with knowledge of the relevant facts would question your integrity or impartiality as a result of accepting the gift.

The primer includes a variety of issues to consider when making this determination.

One question we often get is, what happens if you're at an event and you're put on the spot with being given a gift such as paying for your dinner, and you can't remember the ethics rules off the top of your head?

Then there are two ways to approach
it.

The safest is to tell them that you cannot remember the gift rules at that moment, and you're concerned that maybe the ethics rules won't allow you to accept a gift, so you must not accept it.

The other option is to accept it and then contact me soon after, and we will see if you should've accepted it.

If it turns out that you should not have accepted it, then you can either return it or pay the value of the gift to keep it, which both would resolve the gift issue.

The next topic is misuse of position.

Please keep in mind that you may not use your official position on NACIQI or non-public confidential information gained through your service on the committee to seek advantage for yourself or others.

In addition, you may not use your official committee title in a manner that makes it appear the committee or the department is
sanctioning your personal views or enterprises, as well as any product or service.

Now, for teaching, speaking, or writing involving matters related to your duties, you may not receive compensation for teaching, speaking, or writing if, one, the activity is performed as part of your official duties such as a speech on behalf of the committee, two, the invitation to engage in the activity was extended primarily because of your official position on the committee rather than your expertise on the subject, three, the invitation or offer of compensation was extended to you by someone with interests that may be affected substantially by your duties, four, the information conveyed through the activity draws substantially on non-public information obtained through your service on the committee, or five, the activity deals (audio interference) with a matter involving specific parties in which you are currently assigned or have been assigned during your current appointment on the committee.
Now, a couple of these restrictions do not apply if you are accepting compensation for teaching a course requiring multiple presentations offered as part of the regularly established curriculum of certain educational institutions, or if the educational or training program is sponsored and funded by federal, state, or local government.

However, if you teach at an educational institution, you must stay out of any committee members that involve that institution.

Please notify me if you intend to teach a course at an institution of higher education that you have not previously disclosed so that it may be determined whether you can accept compensation and to update your ethics advice.

With regards to lobbying, in your official position as a NACIQI member, you may not engage in grassroots lobbying where you are (audio interference) to contact Congress or state legislature to urge the passage or defeat of
legislation.

The Anti-Lobbying Act, which also requires that any permissible direct communications with Congress, in your official capacity as a committee member, be made only through official channels.

You should contact committee staff with any questions about the committee's authority to communicate with Congress directly, and what, if any, official channels exist for this activity.

None of these restrictions prohibit you from lobbying members of Congress or state legislators, or urging others to do so on your own time in your personal capacity, but you should not mention your affiliation to the committee when doing so.

Now, for political activities, you may not engage in any political activities while you're on duty performing government services, or when you're in a government building or vehicle, pursuant to the Hatch Act.
Although you are not subject to any restrictions on your political activities when you are not performing government services, you may never use your official title as a member of a government committee in connection with any political activities.

Now, given NACIQI's a FACA committee, the Emoluments Clause of the Constitution does not apply to you.

However, you are restricted by the Foreign Gifts and Declarations Act from accepting gifts from foreign governments exceeding $390 in value.

You may serve as an agent of a foreign principal as an SGE, subject to certification by the secretary that your employment is in the national interest.

Some post-employment restrictions also apply to certain participation with foreign entities, as well.

Please seek advice from the Ethics Division or me regarding the details about these
restrictions, especially if you received a gift from a foreign government.

Now, I guess I will skip asking if anyone has any questions. Or if you do, feel free to ask, and I can get back to you by email, I guess.

Otherwise, please remember to send me your certification form, which is in that email on Monday, so that I can record you as having received this training, and so you don't have to sit through this again later this year.

Thanks, everyone, and I guess that's it for me.

MS. NEAL: Thank you.

CHAIR KEISER: Thank you, Nathan. Any questions?

(No audible response.)

CHAIR KEISER: Just speak up because it's -- hearing no questions, we still have about seven minutes before the next meeting.

Let's just take a break, and we'll begin at 12:45.
PARTICIPANT: Thanks, Art.

(Whereupon, the above-entitled matter went off the record at 12:41 p.m. and resumed at 12:49 p.m.)

CHAIR KEISER: Folks, it's 12:45. I'd like to reconvene. Hopefully we have a quorum. It can be hard to tell.

Our third agency that we're going to be reviewing is the renewal of recognition for the Midwifery Education Accreditation Council, or MEAC.

Our primary readers are Kathleen Sullivan Alioto and Michael Lindsay. Our department staff is Nicole Harris.

So, will the primary readers please introduce the agency?

DR. ALIOTO: Oh --

DR. LINDSAY: Kathleen, would you like me to take it, or would you like to do it?

DR. ALIOTO: No, I'd like you to do it.

DR. LINDSAY: Okay. That sounds
great. So, the Midwifery Education Accreditation Council, it's a programmatic, as well as an institutional accreditor.

They currently pre-accredit one institution and accredit two programs and eight institutions located in the U.S.

This includes six institutions that offer some of their educational offerings through online courses, or distance education, or correspondence education.

The agency's accreditation allows its certificate (audio interference) institutions to establish eligibility to participate in federal programs administered by the Department of Ed, and currently, four institutions accredited by this agency, MEAC, participate in Title IV programs.

Since the agency's last review, the department has received no complaints and no third-party comments.

The department staff was able to observe the agency's August 2020 board meeting
and conduct an October 2020 site visit. Both of
those were conducted virtually.

They also conducted a virtual file
review in October and December of 2020.

DR. HARRIS: Art, do you want me to
start?

CHAIR KEISER: Yes.

DR. HARRIS: Okay. I think that was
a yes. Okay. Good afternoon --

CHAIR KEISER: Yes, Dr. Harris, go
ahead, I'm sorry.

DR. HARRIS: That's okay. Good
afternoon, Mr. 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
Midwifery Education Accreditation Council, also
referred to as MEAC or the agency.

The staff recommendation to the senior
department official is to renew the agency's
recognition for five years.
The staff recommendation is based upon my review of the agency's renewal petition, additional information requested, supporting documentation, and agency file review, as well as observations of a virtual school visit as mentioned, conducted in October of 2020, and a MEAC council meeting.

During the current accreditation cycle, as stated before, the department has received no third-party comments regarding the agency's renewal, and no complaints.

Therefore, and as I stated before, the staff recommendation to the senior department official is to renew the agency's recognition for five years, and there are agency representatives present today, and we will be happy to answer the committee's questions.

This concludes my report, and I thank you.

CHAIR KEISER: Thank you, Dr. Harris. Do we have any questions for the staff by the primary readers?
DR. ALIOTO: Yes, yes, yes.

CHAIR KEISER: Go ahead, Kathleen.

Go, Kathleen.

DR. ALIOTO: Okay. Oh, good.

I have always thought that your work was so excellent, so I'm wondering, once again, and maybe the board will give me this leniency in terms of what your reaction was to the proposal, and you said in saying, no, correspondingly, the agent's bright line for institutional and programmatic standards requires six -- this is in, you know, right at the beginning of your report.

Correspondingly, bright line standard, 60 percent student retention rate, 40 percent completion rate, 70 percent North American Registry of Midwives exam pass rate, and a 50 percent graduate placement for the last three years.

The agency also attests to utilizing evaluation thresholds rather than bright lines for evaluation of student achievement criteria
for programs and institutions falling (audio interference) before the threshold.

And precedently (audio interference), a comprehensive review of the current agency standards for institutions and programs expected to be completed in 2020.

It includes this evaluation method as a requirement.

Where in your document are you showing that comprehensive review that was to be completed in 2020, and why are you telling us to support the continuation of this agency?

DR. HARRIS: Oh, sure. And hello, Kathleen, nice to see you again.

DR. ALIOTO: Nicole, it's always a treat.

DR. HARRIS: Just to follow up on what you're reading, you're reading from 602.16(a)(1), and just to reiterate this, that you're reading this from the draft staff analysis, which is presented to the agency of the original documentation that was submitted.
Once it was submitted, I reviewed the information, and I put in a staff determination that requires them to provide additional information on what you read about their bright line, and their new execution of their review strategy for 2020.

And once they received my documentation, they had 90 days to reply to my request and my staff determination, and once they did that, they submitted a final report, a final response, and once I reviewed that response, if you continue on into the final staff analysis, I have responded to their documentation that they presented.

I'm not sure if you're seeing that since you're reading from the draft that was submitted last fall in September.

They did submit an additional report to us in November of 2020, and that provided us information.

They described their benchmarks in more detail. They also described their rubric
that they utilized.

They also described their self-evaluation of their self-evaluation reports from the school.

They also provided additional information on the processes for monitoring and evaluating achievement related to its mission, goals, and objectives using the evaluation results that the institution states that they will provide and monitor, in addition to the requirements of the standards of the agency.

So, that was included in the final, and from my analysis of the additional documentation that they submitted, as well as their review of their board meeting and their site visit, it demonstrated the questions that their evaluators would ask to ensure that their evaluation methods are being executed.

And during the review of my virtual observation of their board meeting, they did go over all of the details of what was included in the report that was provided by the institution.
to the evaluators, and then their final analysis
that they had come up with a decision on their
reaffirmation of their accreditation.

And again, all of that's included in
the final report. You were just reading and
quoting from the draft.

That was updated in November with
additional documentation, and an additional
response from myself that found them compliant in
this area.

DR. ALIOTO: Well, I think it would be
helpful to readers like me if you indicate that
something is a draft, so that we don't have this
kind of a mix-up.

In trying to get this back, to find
this, my computer is not allowing me to do that.

So, you're saying that that second --
I guess when I originally read it, I thought,
well why are they saying this when the document
itself is entirely (audio interference) something
different?

So I think if it could be clarified
that the -- and all of these other documents that we're looking at, that one is a draft, a draft analysis from the agency, and that the other is a response to your incisive comments.

Now, but while I have you, what about their -- I know we're not supposed to interfere with that, but the committee in the past, NACIQI in the past has had some questions about some of these standards because as we know, if something is a bright line, then people try to meet that rather than going -- so if you have a 40 or 60 percent level there, that's what the institutions will go for, rather than trying for something higher, which we see in so many other applications.

DR. HARRIS: Well, you know, again, I can speak to the agencies I review. The agencies I review, they do have bright lines and benchmarks that they're established.

Some of my agencies utilize it for licensure, and so forth, but in this scenario and in this case, they have standards that they have
for the agency that they need to meet, which corresponds to our criteria, the secretary's criteria.

And the additional requirements that the institution provides, in addition to the standards they still need to meet at the agency.

So again, you did state before that's really not our purview because the organization actually does allow them to have the ability to establish their own standards.

And I did observe, though, to give you a little reassurance, that they do require documentation information and monitoring of the standards established by the agency, as well as the ones that were established by the institution, and they should be all be met for them to receive accreditation status from the agency.

I hope that helps.

DR. ALIOTO: That's helpful, and if I could figure out how to get myself back online, it would be even more helpful.
DR. HARRIS: Well also, and I would like to speak to your question about the report. If you need assistance with the reports -- or maybe I can work with George in trying to find a way to help you get all the report and the associated documentation to make sure you all have access to it while you review this information in those 30 days.

DR. ALIOTO: Well thank you, because in response to your question, I tried to pull it up again, and it went out on me, and now I can't get it back. So --

DR. HARRIS: Okay.

DR. ALIOTO: I'd appreciate that very much.

DR. HARRIS: Okay, not a problem.

I'll get to work with the department.

CHAIR KEISER: Thank you, Kathleen.

DR. ALIOTO: Now, my final question is, I get kind of a feeling of -- you know, the Montessori thing was so clear and concise, I got the feeling of not as clear and clean, and since
this is such a critical thing in terms of the
birth of our future nation, I was concerned from
that perspective, as well.

DR. HARRIS: And your concern was in
reference to?

DR. ALIOTO: That I didn't have a
feeling of cleanness and clarity in the
presentation from the committee. Not from you,
but from the committee.

But perhaps that last final analysis
will now clarify that to me, but as I remember
it, it was just kind of bare-bones.

CHAIR KEISER: Okay.

DR. ALIOTO: It wasn't --

CHAIR KEISER: Herman, you wanted to
respond?

(No audible response.)

CHAIR KEISER: Herman?

MR. BOUNDS: Yeah Art, I'm sorry, I
was fighting with my phone to get it off mute.

Yeah, I think at this point, I
probably need to have Jass Holt work with
Kathleen, maybe sometime later today, so tomorrow she can navigate through and actually get to the final staff analysis because as Nicole said, the draft analysis, it goes out quite early, and then after the draft gets to the agency (audio interference), they have an opportunity to provide this additional documentation, and that's what Nicole read back, was what was in the final, so I just think there's some problem with (audio interference) Kathleen, the system, when she's trying to access it, she's not able to pull up the final.

But we leave both the draft and the final versions in the system, so if a NACIQI member wants to go back, they can see what was initially wrong, and then they compare what was addressed in the final.

So, I will have Jass send Kathleen an email and try to help her to navigate through so she can have the information that's in the final analysis, too.

DR. ALIOTO: Okay, thank you.
CHAIR KEISER: Thank you, Herman.

Please lower your hands. And Anne, you have your hand up?

MS. NEAL: I didn't mean to.

CHAIR KEISER: Okay, good.

MS. NEAL: No hand up, sorry.

CHAIR KEISER: If no other questions, I will go and introduce our agency representatives, Dr. Cassaundra Jah -- I hope I say that correctly -- Katie Krebs, Kristi Ridd-Young, Beatrix Packmohr -- I hope I said that right -- and Amari Fauna.

If you would like to make your presentation?

DR. JAH: Thank you so much. Good afternoon, Mr. Chairman, members of the committee, and department staff.

My name is Cassaundra Jah, and I am the president of the Midwifery Education Accreditation Council, also known as MEAC. In addition, I am provost at one of our accredited institutions.
As previously mentioned, with me today is Katie Krebs, president-elect for MEAC, and also executive director at a second MEAC institution.

Kristi Ridd-Young, vice president of Development and Outreach for MEAC, and president at a third institution MEAC accredits.

Staff present from MEAC include Beatrix Packmohr, executive director for the agency, and Amari Fauna, director of accreditation.

We would like to thank you for allowing us to be here today, and especially to thank our department analyst, Dr. Nicole Harris, for her thoroughness and invaluable ongoing assistance throughout this process.

Specifically, we would draw attention to the unusual circumstances required by 2020 events, and offer our appreciation for her flexibility and professionalism regarding technology and virtual challenges.

MEAC has a longstanding commitment to
quality assurance and improvement, and we
appreciate the opportunity to demonstrate rigor
and quality as an accrediting agency through the
department's recognition process.

We have a deep commitment to
consistent and rigorous oversight of the
programs, institutions we accredit, as they sit
within our mission of promoting excellence in
midwifery education through accreditation.

We know our agency plays a vital role
in the continued professionalization of midwifery
within the United States.

MEAC was incorporated in 1991, and we
have been continuously recognized by the U.S.
Department of Education since 2001.

Currently, MEAC accredits nine free-
standing institutions, four of which participate
in Title IV federal student aid programs with
MEAC serving as the gatekeeper.

We also currently accredit two
programs housed within larger institutions.

MEAC's board is comprised of 13
members, 11 of which are practitioners, educators, and/or administrators who represent the various types of institutions and programs that we accredit.

Our board has three public members.

The board takes pride in our commitment to ethical standards and uses great care in utilizing our recusal procedures, including having every staff, board member, and volunteer sign our ethics policy, safeguarding materials for dispersion to only those without a conflict on interest, and recusing board members from any discussion, as appropriate.

The MEAC board is sincere, deliberate, and cognizant of the need to ensure a program or institution's due process rights are honored, as the Department of Education requires, and that all schools are treated in a fair and consistent manner.

This is reflected in the significant discussion and measured approach to decision-making that the agency takes when deliberating
and ensures transparent and adequate notice of deficiencies to the program, and/or institution, as well as allowing meaningful opportunities to provide responsive information to the board.

Since MEAC's last petition, the agency has granted preaccreditation to one institution, initial accreditation to two institutions, renewal of accreditation to ten schools, and placed three institutions on probation when the schools had significant deficiencies.

When one institution was unable to come into compliance, the agency withdrew accreditation.

Graduation from a MEAC accredited institution or program grants eligibility for national certification as certified professional midwives, also known as CPMs.

The opportunity to qualify for recognition or licensure within 36 states.

Three more states and the District of Columbia have been added to this list since the last time we reported to this commission, and all
but one of these new locations approved legislation that required certified professional midwives graduate from MEAC accredited schools.

A total of 11 states and D.C.'s licensing bodies for CPMs require graduation from a MEAC accredited school.

Over the last three years, 100 percent of MEAC's accredited programs and institutions accredited during this three year period have met the agency's certification exam pass rate benchmark.

Graduates at MEAC accredited programs are now reimbursed by Medicaid in many states, and since 2010, coverage is federally mandated for midwives working in birth centers.

Additionally, there has been legislation written that would include CPMs in the Medicaid law that would federally mandate that these midwives are reimbursed by Medicaid in all states.

There currently exists a significant unmet demand for more certified professional
midwives, and as funding continues to become more available, and the states continue to require graduation from a MEAC accredited program, we anticipate that there will be increased demand for MEAC accredited programs and MEAC accreditation in general.

This concludes our official remarks.

We appreciate your careful consideration of MEAC's petition, and for continued recognition, and welcome any questions you may have.

CHAIR KEISER: Thank you very much.

Are there questions from the primary readers?

DR. LINDSAY: None from me.

DR. ALIOTO: No.

CHAIR KEISER: Kathleen?

DR. ALIOTO: That did it.

CHAIR KEISER: Are there any other questions from the committee? Bob Shireman?

MR. SHIREMAN: Thanks, Cassaundra. If you've been listening to the meeting, I've been asking about public members.

I want to ask you the same question
about public members, whether you pay them?

And then also, I think there maybe have been some changes in your public members.

I saw one that's a medical anthropologist, which sounds like a fascinating perspective for someone to have as one of your public members, and then there was somebody, a child birth expert, who actually lives in my hometown of Sunnyvale, California.

But in the material we had, it said that she was no longer on the board, or maybe she is now.

Anyway, if you can tell us who those three public members are, maybe a little bit about them, and the question of whether they're paid?

DR. JAH: Sure, no problem. So, we do not pay our public members.

We thank all of our public members by providing a stipend towards continuing education, to small gift cards for a caffeinated beverage to make it through all the meetings, and we also
cover conference registration costs and expenses
for travel to participate in various conferences
and meetings toward professional development.

As previously stated, we have the
three public members, Elon Geffrard, who's a
doula and maternal health and child care health
consultant, Dr. Sandra Wise, who's a retired
nurse and university administrator, and the
person you mentioned before, the medical
anthropologist and qualitative researcher, Dr.
Aimee Eden.

And with regards to the person you're
talking about in California, I may need to get
some help on location and which board member that
might be.

MR. SHIREMAN: It's okay. We don't
need to dive into it.

You have your three public members.

That's great. Thank you.

I have one other question, if I can?

Is that all right, Art?

CHAIR KEISER: Go ahead, Bob. Sure.
MR. SHIREMAN: Yeah, thanks.

So, there's some indication in the write-up of, your process has kind of been slowed down, and difficulty in getting volunteers -- I think that's what some of the cause has been, and kind of it sounded a little bit like some organizational struggles to kind of make everything work, and I gather from staff that that, you know, was not so bad as to create any kind of problem in terms of accreditation, but just wanted to see if you had anything to add on that issue?

DR. JAH: I just want to make sure that I'm understanding -- and I recognize there wasn't a question, but if there were any additional comments such (audio interference), I'm wondering if you're looking for more information about what those struggles were about, or how we select our board members as a whole?

MR. SHIREMAN: I guess just whether you feel like you've solved the problem of
finding the volunteers that you need in order to
do the accrediting work that you do?

DR. JAH: Okay. Thank you so much for
the clarification.

Yeah, I actually do feel like we
solved this issue, and I feel like we solved it
in a way that enhanced the agency overall.

So, the process that we have in place
currently begins with our long-term strategic
planning, which we revisit at our annual in-
person board meeting, and we set our agency's
strategic goals for that year.

And this is important, because after
this, we do a comprehensive assessment of our
current board members' knowledge and skills, and
we evaluate that against the anticipated skills
and knowledge that are going to be required to
meet our strategic goals for the next 12 months.

Then the areas that we feel could be
more robust are placed on rubrics that's applied
to each applicant who's wanting to come in on the
board.
And I think it's important to say that, as of our last pool, we had more applicants than were actually needed for the slot there.

But all applicants must meet a minimum within one standard deviation of the rubric cohort in order to be placed on the ballot, and then those minimally-qualified applicants and the rubrics that was used are shared on the ballot with our member school, and who ultimately end up voting for a new membership.

MR. SHIREMAN: Thank you.

DR. JAH: Mm-hmm.

CHAIR KEISER: Claude? DR. PRESSNELL: Yeah, Cassaundra, thank you for your presentation. I got a couple of questions for you.

You had mentioned increasing demand for those in midwifery, and, one, I'm curious, do you think that'll materialize itself in terms of more students at existing institutions, or increasing the number of institutions nationwide?

And with either of those, as the
accrediting agency, is that a part of your strategic planning as to how to make sure you maintain capacity to address that increase?

    DR. JAH: Yeah, I'll speak to it just briefly, and then I'll see if maybe our director of accreditation wants to add anything.

    But, you know, we hope for both, more students coming in that will ultimately lead to more providers, as well as we are in a continuous mode of providing opportunities for schools that want to seek accreditation to come in and learn more about that process in the hopes that we will be accrediting more schools.

    Amari, do you have anything that you would add to this?

    MS. FAUNA: Sure. Thanks, Cassaundra.

    I'd just add that, you know, we're already starting to see some of the impacts of this increased demand with applicant schools and a number of schools that have contacted us in the last year and two years to say that they're interested in accreditation and are approaching,
and would like to go through the steps to be ready for accreditation.

So we're seeing that demand, and as Cassaundra mentioned, we're constantly looking at and evaluating our own capacity to meet that and grow with it.

So, it's definitely very forefront in our agency.

DR. PRESSNELL: Okay, great.

Could you comment just briefly, as well, as to the impact that the pandemic has had on your member institutions, and whether or not you provided any support to them?

DR. JAH: Amari, if you want to just go ahead and continue?

MS. FAUNA: Thanks, Cassaundra. Yeah, so we of course had that initial response as this all came about and started to unfold in that moment of wondering how it was going to impact our schools and our operations in accreditation, and we very much looked to the federal guidance and the allowances when trying to respond to
that, so we definitely extended some of the reporting deadlines during those initial periods while our schools were responding to it.

We allowed the temporary education modality changes for the schools that weren't already using distance education, adopted the use of virtual site visits.

And through all of that, we were communicating with our schools and facilitating collaborative meetings where we could talk with them and where they could talk with each other to communicate what they're seeing on the ground, and how they're responding, as well as how we can support them in that response.

DR. PRESSNELL: Thank you. You're muted, Art.

CHAIR KEISER: It's so difficult without seeing it on the screen. Thank you so much for your report.

Are there any other -- I don't see any other questions. There are no third-party comments.
I'd like to bring back Dr. Harris to provide any response from the department.

DR. HARRIS: I have no additional comments at this time.

CHAIR KEISER: Any questions to the staff at this time?

(No audible response.)

CHAIR KEISER: Kathleen, is your hand up, or is that just because it was up before?

DR. ALIOTO: Yes, it's up. Sorry. I wanted to know if you're working with community colleges, nationally, on any of this?

DR. JAH: I'm sorry, I just want to make sure that I understand the question correctly, but you're wondering if we're working with any community colleges on what --

DR. ALIOTO: There are programs in this, and coursework, and so forth, or is it all for people who already have a BA?

DR. JAH: No, not all of our schools require a BA for students to enroll, and we have one program that is housed within a technical
DR. ALIOTO: And also, can you tell me what kind, if any, of your programs are doing any outreach into a diverse outreach?

DR. JAH: Yeah, absolutely. I would turn this comprehensive answer over to the president-elect, Katie Krebs.

MS. KREBS: Thanks, Cassaundra. We have a robust approach to including or encouraging our schools to recruit from diverse areas.

We model this at an organization level by dedicating a certain portion of our funds to training for our board members.

We also provide diversity and inclusion funds for (audio interference) institutions to train their administrators so that all of their administrative processes, including their instruction, can come from an equity (audio interference) standpoint.

We also have an equity statement that was approved by our board in 2020 (audio
interference) to our standards review, so all of
our standards have been reviewed to specifically
call out diversity and inclusion to encourage our
schools to apply that.

   DR. ALIOTO: Thank you.

   CHAIR KEISER: Okay, are there any

other questions for Dr. Harris?

   (No audible response.)

   CHAIR KEISER: Sensing none, I would

ask either of the primary readers to make a

motion.

   DR. LINDSAY: I'll do it if that's

okay. I move that NACIQI recommend that the

Midwifery Education Accreditation Council

recognition be renewed for five years.

   CHAIR KEISER: Is there a second?

   DR. ALIOTO: I will second.

   CHAIR KEISER: Thank you, Kathleen.

Are there further discussion?

   (No audible response.)

   CHAIR KEISER: Wow. Sensing none --

be sure there's none. Okay. I then call the
motion, and we'll do a roll call. Anne Neal?

MS. NEAL: Yes.

CHAIR KEISER: Claude Pressnell?

DR. PRESSNELL: Yes.

CHAIR KEISER: David Eubanks?

DR. EUBANKS: Yes.

CHAIR KEISER: Jennifer?

MS. BLUM: Yes.

CHAIR KEISER: Jill?

DR. DERBY: Yes.

CHAIR KEISER: Kathleen?

DR. ALIOTO: Yes.

CHAIR KEISER: Michael?

DR. LINDSAY: Yes.

CHAIR KEISER: Paul? I got you this time.

DR. LeBLANC: Thank you. Yes.

CHAIR KEISER: Rick?

(No audible response.)

CHAIR KEISER: Rick O'Donnell?

(No audible response.)

CHAIR KEISER: He may be out. Robert
Mayes?

MR. MAYES: Yes.

CHAIR KEISER: Robert Shireman?

MR. SHIREMAN: Yes.

CHAIR KEISER: Ronnie Booth?

DR. BOOTH: Yes.

CHAIR KEISER: Steven VanAudsle?

DR. VanAUSDLE: Yes.

CHAIR KEISER: Wally Boston?

DR. BOSTON: Yes.

CHAIR KEISER: It appears that the motion carries.

Thank you very much, MEAC, and we wish you the best (audio interference).

Okay, we move to our next agenda item, which is the renewal of recognition for the Association of Institutions of Jewish Studies.

The primary readers are Kathleen and Rick. Rick, are you here?

(No audible response.)

CHAIR KEISER: Maybe not. Okay, Kathleen?
DR. ALIOTO: All right, I'm trying to get this --

CHAIR KEISER: Are you going to do the presentation?

DR. ALIOTO: I'm sorry, I --

(Simultaneous speaking.)

DR. SMITH: Yeah, I think Rick had to step out temporarily at some point today, and I think we must be within that hour that he needed to step out.

So, I guess Kathleen will have to --

(Simultaneous speaking.)

CHAIR KEISER: Do you want to move to the next one, George, or do we want to do this now?

DR. SMITH: It depends. I'm flexible.

DR. ALIOTO: I cannot --

DR. SMITH: Go ahead, Kathleen.

DR. ALIOTO: I can't get either of my computers to open up for this. I'm so sorry.

DR. SMITH: Okay. Well, if the representatives from ABFSE are available, then we
could certainly just move --

(Simultaneous speaking.)

DR. ALIOTO: I mean, I have my questions, but I don't have, you know, the basic thing of what they are (audio interference), but I do have my questions available.

CHAIR KEISER: Is the Funeral Services Education people here?

DR. SMITH: I think that Mark Evely is here.

CHAIR KEISER: They say they're here.

DR. SMITH: I suspect --

CHAIR KEISER: (audio interference).

DR. SMITH: Okay, yeah. So, why don't we (audio interference)

CHAIR KEISER: Okay, let's move on to the renewal of recognition for the American Board of Funeral Services Education, Committee on Accreditation.

Anne Neal and Steven VanAusdle are the primary readers.

Reha Mallory is the departmental
staff.

Anne or Steven, would you like to make the initial presentation?

DR. SMITH: Okay.

Candice, do you need time to give them panel status, or, you know, or should we just proceed now while you're doing that?

THE OPERATOR: You can proceed.

(Simultaneous speaking.)

DR. SMITH: Okay. Go right ahead.

Thank you.

MS. NEAL: Steve's going to take the lead.

CHAIR KEISER: Somebody, if you're on mute, please put yourself on mute.

DR. SMITH: They're not on mute.

(Simultaneous speaking.)

CHAIR KEISER: Steve, Anne, go ahead.

MS. NEAL: I think Steve's leading off.

CHAIR KEISER: Steve?

PARTICIPANT: So --
CHAIR KEISER: Are you here, Steve?

(No audible response.)

CHAIR KEISER: His camera is off.

DR. VanAUSDLE: Testing.

CHAIR KEISER: There you --

DR. VanAUSDLE: Got it? Okay. This is a petition for continued recognition of the American Board of Funeral Service Education.

They were last before the commission on a compliance issue in 2018.

And a little bit about them. They have a committee on accreditation. It's a national specialized accrediting agency.

Its current scope of recognition is the accreditation of institutions and programs awarding diplomas, associate degrees, master's degrees in funeral service or mortuary science.

It's both an institutional and a programmatic accreditor, and accredits approximately 58 programs in 38 states.

I guess I gave you a little bit of history. The last time they were before us was
on a compliance issue.

And I think that will suffice for introducing them.

CHAIR KEISER: Thank you, Steve. If I may introduce Reha Mallory? If you would make your presentation?

MS. MALLORY: Good afternoon, Mr. Chairman, and members of the committee.

For the record, my name is Reha Mallory, and I'm providing a summary of the review of the petition for renewal of recognition for the agency, American Board of Funeral Service Education.

The staff recommendation to the senior department official for this agency is to renew the agency's recognition for a period of five years.

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 2018, the department has received no complaints.
Additionally, the agency is present to answer any questions you may have.

Therefore, as I stated earlier, the staff is recommending that the senior department official to renew the agency's recognition for a period of five years.

CHAIR KEISER: Thank you very much. Are there questions from the lead readers? Any questions from the (audio interference)?

MS. NEAL: Not at this juncture.

CHAIR KEISER: Okay. Hearing none, from the committee, we have Robert Smith, III, Mark Evely -- Evely, I hope that's right -- and Leili McMurrough.

If you would present yourself, present your agency?

MR. SMITH: Robert Smith here, if you can hear me? I hope.

CHAIR KEISER: Okay.

MS. McCURROUGH: Leili McMurrough here.
MR. EVELY: And Mark Evely here.

CHAIR KEISER: We can hear you. And see you.

MR. SMITH: Okay, yes, I found the button, so I was able to connect the video, as well.

My name's Rob Smith. I am the executive director of the American Board. Our committee on accreditation has an excellent group of dedicated educators. We have public members, and we also have representatives from our profession overseeing the accreditation activity.

I don't have anything specific as far as a presentation, but certainly anxious to entertain any questions that the committee has.

CHAIR KEISER: Primary readers, do you have specific questions?

DR. VanAUSDLE: I can start, if you'd like.

(Simultaneous speaking.)

MS. NEAL: Steve has some --
DR. VanAUSDLE: Robert, pleasure to
meet you, and a good report, and a good review.

First question kind of goes right to
the heart of student achievement, and the fact
that if we're going to be -- effectively have to
set reasonable standards that will give the
public confidence in what we're doing, and I saw
this as one issue as you presented your data, and
the reader worked with you on there, so the staff
member worked with you on it.

It kind of came down to looking at
what kind of score, and you have several majors
of student outcomes that were important.

But one that seemed to be a focal
point was the national exam that your students
took in terms of majoring their competencies in
the arts and sciences.

And you had a listed pass rate of 60
percent, and our staff took a little bit of issue
with you on that, and asked you to demonstrate
why that was adequate, and of course that's kind
of a relative (audio interference) question.
It also made me kind of question whether 60 percent was adequate for your graduates as you're moving forward here. But you did respond to that.

It sounded like the 60 percent pass rate is kind of a standard that has been used for some time in the industry.

The contention I had with it is that's almost a D grade in the world that I worked in, but as I read on in your document and looked at your (audio interference) issues and questions, Robert, I read several of your letters to member institutions, and got the impression that indeed this was an issue for you in the enforcement area.

I saw examples that you presented of one institution that lost its accreditation because they couldn't meet the 60 percent target threshold (audio interference).

I saw another one that because of viewer oversight and coaching, made it.

And then there was an institution
called Mountain Home that I think might have been a focus of the prior compliance, and I tried to track your correspondence with Mountain Home and found that they indeed were placed on probation one year.

The second year was show cause. But I couldn't find what happened in terms of that compliance review as we went forward.

I guess I could ask a more general question.

I think you were reading the expectations of the commission on your enforcement, but do you still share concerns about the compliance of your institutions on this particular standard, and is there anything we can do to ensure that the bar doesn't get any lower in that regard?

And I don't know, I think NACIQI might be interested in a follow-up on the compliance of Mountain Home since we started down that path.

And you presented a little information, but I didn't get closure. Help me
with that one.

MR. SMITH: Well, the primary reason that there was no closure was the timing of the submission of the report.

Once we worked through our process, Mountain Home did lose their accreditation. They are currently reorganizing themselves.

They've recognized things that they can do to fix their problems, and they're planning to come back as a candidate program, but they did lose accreditation because they were not able to maintain the expected pass rates.

DR. VanAUSDLE: Well, that would give us confidence in your oversight, and certainly in reviewing your policies and procedures of how you're dealing with oversight, it looks very substantial.

MR. SMITH: Thank you.

DR. VanAUSDLE: That's my question, Art.

CHAIR KEISER: Thank you. Any other questions to the agency?
MS. NEAL: Yes, I have a few more.

I want to follow along that line, as well, looking at your 60 percent, or what I prefer to say as a D or D minus, a benchmark for your graduates.

I think that Steve may have been satisfied with that level, but I'm not quite clear what it is satisfactory, and nor was I able really to divine from the materials how you had concluded that this was a sufficient standard.

I will tell you I think your website is incredibly transparent, and I did go to it, and I started to look at various schools state by state, and I found one, the American Academy McAllister Institute in New York, 61 percent employed, then I looked at the national board statistics, where very few were passing the science regularly.

And then I looked at State University of New York at Canton.

In 2018, 44 percent were employed, and as I look again, the sciences are having some
difficulty when that passage rate is looked at.

I looked at schools in Indiana, and here's one, 2017 to 2019, at Mid-America, 53 percent, 66 percent, and 67 percent in a period of years.

Then (audio interference) since, 24 percent employed in 2018, pass rate in sciences 56, 64, 64.

And I must confess I found those grades to be rather appalling and concerning, and I'm getting older every day, so I want funeral service education to be good, and as I look at this standard, it seems mighty low for me.

And since I know we're very concerned about consistency of application when it comes to accrediting bodies, I'm interested in finding out why you think this is sufficiently rigorous.

And then I have a few more questions after that.

MR. SMITH: Okay. I guess I would have to say to you that if it was my personal choice, that 60 percent level would be higher.
But we've done our review of standards, we've had feedback from the profession, and the level of satisfaction was adequate.

It wasn't excellent, it was adequate. You know, we find that the pass rate on the national exam itself is in the low 70s.

We've kind of stayed in that monitoring phase, and that's been consistent in terms of our history in dealing with the test.

That seems to maintain an adequate level of employees in the market, as well.

I mean, there are certain schools, as you were indicating, employment rates, and some of those kinds of things.

Different parts of the country will have different levels of employment.

Some areas, it's going to be absolutely 100 percent all the time, and others, it's going to be a little bit different.

So there's certainly variety, and interestingly, all the schools that you noted in
your thorough review of our directory information
are certainly schools that we've had our eye on
as far as the Committee on Accreditation, as
well.

Mark or Leili, any comments there?

Mark, you've done a lot of research into the pass
rates, and so I thought maybe you'd have
something else that you would want to offer?

MR. EVELY: Sure. Yeah, I actually
did a research study of programmatic accreditors
on this very issue.

And as part of that, we did a five
year statistical analysis of program pass rates
on the national board exam, and that 60 percent
came out almost exactly to one standard deviation
of the mean, looking over that five years.

So if you look at it from a norm-based
approach, we're on track with the 60 percent.

While the 60 percent may not have
originated as an evidence-based standard, we've
found it to be based on our analysis of it
afterward.
CHAIR KEISER: Anne?

MS. NEAL: If I could pursue a few more questions?

Since I know as we look at the various accrediting bodies we're looking often at financial, administrative capacities, student achievement, and efficacy of the accrediting body, so I just wanted to make certain I understand correctly that you all have three full-time and one part-time person overseeing 58 programs in 38 states, and eight single-purpose programs?

Is that correct?

MR. SMITH: It's not three. There are two of us in the office, and a part-time assistant that comes in.

MS. NEAL: Okay.

So you have two full-time and one part-time dealing with 58 programs in 38 states, and eight single-purpose, and obviously quite a few that are troubled and have issues?

Is that correct, just in terms of
matters --

MR. SMITH: That's correct. I wouldn't call it quite a few that are troubled and have issues, but certainly they do exist.

MS. NEAL: And am I correct in understanding from reading the material that two of your major programs have closed?

MR. SMITH: Sorry, they have what?

MS. NEAL: Two of your major programs have closed?

MR. SMITH: Oh, yes, that is correct.

MS. NEAL: And which programs were those?

MR. SMITH: And I wouldn't have called them major programs, they were small.

The most recent was Ivy Tech Northwest, which had about five or six students in its last class, and the program at Holmes Community College in Jackson, Mississippi was also closed.

And again, they lost accreditation due to their low pass rates, or yeah, passing scores
on the licensing exam, but they also had a relatively low enrollment, as well.

    MS. NEAL: So, you closed the latter. Did you close Ivy Tech?

    MR. SMITH: No, they closed on their own.

    MS. NEAL: Okay. And according to the materials, after you lost these, there was some concern about your financial and administrative capacity.

    And as I understand it, you responded that you had three candidate programs and serious inquiries from three others.

    Have you maintained the three candidate programs, and did any of those inquiries come through?

    MR. SMITH: Yes, three of the candidate programs have been visited with a virtual site visit for initial accreditation.

    One had an initial candidacy site visit, and there's one other that is seriously talking to us about their candidacy.
MS. NEAL: So, one of those potential three has come through?

MR. SMITH: I'm sorry?

MS. NEAL: Well, the materials say you had serious inquiries from three others, and you're saying you got one that actually came through.

MR. SMITH: Well, the one has moved into candidacy, and then the second is a serious conversation right now.

MS. NEAL: So you have three candidates and one in conversation?

MR. SMITH: Yes. And we have ASU Mountain Home, which was questioned earlier, who is moving into the candidacy phase, as well.

MS. NEAL: So they're coming back now, you're saying?

MR. SMITH: They're planning to come back, yes.

MS. NEAL: And so, your budget each year is what? About 600,000?

MR. SMITH: That's correct. We're
right in that bracket.

MS. NEAL: And how much of a reserve do you have?

MR. SMITH: We have $900,000 in reserve right now. We are in excellent financial position.

MS. NEAL: Those are my questions for now. Thank you very much.

MR. SMITH: Thank you.

CHAIR KEISER: Thank you, Anne. I have Jennifer, and then Bob Shireman. Jennifer?

MS. BLUM: I think Bob may have been first, but that's okay, I'll go.

(Simultaneous speaking.)

CHAIR KEISER: Oh, I was just looking up instead of down.

MS. BLUM: Well that's all right, I'm willing to cut the line, if Bob's okay with it.

So, actually I'm glad to because I want to follow up on Anne a little bit.

I had very similar questions, and I won't duplicate them, I promise, but on the pass
rate, you know, I asked about -- I don't know if you were listening, Mr. Smith, to the prior accreditors I asked earlier about a graduation rate.

Pass rates are obviously very different, but along the same lines, this determination of rate, of what the rate should be, you said something that caught my attention, which was, you know, if you had your druthers, it would be different, and you reference the profession.

And, you know, I'm sort of going to the heart of the matter here.

I actually am very supportive of the peer review process in accreditation, so let me just put that there, but having said that, you know, as the accreditor, and I will say, I feel like that's a little bit of an inadequate response because I feel like there needs to be some -- science is a little -- science behind the development of, whether it's a graduation rate, a pass rate, and if I'm hearing that the national
pass rate is 70 percent, I'm a little surprised
to hear that the accrediting agency is ten percent below that.

I also want to go back to something that Bob said with a prior agency about sort of rates and benchmarks, and I want to be careful because I actually -- for similar reason, not only as (audio interference) a huge fan of like a benchmark, because there has to be some understanding of the students involved, the demographics, the situation of the institutions, and so, I know this is long-winded, but let me just -- also, I wanted to start with this and I forgot, I'm very sensitive to you, to your agency in particular this year.

I'm very sensitive to the schools that you accredit, and to each service that they are doing right now, and the burdens that they are under, to educate.

Anne alluded to her age.

I'm alluding to a broader problem (audio interference), a very sad problem right
now, where I certainly want to be very mindful of the world in which we live in in this moment and the need for, you know, funeral directors and people who work in funeral homes.

And, but, I also want them to be well-equipped and educated, and so I wanted to poke a little bit -- I'm sorry -- at this rate and how it was developed, and give you, I guess, another opportunity to speak to that, and to efforts that might be taken -- you know, if they weren't taken now, might be taken in the future to look at this, and I also would like to understand in light of your rate, understanding the demographic of the students that your schools that you accredit are teaching?

And then I have a couple other questions after that.

MR. SMITH:  Okay. Mark, do you want to address the pass rate piece because of the research that you've done, or do you want me to go ahead on that?

MR. EVELY:  I can speak to that, Rob.
So, as I said, you know, we do take our program demographic into account.

The vast majority of our programs are community college based, open access programs. So we do keep that in mind.

When I did a research study about this issue, specifically related to how (audio interference) programmatic accreditors set graduation rates, employment rates, and exam pass rates, and about 60 percent of programmatic accreditors based their exam pass rate on analysis of aggregate performance over a period of time.

And we essentially did that.

We had a five year look at what the national averages were on the exam pass rate, and our pass rate fell at almost exactly one standard deviation from that mean.

And we're in discussions now about potentially modifying that standard just so that it would be a purely norm-based standard, so it would account for fluctuations in the exam, so if
the exam pass rate is higher, the threshold would be higher.

So, that is a discussion that we're in at this point.

MS. BLUM: Great. Thank you. That's actually extremely helpful, so I appreciate the response.

Can I ask, do you have any -- the (audio interference) word I can think of -- I'm trying to think of a different one -- but competition in the marketplace?

Are there any other accreditor? I should know this, I probably should have researched it, so apologies, but are there any other specialized accreditors that accredit funeral home institutions that --

(Simultaneous speaking.)

MR. SMITH: Well, yeah, no one else accredits the programs that are teaching funeral service education.

MS. BLUM: Yes. Okay, thank you.

That's also helpful.
And then, I just want to follow up on another thing that Anne said which was also on my list.

I definitely caught the numbers on your staff, and it seems quite -- yeah, to me, seems low.

And again, I want to be careful here because, again, I think this is a question for the department staff rather than for you, but I'm sort of taking the opportunity to flag it for department staff because this number seems low to me.

I'm interested to hear your reply on how you manage, and maybe it's through the number of peer reviewers and other, you know, and of course you have a commission, but I'm interested to hear how you believe that that's sufficient for capacity purposes.

And then from the staff later I want to understand from a comparative standpoint across agencies.

And then let me just ask you my final
question, and then I'll stop, sorry.

(Simultaneous speaking.)

MS. BLUM: The closing institutions, whether it was caused by accreditation issues or for other reasons, I'd like to hear you speak to what the agency did in terms of teach-out plans, and prepared hopefully soft landings for the students?

And so, I just would like to hear about as far as the compliance with obligations around teaching-out students of closed program?

MR. SMITH: Let me start with the teach-out part of it, and we did get a teach-out plan from each of the schools so that we did know what the progress would be for their students, and that they had an option to get their education completed in an appropriate fashion.

I think only one of them was offering the option that other schools in their state that had an accredited program could also be a landing spot for the students, but none of the students needed that in terms of their reports that we
received, in terms of those programs closing.

So fortunately, they were able to accommodate everybody and see them to their completion, and the eligibility to take their licensing examination.

MS. BLUM: Okay.

MR. SMITH: Refresh my memory on the previous question so I don't miss something in my response.

MS. BLUM: The capacity, just your ability to manage with them.

(Simultaneous speaking.)

MR. SMITH: Oh, okay. We know that we are working to our max.

In addition to the two of us that are regularly in the office, we have a part-time person that comes in and helps us with a lot of the administrative tasks, dealing with letter writing, and that sort of thing.

We also have a retired educator who is assisting us in providing aid to the schools relative to ensuring that their self-studies are
completed in an appropriate fashion, so we've been very fortunate in that regard. I think the other thing that really helps in our scenario is that we do have four permanent team chairs that do the site visits.

And because of their expertise, they're able to give us a lot of very excellent feedback in terms of just things that we need to be watching for, and helping with evaluations of reports, and that sort of thing.

So, while I would not say that we couldn't use more help, we are accomplishing the tasks at-hand, and there's not been any blips in that road.

I'll also say that we are currently working with a consultant evaluating our staffing needs as we move forward, so it's not something that we don't have on our radar.

We don't have blinders on for that, we recognize that we need to investigate those opportunities.

MS. BLUM: I appreciate that, and I
just wanted to just say again how much I appreciate your service (audio interference) the students that you're teaching.

I don't think in any other year, we've (audio interference) having a -- unfortunately, an appreciation more than we have this year of the stress of that industry.

So, thank you.

CHAIR KEISER: Okay, Bob, then Kathleen, and then I have a question. Okay, Bob?

MR. SHIREMAN: Thank you. Thank you, Rob, for your presentation and all that you are doing.

I spoke this morning about the importance of the qualifications and independence of public members of the boards of accrediting agencies, and as of the time anyway that you were putting in your information for the staff, you had two public members, one, the dean of a veterinary nurse program -- that was at St. Petersburg College -- and then a professor of higher education at Texas Tech, which seem like
well-respected kind of positions.

    It gives them some independence and
perspective on the board.

Can you tell me whether you pay your
public board members, and anything else you'd
like to add about their qualifications, or how
you approach the issue of making sure you have
good public members?

    MR. SMITH: We've had excellent, I'd
say we've had excellent participation from our
Board members, our public members. They've
really been involved in completely in all of our
accreditation decision making.

    And obviously we do ensure, we look to
ensure that they are independent of general
service, that's what, that's the purpose of them
being the public members.

    And I think we've had an excellent
history with our public members. One of our
previous public members finished a term two years
ago and he was a superintendent of high schools
or schools in the State of Indiana. So we've had
a good run with our public members.

As people that understand the importance of education, I think that's really helped us in the accreditation process. We don't pay our public members. We do pay their expenses obviously to attend our meetings and they do receive a stipend to put for the days that they are insite or onsite for our meetings.

MR. SHIREMAN: Yes, can you tell the amount of that stipend? Is it similar to our hundred dollar stipend that we either take or not?

MR. SMITH: 200, it's $250.

MR. SHIREMAN: Okay. Thank you.

CHAIR KEISER: Okay, Kathleen?

DR. ALIOTO: Let's see. Here we go. Am I on? Can you hear me?

CHAIR KEISER: You are on and we can hear you.

DR. ALIOTO: Okay. Great. I was curious, what would be the percentage of your members that have, are all the same family
businesses because being Irish Catholic from
Boston, a number of my friends and their families
are in that business and I wondered if that goes
across the board nationally, that we, funeral
homes, and --

MR. SMITH: Well, we do survey our
schools and our information about our new
enrollees each year and it's about ten percent of
our new students that have family connections to
funeral services, a far different number
demographic than what the public perceives.

Ownership of funeral homes seems to be
very much family connected but in terms of those
who are actually doing the work, the family
members are not predominant. There was a time
when that was far different but today it's a much
lower percentage.

DR. ALIOTO: That's interesting. And
I also wondered in that regard about the
diversity if you, diversity of their
institutions?

MR. SMITH: I think the biggest
perspective that people have or are surprised at is, that the male female ratio is 65 percent female, 35 percent male in terms of our graduates.

The rest of the mix in terms of the Latino population, the African American population, pretty much mirrors the national statistics of certainly different schools will have different numbers in some of those areas.

But across the board, I would say that the African American community is slightly under represented across the country but and I can pull those specific percents if you would like me to.

DR. ALIOTO: And also, you know when you have this very low graduation rate what is the student debt involved in your institutions and do you look at that?

MR. SMITH: I don't think I heard the complete question but the reality is we do not have a low graduation rate. There are only one or two schools that had a graduation rate that's questioned.
For the most part, they either drop out very quickly because they realize that this is not what they were aiming for.

But for the most part, the students that come to funeral service came because they believed this is where they want to be and they complete what a, you know, very high completion rate.

DR. ALIOTO: Well, it certainly is an extraordinarily caring profession. Thank you. Thank you for your service.

CHAIR KEISER: I have a question. Mr. Chair, I had a real concern when you said that you allow open enrollment but you do not have necessarily requirements or admission standards. Did I hear that correctly?

MR. SMITH: Well, what you heard was that most of our programs are in a community college where the community college itself has open enrollment.

The students would then go through a
variety of introductory courses that often times
sets the tone as to whether they're going to
really complete the funeral service program or
not.

For example, they take, they would
take anatomy and if they don't get through
anatomy they realize that going on to pathology
and embalming and some of those courses probably
isn't going to work for them.

Where if they can't, if they're not
comfortable in business law or accounting, well
then they're not going to be succeeding once they
get to management and those kind of courses in
the funeral side of it.

CHAIR KEISER: But community colleges,
let's say in nursing, have very specific and
restrictive requirements. Do you have those
kinds of requirements in the pre-reqs or in, that
are part of your standards?

MR. SMITH: Not in our standards.

That would be up to the individual institution
and many of the institutions do have those kinds
of prerequisite requirements but that's not part of the standards.

CHAIR KEISER: Does that kind of lead to believe that that low 60 percent pass rate or for some other community college who were in the 50s and 40s and 30s, you think that leads to those low pass rates?

MR. SMITH: It's possible if the institution allows those students to continue and then, you know, there's the rigor of the course, the program is inadequate somewhere it might be probably good, yes.

CHAIR KEISER: But if you are the agency that determines that there is quality in this profession, how can you allow open enrollment and low pass rates and is that fair to the students who don't pass, 40 percent? Can they get a job if they don't pass?

MR. SMITH: Well, some of them do get jobs at other than licensee positions in a funeral home, yes. But again, I think the low graduation rate and the low pass rate is not the
rule, it's much more the exception.

CHAIR KEISER: Well, Anne brought up
a whole lot of different schools, some of which
are pretty well-known.

Ivy Tech you said went through,
Community College of Mississippi was removed.
That's kind of scary, isn't it?

MR. SMITH: Well, when you look at the
number of students that those particular programs
were turning out, I would not say it was scary,
no.

CHAIR KEISER: Are there any other
questions? Jennifer, your hand is up. I don't
know if that was a remainder from before?

MS. BLUM: No, I just, because of your
line of questioning, it's a, I wanted to, I mean,
I don't want to belabor it or anything but I
think you're raising an interesting point which
is, and I know each state might have different
requirements for the purposes, I mean, sort of,
you know, in terms of knowledge base for the
purposes of licensure exams. So I recognize
that.

But I am, I think if I understand where you were heading with this, I do think it's an interesting question about whether it's part of your standards.

And something is sticking with me again about what Bob said earlier about those standards of learning and what it is that we, and what and how needs to be learned and this sort of prerequisite piece.

So what I'm hearing you say is that there's nothing in your standards and again, I did read your position and I guess I'm, you know, asking is there a base line academically in terms of the prerequisite piece that might be helpful, if it doesn't exist today that might be helpful in improving sort of that, you know, the, well, the graduates fund, the passage rate?

MR. SMITH: I want to make sure I answer your question correctly. I don't have statistics. We don't keep statistics on which schools do specifically have prerequisites. Many
of them do.

Some of the students do enter a program, their programs right out of high school so they're going to be students that are taking their English and their math and basic courses to get comfortable with college level work before they move along.

And that often weeds out those individuals that are not going to be capable of completing the program and or passing the licensing exam once they get to the end.

MS. BLUM: Okay.

(Simultaneous speaking.)

CHAIR KEISER: Go ahead.

MR. EVELY: I might follow-up on something just briefly that Rob touched on about the pass rate. Some of the programs that Ms. Neal cited earlier as Rob said, had a very few number of students.

And so when a program has only four or five students and one or two of them fail the National Board Exam that's going to significantly
affect their pass rate.

And so I think you also have to consider that's not a large number of students and it really is the exception rather than the rule.

(Simultaneous speaking.)

CHAIR KEISER: Well, every student is important not just a small group.

Are there any other questions to the agency? Sensing none, let's bring back our staff member, Ms. Mallory.

MS. MALLORY: Yes.

CHAIR KEISER: Do you have any comments or?

MS. MALLORY: No, I don't have any at this time, thank you.

(Simultaneous speaking.)

CHAIR KEISER: I'm sorry, somebody said something?

MR. BOUNDS: Yes, Art. My name is --

CHAIR KEISER: Anybody else have questions for the staff?
MR. BOUNDS: This is Herman --
CHAIR KEISER: Yes, I've got hands up.

Herman?

MR. BOUNDS: Yes. Can you hear me?
CHAIR KEISER: I can hear you.

MR. BOUNDS: Okay, great. Yes, I just wanted to point out two things of course to the committee. And I guess there were some other committee members that have questions of us.

The first thing is that I just wanted to remind the committee of some of the limitations on the secretary of authority. It comes out of Section 496 of the Higher Education Act and it's really Section 496, little g.

And one of the things it says there, it says, you know, we're talking about, you know, benchmarks overall and student achievement and it states that nothing in this section shall be construed to permit the secretary to establish any criteria that specifies, defines, excuse me, defines, or prescribes the standards that an accrediting agency or association shall use to
assess any institution's success with respect to student achievement.

And, you know, we can ask for what their policies are, we can scrutinize and evaluate but we can't establish those for them.

Second thing, I'll be quick, I'm sorry, I'll be real quick. The second thing I wanted to bring up here is there's some question about, you know, internally, is the operations.

You know, do they pay, you know, commissioners or how they reimburse site team members.

And, you know, for the Department to get into that place in Agency policy would really be a violation of the Department of Education Organization Act. And if folks aren't familiar with that Act, that's going to be 20 USC 30, 3403 and it's going to be Section 103(b).

And that Act clearly restricts us from doing those things and quickly it says, no provision of a program administered by the Secretary or by any officer of the Department
shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, control over the curriculum, program of instruction, key word here, the administration, or personnel of any educational institution, It lists several, and accrediting agencies are included in that list of entities.

I just wanted to bring that up in that, you know, trying to establish that for an accrediting agency would be a violation of that, of the Department of Education Organization Act.

And I'm sure our legal counsel could step in later if anyone has any additional questions.

CHAIR KEISER: Jennifer?

MS. BLUM: So first, Herman, thanks for the reminder on the provision regarding the benchmarks. I actually have some good recollection of when that was written but I totally understand the proposition but I just want to confirm that we are on safe ground in asking questions about how whatever benchmark or
rate was developed. That's an perfectly
appropriate question.

MR. BOUNDS: Absolutely.

MS. BLUM: Okay.

MR. BOUNDS: Absolutely.

MS. BLUM: I just want to confirm that
I'm on safe ground with those questions. But I
do remember when the restriction was written. I
appreciate the reminder.

My question goes back to something I
had said earlier that I was going to be asking
about and have piggy-backed off of also a
question that Anne had had for the agency with
regard to capacity.

And the question is not so much about
this particular agency but whether there's, I
want to be careful about the wording, right.

There's certainly differences between
agencies and professions and the numbers of
programs and students, and all sorts of things
that could go into the considerations of what,
you know, meets the administrative capacity
criteria for this Board, the Department satisfaction.

Having said that and I think this is going to come up in the next couple of days and so I am, I would like to probe a little bit what the Department just processes, what its thinking is, when it sort of signs off on the administrative path in questions to very specifically the human resource component, how many people in the agency might have relative to how many programs our institution is accrediting.

PARTICIPANT: Yes, that was one --

CHAIR KEISER: Is that a question for Herman or is it a question for our reviewer, specifically about this Agency?

MS. BLUM: With that, whoever wants to, I mean, in my view it's a little bit about this agency in a way, Art, I mean, certainly Reha could answer it but it has a component of the question that is comparative in nature for both, I guess both.

CHAIR KEISER: Yes, if we can just
work on the agency first and then we could ask --

MS. BLUM:  Sure.

CHAIR KEISER:  -- the broader question.

MS. BLUM:  Okay.  Well, then let me reframe the question better.  Reha, for the purposes of this Agency, how does your, how did your analysis, or did your analysis take into account from a sort of precedence standpoint and a comparative standpoint, you know, were those taken into account when assessing whether the administrative capacity criteria was met?

MS. MALLORY:  Yes, so as you know and as you read, according to the guidelines, we did review the resumes of the three staff members but we did not analyze the number as far as the past season what you are speaking to.  But I'll go ahead and refer to Herman to add anything additional in that regard.

MR. BOUNDS:  Yes, so thanks, Reha.  So I think to answer your question broadly about this particular agency, we, you
1 know, we look at track record through the
2 recognition period and we're talking strictly
3 about administrative capacity.
4
5 So, you know, do we see any evidence
6 of failing to meet their accreditation
7 responsibilities, have there been signs that it's
8 cancelled, have commission meetings met when they
9 were supposed to, all those things associated
10 with accrediting or site team assembled maybe
11 site teams, you know, perform their duties
12 correctly.
13
14 Again of course we look at finances
15 and the agency's already established that they,
16 the reserve that they have and their financial
17 capacity.
18
19 So those are, you know, those are
20 several things that we evaluate, you know, to
21 determine compliance in this area. The agency
22 has I think two personnel. Then they have a part
23 time, their chairs are permanent.
24
25 So all that went into the evaluation.
26
27 They're urging the agency to comment of today
that we had some question about that with and I think you could probably see that the state differences between those, this agency and the other agency that we did have concerns with.

MS. BLUM: Thank you.

CHAIR KEISER: Any further questions for Reha? Sensing none --

(Simultaneous speaking.)

MS. NEAL: See my little hand?

CHAIR KEISER: Oh. Who has their hand up?

MS. NEAL: Yes, Reha, I just want to proceed on these same lines and a little bit more on, I was reading the inspector general report that was issued in 2018 regarding the internal practices of the Department vis-a-vis accreditation. Are you familiar with the IG report?

MS. MALLORY: I am not.

MS. NEAL: And in it, it raised concerns that the Department largely reacted to complaints from the public and or the press and
that there was room to find new and more
effective ways to ensure and improve
consistencies.

So I want to pursue this consistency
issue a bit knowing that it is front and center.
Obviously, on this one we have five years, no
problems, no questions raised.

We have an instance tomorrow where
there are no, absolutely no ability to provide
compliance reports or to provide additional
information.

I'm just curious, how does the staff,
do you all sit down and compare and contrast how
you come out on your results vis-a-vis each of
these accrediting bodies? How do you attempt to
ensure consistency in fair application of
standards when there are concerns raised within
the accrediting reports?

MS. MALLORY: Yes, so I'll take the
first stab and I'll give it, I'll turn it over to
Herman to, for additional information.

But I will say so what we do of course
is the analysis is done by the initial reviewer, 
the original analyst, but we meet regularly and 
kind of talk through discrepancies and things of 
that sort. So there isn't any one particular 
person or it's not done in a vacuum so to speak 
where we're kind of looking at things separately.  

So we do ensure that we're looking at 
different things across the board and I'll go 
ahead and divert to Herman for additional 
information in that regard.  

MR. BOUNDS: Yes, thanks, Reha.  
You're absolutely right. You know, we discuss, 
you know, compliance issues. We involve our 
legal counsel especially in cases where we're 
going to find someone non-compliant. 

Non-compliant I think will, Donna will 
tell you that we're probably issued to 60 percent 
of care. At least Angela's 50 percent of her 
work load are trying to help us work through 
accreditation issues and I'm not sure which 
particular IG report you're referring to because 
we've had, you know, we've had several.
And, you know, we've put in place some things that are, I mean, that are really causing some additional work for the group but I guess it's going to work out.

You know, we have initiated these, you know, file reviews to get more information from the Agency. One of the issues that folks had was that well, you only look at so much documentation and petition.

And I would say if folks actually saw how much documentation we had to read, there's not a lot, there's not much more we could stuff into a petition.

So we, you know, we put some things in place to kind of, to help that but no decision is made in the group by one person.

I mean, it, you know, it's a team effort and any time there is any question, we have our legal counsel help us talk though things.

MS. NEAL: Thank you.

CHAIR KEISER: Any other questions for
Reha? There are no third party commenters that I am aware of. I would like to see that the motions from either of our two primary readers. Am I missing something?

MS. NEAL: I thought you --

DR. VANAUSDLE: I must have been on mute, right?

CHAIR KEISER: You must have been.

DR. VANAUSDLE: You copy me now, Art?

CHAIR KEISER: Go ahead. You're --

DR. VANAUSDLE: I move, okay. I move that NACIQI recommend that the American Board of Funeral Services Education recognition be renewed for five years.

CHAIR KEISER: Is there a second?

DR. DERBY: I'll second.

CHAIR KEISER: Is that Jill?

MR. BOUNDS: Is that Jill Derby?

Jill, okay.

DR. DERBY: Yes.

CHAIR KEISER: Any discussion? Let's see. I've got Anne Neal? Is your hand up or is
that from before?

MS. NEAL: It's from before, sorry.

CHAIR KEISER: Okay.

David?

DR. EUBANKS: Yes. Thank you. I just want to make a quick comment about the student achievement conversation.

In looking at the rules there are sort of two things that are congruent, not quite in conflict but not quite (audio interference).

One is the language about a, us ensuring that the agency's a reliable authority regarding quality of education are continued.

So we could, for example, take test scores as an indication of quality but that makes the mistake of conflating the quality of the education with the types of students that are admitted.

And that occurs when the student's achievement standard (audio interference) of success with respect to student achievement.

This is like the economic utility that we reap
from the quality of the program.

    And so I think we have, we're always going to have fairly limited information. We can hope that the agency is presents a really good case and I think they did in this case.

    I was very impressed with the transparency and quality analysis that they had thought through. And given that community colleges as we know from research, are one of the main economic (audio interference) for mobility for students, I would hate for our discussions to have a chilling effect so that pass rate standards were raised to exclude students who could, you know, have opportunities they might not otherwise have. So I'm speaking in favor of the motion.

    CHAIR KEISER: Jennifer? And then I would like to say something.

    MS. BLUM: Well, I mean, so David, I agree with you about having to raise those benchmarks but I actually do think that they are an indicator for accrediting agencies. They
don't necessarily, they're not white lines but in
my view they are indicators that are, especially
when it's a licensor test.

So they are an indicator that I do
think is an, in my view, an important one. I
totally agree with you about white lines.

And I admittedly have some hesitancy
about this one. I also have hesitancy about
capacity.

There were two things that the Agency
said that they were working on and one was that
they had a consensus to evaluate their staffing
needs. And the other, that was one thing on the
pass rate side. On pass rates they said that
they were considering looking at more of a norm
based analysis.

And so with those things in mind, I am
hesitant to renew, I'm not, I believe the agency
is in substantial compliance. So let me just say
I believe the agency's in substantial compliance.

I'm also very mindful of the world we
live in right now in terms of this particular
agency.

But I am hesitant to have it to not hear back on the capacity and the pass rate issues for five years. So I am new kid on the block so I'm just airing the hesitancy of waiting five years to hear how that all goes.

And so I'll just, I'm going to put that on the table and if anybody else picks it up with an idea or maybe I'll come back in a couple of minutes with an idea. But I did want to express some hesitancy.

Again, it's not about renewing. I certainly support the Agency's renewal. It's the idea that we would just sort of let sit in a not perfect record for five years.

CHAIR KEISER: Since nobody else's hand's up I'd like to comment. I agree with Jennifer very strongly even though I don't have a vote until or unless there's a tie.

I find it hard to believe that a student where you don't have entrance requirements in a program that has a national
standard, which is a national examination that only six out of ten pass, what happens to the four out of, and who don't pass and that really troubles me.

That's an easy fix in that you require students who are competent and capable of doing work at the level of the, at least the level of the exam and have the capability of being able to pass it.

Nursing, all the other Allied Health (audio interference) programs, now this might be not Allied Health by definition, but all of the programs have very specific standards as to how do they meet in terms of national exams.

Almost all of them are over 80 percent. That requires students to be able to pass the national boards in order to be successful.

I think this is wrong to look at something that has such a low bar and a low standard for students and I think it's unfair to the students who aren't able to pass the exam.
because they really weren't qualified to get into
the program to begin with. Anybody else have any
--

(Simultaneous speaking.)

DR. SMITH: Someone needs to mute. We
need to mute. Someone needs to mute their phone.

CHAIR KEISER: Bob Shireman? Bob

Shireman, you have your hand up?

MR. SHIREMAN: Yes, thank you. Yes,
I think this is a great discussion and I like the
way it's kind of leading into the subcommittee on
student success and some of the kind of issues
that we'll be working on.

I think this is an important area to
think about what is the context of the situation
that the students are in and we were told in this
situation that many of these programs, maybe most
of the programs, are at community colleges.

Many community colleges have very low
tuition and it may well be that a lot of the
students, they're learning, they're passing
classes, they're getting maybe a certificate and
associate's degree.

They may not pass the ultimate exam but they're getting, but they're getting good jobs perhaps and we don't know this.

One of the resources that the, that NACIQI used to have available to it was the data dashboards for each accreditor that the Department had put together.

And so I think maybe the last one was in 2018. I think we should consider encouraging the Department of Education to reinstate the data dashboard. The data available for that has, it's now much improved, much enhanced.

The scorecard now has program level data and so for a lot of the specialized accreditors we might be able to get some very useful context for situations where, you know, where we would be able to have at least some data that would tell us the students overall are, you know, don't have a lot of debt, or are getting good jobs anyway or maybe not.

So I won't make a motion like that
within this motion in that regard but I think it's something we should consider encouraging the Department to do.

CHAIR KEISER: Steve, you have your hand up?

DR. VANAUSDLE: Yes, I'd like to come back and look at our role as members in NACIQI as we are reviewing this. We're interested in ensuring that our agencies have high standards and that they're implementing their standards.

So as I told you, I was alarmed when I saw the 60 percent. And I started doing the research on it and what we found out is that profession is okay with that.

I mean, it gives them new creative jobs, it's a minimum requirement that if you don't meet that, you know, that agency has done a great job of realigning their policies and their procedures to ensure that there was a review process in setting that standard, and then there is a very comprehensive documentation that they're using good procedures to check the
compliance with all the standards.

So I, that gave me some confidence that we can be assured that institutions accredited by this agency have a good chance of serving their students well.

I think it gives the students confidence and gives the public confidence. And I've been in this business a long time of setting standards and recommend, well, big nursing programs for example.

And as I look at this, these are probably older students I would guess. I meant to ask Robert that. But it gives them a pathway to get back on a career, educational pathway to a good career that they're interested in. So I would really encourage you to support this motion.

CHAIR KEISER: Anne, was your hand up? Anne and then David and then Jennifer.

MS. NEAL: If I could just follow on Jennifer's concerns which I share, I want to throw this back to the staff for guidance.
So what are the options to ensure a report or monitor their particular issues about capacity and student achievement?

What can we do to allow them to report back when four or five years are up?

CHAIR KEISER:  George? Herman?

MR. BOUNDS:  Yes, I just wanted to look through the regulations real quick. But I think we talked about it earlier if, in order to have a compliance report you would have to find the agency non-compliant. If you found them I think substantially compliant, you could require a monitoring report.

I'm looking to see and maybe Angela and Donna can find it faster than I can. I'm looking to see if you could find them fully compliant and being still have a monitoring report. It's just that the monitoring report would only be reviewed by staff. It wouldn't come back to NACIQI.

CHAIR KEISER:  Is that okay, Anne?

MS. NEAL:  That would be fine with me,
yes.

CHAIR KEISER: David, Jennifer, and then Claude had his hands up. Okay, David, Jennifer?

DR. EUBANKS: Thanks, Art. Just a brief comment about grading standards in order to increase the test rates.

There's two aspects of that. One is that increasing standards will probably reduce the number of students in the program which can create financial problems all around.

So the second thing is that when we do that we're using standards that are supposed to be predictive of test scores. This is something I work with so I know a little bit about it.

And the students at the bottom are the ones that are the least, were the least able to predict.

So what happens is that it has a disproportionate negative effect on the most vulnerable types of students and I think lowers, if we suggested that and monitored to make sure
that they did that, we're using a very, very blunt instrument on a very intricate machine that we don't understand very well.

CHAIR KEISER: Jennifer?

MS. BLUM: I just wanted to say again, I'm not necessarily saying that they should change their rate or increase it.

What I'm saying is that I want to understand better the basis for that rate and they themselves, the agency themselves said that they were reviewing their rate.

So that peaks my interest that they themselves are reviewing their rate and they indicated that they themselves thought maybe it should be higher.

So those two things peaked my interest enough that to be, not concerned. I think the agency's in substantial compliance.

And then I also just want to comment on something Steve said about the, you know, the NACIQI's obligations and something that Anne said, and to echo something that Anne said that's
going to be very important the next few days which is consistency.

And I have a hard time looking at this record and blessing it for five, you know, blessing the agency for five years in effect, given some other considerations that are pending.

And so I feel like they are definitely substantial, you know, from what my review is and they appear to be substantially compliant. They were very thoughtful on answering questions. It seems like they're, it's a very good agency.

But I think it is appropriate to have a motion, if it is possible to have a motion that finds the agency in substantial compliance but asks for a monitoring report.

And I would go so far as to say a monitoring report that's not next year but maybe in two years because I think it does take time to appropriately do the analysis, particularly on the student achievement piece.

I'm not, this isn't meant to be, let me just say that I don't view these, view this
type of motion as punitive. I view this as
exactly what we're fearful of which is really a
self-improvement much the same way that
accreditors are in place for self-improvement
purposes.

CHAIR KEISER: Okay. Ronnie Booth?

DR. BOOTH: I think I'm going to agree
with pretty much what Jennifer just said and I've
been working in this field a long time like
Steven with the two year colleges.

We looked at pass rates very, very,
very closely, even item analysis on every, you
know, whenever students weren't passing nursing
exams or whatever.

I wish we had to use data spray,
something besides a blunt instrument. Is there a
way with this recommendation after we say renewal
for five years to have a however and a
suggestion, the I know it of regional accounting
and regional accreditation level?

We would use that sort of language
sometimes to make a light suggestions so if you,
at the end of the day our goal is to help this
accrediting agency do a better job at what they
say they do.

So my question is how can we help them
get to the next step in terms of recognizing them
for renewal however we believe that there is some
work to do in terms of looking at the graduation
issue and that means that's going to take two or
three years to tear it down to course level stuff
at the different institutions.

CHAIR KEISER: Claude then Herman?

MS. SIERRA: Hi, this is --
CHAIR KEISER: Yes?
MS. SIERRA: This is Angela Sierra if
I could just weigh in?
CHAIR KEISER: Who is that?
MS. SIERRA: Angela Sierra from OGC.
CHAIR KEISER: Well, can I get Claude
to make his --

(Simultaneous speaking.)

MS. SIERRA: Oh, sorry.
CHAIR KEISER: Claude?
DR. PRESSNELL: Yes, just real quick.

I think it's important to remember that we need
to make a decision on what's been presented to us
not on what we anticipate.

And so in going back to the whole
consistency issue, that just because we may think
something may happen on capacity or so forth, if
we have no evidence that they are failing to, you
know, conduct their duty in a way in which is
consistent with they are and with the federal
regulations, I mean, we need to make a decision
on that not based on, well, we think they may not
have capacity if they don't do something on
finances or whatever it might be.

So and I might say too is that the
agency's listening to this deliberation, so I
think we're already giving them the advice that
everybody's hoping that they get and can
anticipate what's going to come back.

And the third thing I would say is
that if there is a problem and they fail in some
way, then there could be an intermediate review
if something is brought to the attention of the
Department, so it's not like they get this blank
check to go five years and they don't have to
worry about anything.

    If things start to fall apart there
can be intervention along that way as well. But
I think it's really, the most important thing
that I'm trying to state is that we have to make
the decision based on what we have not what we
think might happen in a year or two years, so.

    CHAIR KEISER: Herman, then Kathleen?

    MR. BOUNDS: Art, I'm going to defer
to Angela and OGC.

    CHAIR KEISER: Okay. Just have her
put her hand up?

    MR. BOUNDS: Okay.

    MS. SIERRA: I apologize for that. I
haven't been doing that. Let me put it up.

    CHAIR KEISER: Go ahead.

    MS. SIERRA: Okay. Thank you. I just
wanted to point out that you could, the Committee
could renew this agency's recognition with the
finding of concern to compliance and you could recommend or what I assume is a recommendation to the SDO, all of it where you could recommend the monitoring report, specifically with respect to the student achievement and capacity, administrative capacity criteria if that's how you would like to proceed.

I don't think that there is an option for renewing recognition with full compliance and then requiring additional information.

CHAIR KEISER: Okay.

MS. SIERRA: But you're right, just being able to point out that there could be a 602.33 review, a mid-cycle review if the staff identifies problems during a period of recognition.

So that's something else to consider.

Thank you for pointing that out.

CHAIR KEISER: Kathleen?

DR. ALIOTO: Well, that sounds like a good idea to me unless we could just instead of making it five years, make it one year, or two
years, kind of the way we used to do.

Can you hear me?

CHAIR KEISER: Well, that certainly is an option and I think that was Angela's, you know, her option that she provided us.

Anne, your hand's still up. Is there anything? No?

Herman, your hand's still up?

MR. BOUNDS: Yes, I just wanted to remind that and of course they can make any recommendation they want just saying that a, that a renewal of recognition for one year would be tough for us to even to get the agency back in before the Committee in one year, just based on the timelines required by the, that we have to give agencies now to respond to draft analysis and all those things. I don't think we could get them back within a year. I just wanted to make that, you know, make everybody aware of that.

CHAIR KEISER: Okay. Jennifer?

MS. BLUM: I wanted to ask Angela a question about what she just proposed.
So Angela, when you start talk about a renewal with substantial compliance and recommendations and a monitoring report, is that, can then we say that the renewal is for five years and the monitoring report is due in whatever, one or two years?

MS. SIERRA: Sorry, just looking at the regulation.

CHAIR KEISER: Yes.

MS. SIERRA: Yes, it's my understanding that you can renew the recognition for a period of five years but you can require a monitoring report with a set deadline to be reviewed by department staff.

All of this of course would be subject to the SDO Division. And you could recommend, you know, multiple monitoring reports if you wanted to.

MS. BLUM: That sounds, Art, can I make a motion?

CHAIR KEISER: Well, we have one on the floor.
(Simultaneous speaking.)

CHAIR KEISER: You can make a motion or an amendment to the motion but I still have a couple more people to discuss.

MS. BLUM: Okay.

CHAIR KEISER: Reha had her hand up. All right, that's gone. Anne, your hand still up?

MS. NEAL: I think my hand is perpetually stuck.

CHAIR KEISER: Okay. Well, it's gone now.

Okay. We have a motion on the floor. If you wanted to make an amendment to the motion you could do that or we can go to the motion and vote it up or down.

Jennifer, was that you?

MS. BLUM: It is me.

CHAIR KEISER: You going to make, would you like to --

MS. BLUM: I would like, yes, I've never done this before so forgive me. But I'll,
I would like to amend the motion to, I would like to move that NACIQI recommends that the agency recognition be renewed for five years with an added clause for a monitoring report in two years to review both the administrative capacity criteria and the student achievement criteria. And the Department can correct my wording if I, on all of that.

CHAIR KEISER: Valerie is doing that as we speak and when she's finished that I'll read it and then we'll vote on the, is there a, we don't need a second to an amendment.

MS. SIERRA: Mr. Chairman, could I make one clarification about what I just said?

CHAIR KEISER: And that is Angela?

MS. SIERRA: Yes, yes. I think that if the staff found any problems with the monitoring report and no non-compliance based on those monitoring reports, then the NACIQI would have to review those prior to the expiration of the five year recognition period.

CHAIR KEISER: I think that is usually
what would happen because it says substantial compliance, doesn't say full compliance.

MS. SIERRA: Yes. Just wanted to clarify that. Thank you.

CHAIR KEISER: You had your hand up, David?

DR. EUBANKS: Yes, please. Right. So am I to understand correctly that we are in -- there's an awful lot of noise here. Somebody's not muted. Yes. Can you hear me?

CHAIR KEISER: David, go ahead.

DR. EUBANKS: Okay. It seems to me that anybody reading this transcript will interpret this conversation as saying NACIQI had determined that a 60 percent pass rate is too low and the, from now on people are going to be starting for a higher success rates. Maybe we should at least clarify how high they need to be.

CHAIR KEISER: Well, if we can't determine what's too low how can we determine what's too high, David?

We're not saying that, we're just
saying we want a monitoring report on it and if
they can justify it, I assume that would meet the
needs of the staff. I don't think that those,
that, Claude, do you want to comment?

DR. PRESSNELL: Yes, my only comment
is that, you know, we already had a discussion
that they're not going to be able to move the
needle on that in two years. I mean, there was
discussion about in three or four year.

(Simultaneous speaking.)

PARTICIPANT: Sorry.

CHAIR KEISER: They can change their
standards if they feel it's necessary even if
they want to fight it, you know, and say that
it's correct and that's okay with them. But it's
a matter of a monitoring report which just lets
us know what's going on.

DR. PRESSNELL: Okay.

CHAIR KEISER: I mean, that's what I
assume that to be. Again, this is just an
amendment at the moment.

DR. PRESSNELL: Yes, I just want to
make clear, I just want to make clear that we are basic, we are in this motion with the amendment. We are saying they are not in compliance and so if you believe they're not and, you know, if this committee believes they're not in compliance then we can move forward.

(Simultaneous speaking.)

DR. PRESSNELL: But if you think they are in compliance then -- I'm sorry?

CHAIR KEISER: Well, it says with substantial compliance and there are concerns.

DR. PRESSNELL: Well, which means they're not in compliance then.

CHAIR KEISER: Well, Jennifer --

MS. BLUM: Well, it's not--

CHAIR KEISER: -- you want to express what --

MS. BLUM: Yes, so my understanding and I was going to pivot to Angela, but my understanding is as if there is an actual motion that could have been they're in non-compliance.

We're not doing that. They're not in
non-compliance, they're in substantial compliance
but they themselves indicated that they are
reviewing their own way and so I think it's in
our interest to understand, you know, because, I
mean, clearly they have questions that they're
considering their own way.

So I think it's perfectly reasonable
that in two years, they have five years of
renewal but in the middle we might want to
understand what their own review has found.

We're not suggesting, I want to be
really, I keep saying it and I've been doing this
for years, I don't believe in benchmarks. I
don't believe that NACIQI should be studying the
benchmark but I do think it needs to be
justified.

And I do think it needs to make sense
and I do think it needs to prevent students from
falling through the cracks.

And so I don't think it's an
unreasonable request to expect, you know, to
understand the questions that they themselves
raised in my questioning, to understand what that looks like in sooner than five years.

And then I will add back in again while this is, my sort of thinking along this motion is based just for the record on their current record.

I'm not thinking about the future. I'm thinking about exactly everything I read and heard today and we're suggesting the motion.

And I am mindful about the Department and all our consistency and practices. And so those are the things that may cause me to make this amendment. I just wanted to clarify that.

But I do want to say I do not believe that we're saying that the agency is in noncompliance. We could do that but we're not doing that.

CHAIR KEISER: Yes.

MS. BLUM: And Angela, is that correct?

MS. SIERRA: Yes.

MS. BLUM: Okay.
DR. PRESSNELL: Well, and I think Herman can talk to this as well. When you say that they are substantially compliant, that means that basically they have the framework in place but there's still some noncompliance in it? So you could say noncompliant for non-renewal but when they say substantially compliant, it means that they're not in full compliance. And I'm just trying to make sure that we understand, you know, what we're doing.

I certainly understand, Jennifer, where you're coming from and the concerns that you have and I respect the motion as well.

I just want to make sure that it's very clear to the members that substantial compliance is not full compliance. That's all I'm saying. And Herman or Angela can clarify that.

(Simultaneous speaking.)

CHAIR KEISER: I want to limit pretty much, Ronnie and Steve, and then Herman and we're going go to a vote.
DR. BOOTH: Art, I'm going to agree with you. Either they are or they are not and my perspective is that they are. And to I think whether it was David's point or someone else's earlier, they've heard the conversation and I think they're going to get the point.

And to Claude's point earlier then we will know because we will know if there's a problem because there are ways to report, there are ways to find out.

So I think I'm going to back off a bit on my earlier suggestion and so I think we should recognize them for five years with no amendment.

CHAIR KEISER: Steve?

DR. VANAUSDLE: Art, I just think of the hundreds of reviews we've done in the past and putting this on as a precedent is going to create a whole different pathway for NACIQI to send out recommendations.

I don't know that I could support that at all. This recommendation that we'd monitor administrative and fiscal capacity, I thought we
saw and heard evidence that they have fiscal capacity. This may be one of the more healthy accrediting agencies we've got. But there it is in red.

Their administrative capacity, there's some institutions in a whole lot thinner situation than they are. Yes, you might have a concern there but anytime we have a concern are we going to deviate and put kickers on like this? We're liable to have a lot of monitoring reports.

It all started from the student achievement and interview and I'll say it again, they followed the policy, they reviewed it themselves. I think it's under review. They've heard us, you know.

Do we really want to lay that out there and what signal are we saying? Your student achievement targets are too low? That must be what we're saying and you're right.

Somebody is right when they say, when you start fooling around with that and you start changing the rules on how you're going to
increase student achievement, you got to look at that as pretty holistic.

Providing them the feedback in this monitoring report would be a major document and a major piece of research to me I think what I hear in some of our expectations and I just caution us from going there right now.

CHAIR KEISER: I have four staff people who want to speak. Is there one person in the staff that would like to address this? We've got Herman, Donna, Angela, and Reha.

MR. BOUNDS: All right. I can defer to Donna again but I was just going to remind everybody that there is a definition of substantial compliance in 602, 602.3 but I can refer, I can defer to the other staff members.

MS. MANGOLD: Herman, this is Donna. That's all I was going to do is to let the Committee know that the extent this looks like a change from prior practices because the regulations have made that change to give more flexibility to the students to come up with the
recommendations that aren't dubbed yay or nay in terms of compliance.

So the definition of substantial compliance under 602.3 is substantial compliance means even if you demonstrated to the Department that it has the necessary policies, practices, and standards in place, and generally adheres with fidelity to those policies, practices, and standards, or the agency has policies, practices, and standards in place that need minor modifications to reflect its generally compliant practice.

CHAIR KEISER: Thank you, Donna.

Okay. Unless somebody has something really important to say, I'd like to move, because this is strictly just an amendment to the motion. The motion will still be another chance for you to have discussion.

Kathleen, do you have something you really need to say, or Anne?

MS. MALLORY: Yes. I do want to make just one small comment but I think it's worth
saying in light of the discussion and it stems from the 60 percent.

I just want to remind everyone that the petition states that it's 60 percent. They have a 60 percent pass rate but that's for first time takers, meaning that's not to say that the rate isn't higher for the second or third time around.

So I just want to add that caveat if that's helpful to anyone as far as their thoughts at that number of 60 percent.

CHAIR KEISER: Okay. Kathleen?

Anything you want to add real quickly?

DR. ALIOTO: No, I think that the amendment is a good idea and it brings us back to the way that we used to handle these kinds of situations. So it's not something new, it's what we used to do and it's a new (audio interference) but hopefully it hasn't. So I strongly support the amendment.

CHAIR KEISER: Okay. Anne, you're the last one that I can see?
MS. NEAL: I think to the point Jennifer made that this is more a question of consistency than it is to a question to the agency.

CHAIR KEISER: Okay. We're going to vote on the amendment and I'll read it to you.

It's that we move that the NACIQI recommends that the ABFSE recognition be renewed for five years in substantial compliance.

Further, NACIQI recommends a monitoring report, the 34 CFR 602.15 Administrative and Fiscal Capacity, and 34 602.16(a)(1)(I) Student Achievement.

Okay. I want to call the --

DR. LEBLANC: Art, can I get clarification? Paul LeBlanc here. You said we were going to vote on this amendment?

CHAIR KEISER: We're voting on the amendment.

DR. LEBLANC: Are we voting -- just the amendment and not the original one?

CHAIR KEISER: We're not voting on the
original motion.

DR. LEBLANC: Okay. You read the --

(Simultaneous speaking.)

CHAIR KEISER: The original motion is passed, the original amendment.

DR. LEBLANC: But they're combined.

CHAIR KEISER: Vote for the amendment and then we'll vote for the motion if it is approved.

Okay. Anne?

MS. NEAL: I'm sorry, Art, I'm confused.

CHAIR KEISER: We have to vote on the amendment first and then we will vote on the full motion. The amendment approved amends the original motion.

MS. NEAL: Right. I vote for the amendment.

CHAIR KEISER: Okay.

Claude?

DR. PRESSNELL: No.

CHAIR KEISER: David?
DR. EUBANKS: No.
CHAIR KEISER: Jennifer?
MS. BLUM: Yes.
CHAIR KEISER: Jill?
DR. DERBY: No.
CHAIR KEISER: Kathleen?
DR. ALIOTO: Yes.
CHAIR KEISER: Michael?
DR. LINDSAY: No.
CHAIR KEISER: Paul?
DR. LEBLANC: No.
CHAIR KEISER: Rick?
MR. O’DONNELL: Yes. Yes, yes.
CHAIR KEISER: Robert Mayes?
MR. MAYES: Yes.
CHAIR KEISER: Robert Shireman?
MR. SHIREMAN: No.
CHAIR KEISER: Ronnie Booth?
DR. BOOTH: No.
CHAIR KEISER: Steven?
DR. VANAUSDLE: No.
CHAIR KEISER: Wally?
DR. BOSTON: No.

CHAIR KEISER: It looks like the amendment fails but would you, Valerie, would you count? How many yeses? Six. So the amendment fails. We're back to the original motion.

The original motion unless there's another amendment and the original motion is that NACIQI recommend, can you drop it down a little bit, Valerie, recommend that the ABFSE recognition be renewed for five years, okay?

We'll start again.

Anne?

MS. NEAL: Yes.

CHAIR KEISER: Claude?

DR. PRESSNELL: Yes.

CHAIR KEISER: David?

DR. EUBANKS: Yes.

CHAIR KEISER: Jennifer?

MS. BLUM: Yes.

CHAIR KEISER: Jill?

DR. DERBY: Yes.

CHAIR KEISER: Kathleen?
DR. ALIOTO: Yes.

CHAIR KEISER: I think that's a yes.

DR. ALIOTO: Not a happy one.

CHAIR KEISER: Michael?

DR. LINDSAY: Yes.

CHAIR KEISER: Paul?

DR. LEBLANC: Yes.

CHAIR KEISER: Rick?

MR. O'DONNELL: No.

CHAIR KEISER: Robert Mayes?

MR. MAYES: Yes.

CHAIR KEISER: Robert Shireman?

MR. SHIREMAN: Yes.

CHAIR KEISER: Ronnie Booth?

DR. BOOTH: Yes.

CHAIR KEISER: Steve?

DR. VANAUSDLE: Yes.

CHAIR KEISER: Wally?

DR. BOSTON: Yes.

CHAIR KEISER: Motion passes.

Congratulations to the American Board of Funeral Service Education. May we take a five minute or
ten minute break, George?

DR. SMITH: Absolutely. Go ahead and make it ten minutes.

CHAIR KEISER: At 3:08 we will return.

(Whereupon, the above-entitled matter went off the record at 3:04 p.m. and resumed at 3:12 p.m.)

CHAIR KEISER: Welcome back, everybody. Hopefully you are back. It's 3:08. Okay, we're going to go back to -- Rick, are you here? And Kathleen, are you here?

MR. O'DONNELL: I am, yeah.

DR. ALIOTO: I'm here.

CHAIR KEISER: Good. Okay, we're here for the renewal of recognition for the Association of Institutions of Jewish Studies//AIJS. Our primary readers are Kathleen Sullivan Alioto and Rick O'Donnell. The Department staff is Karmon Simms-Coates.

Kathleen, Rick, whoever's leading off, will you introduce the Agency?

DR. ALIOTO: I'll start. The
Association of Institutions of Jewish Studies is an accrediting agency with a voluntary membership, 32 post-secondary institutions specializing in Jewish Studies and related discipline, dedicated to fostering quality and integrity within the institution and (audio interference) relationships with the stakeholders.

The earlier discussions leading to the creation of AIJS date back to 2000 when a number of interested institutions met to discuss forming an organization to facilitate the growth and quality of institutions offering a core of Jewish study by conducting (audio interference) systematic evaluations, institutions, and subsequently granting accreditations to both institutions that meet this organization's standards. And as of now, HEI AIJS has adopted a formal policy that allows institutions to provide distance education for the duration of the COVID-19 emergency.

CHAIR KEISER: Is that it, Kathleen?

DR. ALIOTO: That's it.
CHAIR KEISER: Great. Thank you very much. Karmon Simms-Coates, would you like to make your report?

MS. SIMMS-COATES: Yes. Good afternoon, Mr. Chair of the Committee. My name again is Karmon Coates and I'm (audio interference) of the review of a petition for renewal and recognition for the Association of Institutions of Jewish Studies for AIJS.

The staff recommendation to the senior department is for AIJS (audio interference) for a period of five years. This recommendation is based on a few of the Agency's petitions and supporting documentation, as well as (audio interference) observations, a virtual meeting, and a (audio interference) training in 2020.

The Department did not receive (audio interference) regarding this Agency during this recognition period or any (audio interference) during this (audio interference). An Agency representative is available to answer any questions you may have. Thank you.
CHAIR KEISER: Thank you. If you would, please mute your phones. There's somebody with a lot of (audio interference) making it very difficult. Let's see, my camera is off. I'm so sorry. Okay, any questions for the staff?

DR. ALIOTO: I had wondered how many students are there in the 32 institutions?

MS. SIMMS-COATES: How many students? I'm not certain of how many students. I know they have 29 that viewed them for eligibility for Title IV Program, but I'm not exactly (audio interference).

DR. ALIOTO: I think it's helpful for us to have that information. And also, I don't know if this is the time or (audio interference) talking about audits and so forth. Should we do that now or later?

CHAIR KEISER: Let's do that with the Agency, Kathleen.

DR. ALIOTO: Okay, thank you.

CHAIR KEISER: Okay. Any other questions for staff? Anne, is that your hand up?
Please, put your hand down so (audio interference) Kathleen, put your hand down. Thank you very much.

Okay, I'll now introduce the Agency representatives. Rabbi Doniel Ginsberg, Dr. Chaim Cohen, Ms. Naomi Landesman, and Dr. Dina Gongola. I hope I pronounced your names correctly. You're on.

RABBI GINSBERG: Good afternoon, Mr. Chairman and members of the (audio interference) and members of the Department. (audio interference) for the Association of Institutions of Jewish Studies, our professional staff, and the 32 schools that we accredit, it is my distinct pleasure to be with you this afternoon. My name is Rabbi Doniel Ginsberg and I served as President of AIJS since 2016. And that includes over 20 years in the career education sector and I have served a variety of senior administrative and academic positions.

I mentioned (audio interference) here today and Dr. Chaim Cohen who serves as a
distinguished Chair of our executive accreditation counsel, Ms. Naomi Landesman who has served with tremendous distinction as our condition specialist liaison for many years. And Dr. Dina Gongola who has joined more recently as an accreditation specialist and has already made a tremendous impact.

I'd like to take this opportunity to (audio interference) Ms. Naomi Landesman on her upcoming retirement. She has been an integral part of the success of AIJS, especially in its formative years. She has revealed herself to her colleagues of the Agency and to our member institutions with her trademark brand of keen intellect, (audio interference) of educational issues, and incredible empathy for all. She will be sorely missed by everyone and we wish her continued success.

I've got to say on behalf of my colleagues, we would like a blanket of knowledge our staff (audio interference), Karmon Simms-Coates. Karmon is a (audio interference)
professional and helpful at every turn. And we very much appreciate the work she has done to assist us. Thank you, Karmon.

We would like to thank the Director of Accreditation, Mr. Herman Bounds and the Executive Director of NACIQI, Dr. George Alan Smith for their assistance and guidance that they have provided to us as we worked on (audio interference) process. We have a special appreciation to the members of the committee who have read and studied our position.

And (audio interference) give you a brief overview of AIJS activities since we last came before NACIQI in December of 2015. AIJS has conducted 42 site visits since 2016. Twenty-seven of these visits were to new institutions that were applying for initial accreditation. And five of those visits were institutions that were being reaccredited. Beyond the site visits, the day to day operations of institutions are reviewed to see how they comply with the designated standards. The site (audio
interference) is to ISA, the Institution of Self Appraisal. That (audio interference) system of administrative and educational practices and operations.

02-20-'15, AIJS conducted 20 (audio interference) monitoring visits, which was a mixed cycle visit midway through the school's accrediting cycle. AIJS staff visit each accrediting school to ensure that the institution continues to be in compliance with accreditation standards. As a (audio interference) agency, we take pride in the fact that we know our institutions well.

One of the ways in which that is achieved is that AIJS staff strive to make annual visits to all of the accrediting institutions. Each process affords the Agency an opportunity -- a unique opportunity to review and (audio interference) on a consistent basis of the institutions that we accredit. In this way, the Agency's decisions are not a one time action. Instead, the Agency ensures that it maintains an
ongoing responsibility to the public for ensuring
the quality of the institution.

AIJS has also reviewed and approved
four substantive change requests including three
expansion of the (audio interference) programs
and one additional location. AIJS has helped
make higher education more widely available.
(audio interference) to higher education in many
of our communities. (audio interference) AIJS
accredited institutions from gained admission to
graduate programs such as law school, social
work, accounting, computer science, and (audio
interference).

We are incredibly proud of our track
record. We believe that our petition for re-
recognition, which is before you today
demonstrates that our agency takes our
responsibility to serve as a reliable accreditor
of quality education very seriously. Indeed some
of our core values are accountability,
transparency, and trustworthiness. The word
"trustworthiness" comes from the Latin word
"provoke", which we get our accreditation. We expect these values to be demonstrated by ourselves. And we expect them from our schools as well.

Before I finish, allow me to share with you a brief anecdote. A number of years ago, a governor of a northeastern state was sitting at a meeting (audio interference) education. Jewish institutes of higher education were being discussed. This particular governor had never been exposed to the world of yeshiva education and had no knowledge of either its strengths or its successes.

Sitting at the meeting was his general counsel; a graduate of an Ivy League grad school who explained as follows: Governor, when I was in law school, we had to sit in (audio interference) for six or seven hours straight for big exams. The only students that weren't overwhelmed were the students who were yeshiva graduates. They had the discipline and maturity that prepared them exceptionally well for all the
(audio interference) of a top law school. And everybody wanted to be their study partners as well. (audio interference) law schools proceeded to experience tremendous intellectual growth and acquired a (audio interference) analyze, perform critical thinking, and (audio interference) confidence and perseverance to assist them in succeeding in whatever field they choose to enter.

In closing, we would like to thank the committee for its careful consideration for the petition or AIJS for a renewal of its recognition. I would now like to ask Dr. Chaim Cohen, Chair of our executive accreditation counsel to offer remarks. And following that, we will hear from our accreditation specialist, Dr. Dina Gongola. Dr. Cohen?

DR. COHEN: Thank you, Ladies and Gentlemen for the opportunity to address the distinguished members of NACIQI. I think (audio interference) as a new agency seeking (audio interference), I'm honored to report on the
(audio interference) agency, AIJS has achieved
its initial approval for the successful
accreditation (audio interference) offering
college level Jewish studies.

(audio interference) Jewish additional
studies and (audio interference). Many of our
initial plans and projections have been
successfully (audio interference). (audio
interference) accreditation over the past five
years has opened the opportunity for diversity in
Jewish (audio interference) higher education
grants with high quality programs (audio
interference) working students, alongside (audio
interference) to the traditional full-time
scholar.

(audio interference) together with
diversity, educational (audio interference) and
successful student achievement has been the focus
of (audio interference) efforts. We are pleased
to report that AIJS (audio interference) exceeded
the national two year and four year (audio
interference) averages in that our role (audio
interference) accredited institution has comfortably exceeded (audio interference) benchmarks.

In the five year period since we were recognized, we have expanded our staff to include an accreditation specialist who focuses on being compliant with Agency standards and with Agency protocols and policies. We appreciate this opportunity to appeal before NACIQI again and look forward to (audio interference). Thank you. I would like to (audio interference) Dr. Dina Gongola.

DR. GONGOLA: Hi. Good afternoon. (audio interference) Mr. Keiser, Committee Chair, NACIQI members, (audio interference) staff. I'm the newest hire at AIJS. I will now reflect over the last five years. I really want to say thank you. Thank you for giving AIJS the opportunity to realize our dream. It's really not often that dreams are actually fulfilled.

When I first joined AIJS, I realized that this is an Agency that's enacting social
change. When I was in school to earn my Doctorate, one of our missions in our school was -- one of our missions were social change. And here is an Agency that does social change by fostering quality and integrity in our institutions in real time, real change, every kind for every institution. So thank you for recognizing AIJS as an accreditation agency.

I wanted to speak today a little bit about student achievement. In AIJS, that's Accreditation Standard 1, which is about institution mission and goals. And requires institutions to establish their mission and goals. And in Standard 3, which is about student progress and learning outcomes, requires our institutions to identify and develop student learning outcomes that are clearly related to their mission and institutional goals.

Outcomes that are commonly used at AIJS institutions include rates for retention, which tells us that students are really satisfied with the education that they're receiving,
reflecting that they appreciate the school
mission and they want to further their position
of this mission by continuing to pursue their
education there.

Another outcome is graduation or
completion. Since that demonstrates that
students value the degree of certificate they
have earned. Job placement, another outcome
reflects that students are gainfully employed in
the field using the education they have received
at their institution. And acceptance into
graduate or advanced programs and are transferred
to advanced program, which demonstrates that
students have been adequately trained (audio
interference) institutions for further education.

Before I explain specifically about
our benchmarks used for our outcomes, I wanted to
share a brief anecdote that demonstrates the
significance of our students achievement in a
Liberal Arts Degree. At a recent visit to one of
our institutions, a young woman -- a student at
that school, 18 years old began to share really
with her eyes shining. And we saw her face is aglow with the excitement she felt as she shared her achievement.

She described to me how the first time in her life she independently at home read through a very complex literary text. She was able to analyze it and she understood it by herself. And as she shared it, she said it's because of the course I'm taking now -- because of my instructor, I've learned these skills. I was never able to do this before. Her (audio interference) as she described this incredible achievement.

So I just felt that now as I specifically speak about outcomes and data and statistics, it's so important to look at it in terms of the student. What's the student learning? What's the student feeling about what they're learning?

The Agency benchmarks that I stated for the outcomes that I stated earlier for retention are benchmark of 70 percent for
completion. When we use the word "completion", we're talking about completing within 100 percent of the normal timeframe for that degree. For example, for a four-year Bachelor's Degree, that would be a four-year timeframe with a 120 credit degree.

And at the 60 percent benchmarks, combined completion, graduation, and transfer to other institutions, our benchmark is 60 percent. Admission to Graduate schools, our benchmark is 60 percent. Admission to advanced programs, our benchmark is 60 percent. And for employment in related fields, our benchmark is 70 percent.

In order to determine that these benchmarks that the AIJS have selected are appropriately vigorous, we researched these outcomes from the National Center for Educational Statistics, IPEDS, and determined benchmarks that are reasonable and reflect current educational achievement levels. In listening to the discussion earlier and other Agency's thinking about -- you know, talking about benchmarks, how
effective and successful are they? What do they reflect about the school? So it's so important to us to look at what's (audio interference) and to identify benchmarks that match the current educational achievement levels.

So just to give an example of this, the IPEDS 2017 reported a retention rate for two-year colleges -- reported 62 percent in public and 72 percent in private, nonprofit institutions. And retention rates were reported for 4-year colleges, 65 percent in private, nonprofits of open admission. Based on the data provided by the National Student Clearinghouse in 2020, retention rates for colleges range from 54 percent to 62 percent, depending on the age of the students. This demonstrates that AIJS's benchmark of 70 percent is appropriately rigorous for our institutions.

We also looked at other accrediting agencies. For example, the benchmark for job placement in related fields is 70 percent, which is an accepted norm for this outcome based on
other accrediting agencies and how they set the benchmark such as asset. We looked at metrics and markets measuring towards college employment success published in 2018 to help us determine these numbers.

In analyzing the data from our institutions reported outcomes in their annual reports and in the ISA data -- when they submit their ISA, it's evident that on average -- we're so proud to report this -- that the institutions outcomes surpass our benchmarks. For example, the average completion rate reported by our institutions is 79 percent, which exceeds our benchmark of 60 percent. And exceeds the average reported in IPEDS.

Students seeking an Associates Degree in 2016, the range of first time, full-time students who completed their degree ranged from 27 percent in open enrollment and 52 percent built in private, nonprofit institutions.

According to the IPEDS statistics for students seeking a Bachelor's Degree in 2012, the range of
first time, full-time students who completed a
degree was 34 percent for schools with open
admission. AIJS schools are generally community-
based. And while they do not have open admission
policies, they do have high acceptance rates.
The average acceptance rate at an AIJS school is
between 80 to 90 percent of acceptance rate. So
it's kind of similar to the open admission
policy.

As you can see, our institutions
identify specific outcomes that relates to their
mission. And they report on these outcomes
annually in the annual report. Additionally as
part of a site visit, in the Site Visit Report,
the Site Visit Team identifies the institutions
compliance with Standard 3, which includes
student achievements and outcomes and can also
make recommendations in the report if there was a
concern regarding outcomes. And AIJS staff
follows up on these recommendations to ensure the
institution has a plan or comes into compliance.
AIJS provides training to schools to help them assist in selecting outcomes that are appropriate to their specific mission in order to reflect what they're about -- what they want to be about and their specific academic programs. AIJS has also developed a followup form to the annual report to be sent to schools after the analysis of the annual report has been completed.

The form indicates if followup has to happen regarding any issue on the annual report, specifically about outcomes. If the outcomes reported fall below the AIJS benchmark, then it describes the plan that the school would have to share and show that they can move into compliance. Then AIJS staff follow up with a collaborative discussion with the school. We want to hear from the school. Let's hear about what's happening at their institution.

Is there a legitimate reason that would explain for the below the benchmark report on the outcome? And then we examine the school's plan to determine do these contributing factors -
- are they appropriate to the circumstance and
then what will happen in the future? What's
their timeframe for coming into compliance?
What's their plan -- their actionable plan to
actually get them to the place of being in
compliance? That's my perspective on student
achievement.

CHAIR KEISER: I guess that's your
report. So primary readers, do you have
questions?

DR. ALIOTO: I think my questions are
for the staff.

MR. O'DONNELL: I have a question for
Dina. I wanted to thank the Agency for all your
work. I think I was on NACIQI five years ago
when you first came up and I actually asked when
I saw this report why it wasn't on the (audio
interference) agenda. Because it seemed very
clean and it can't be on the agenda.

But I guess my question on your
standards for outcome, I appreciate that you
surveyed the field and tried to pick appropriate
benchmarks. You know, there's always a risk that
the fields -- you know, if all your peers aren't
very good, picking -- using them as proxies might
mean not very good. I'm not saying that you did.

But when you have institutions that
are exceeding your benchmarks so much, do you
think -- how do you think about reevaluating
those benchmarks and maybe increasing them if
your institutions are easily able to hit them,
then maybe they should be striving for higher or
different benchmarks. So I'd like to get a
little sense on how you might think about that
going forward in the institutions that are
clearly exceeding them by large numbers.

DR. GONGOLA: Thank you for asking
that. It's interesting because in comparing, you
know, our report to the petition and kind of
doing our own internal analysis of this point,
what we noticed is that we serve a range of
institutions. So we can have a school that, you
know, far surpasses -- they have a 98 percent
benchmark. Then we have a school that's going to
show the 70 percent number.

So we have to kind of look it at from, you know, the broad range and make sure that all our schools feel comfortable. And that they have the ability to meet the benchmark or if they can't, then they have a plan to come into it. We're kind of like watching that and making a fine line of choosing something that's appropriate but not making it too difficult for a school. And if the school already has it (audio interference) an extra motivation to increase something if that's what speaks to their mission.

MR. O'DONNELL: Great, thank you.

CHAIR KEISER: Okay, members of the committee, questions?

DR. ALIOTO: Yes, sorry.

CHAIR KEISER: Kathleen, are you raising your hand?

DR. ALIOTO: Yes, I am. I wondered how many students that you have. How many students --

(simultaneous speaking)
RABBI GINSBERG: We have right now 44,100 students total. And we have 2,200 that are getting Title IV right now.

(audio interference)

RABBI GINSBERG: 4,100 students.

DR. ALIOTO: 4,400 students.

RABBI GINSBERG: 4,1000 students total and 2,200 are receiving Title IV.

DR. ALIOTO: Okay, thank you.

CHAIR KEISER: Wait. Was that 44,000 or 4,100?

RABBI GINSBERG: No, 4,100 -- 4,100 students.

CHAIR KEISER: Okay, thank you. Bob, do you have -- your hand is up.

MR. SHIREMAN: Yes, thank you. The Department of Education regulations require that accrediting agencies have all of their decision making bodies representatives of the public. And a representative of the public kind of begs the question of who, you know, are the public members of the Board answerable to something independent
to the public, not to the Agency itself? So I wondered if you could talk a little bit about your public members. I see one of them is a mayor, in addition to their profession, which is interesting. And if you could include in your answer, you know, to the other question of whether they are compensated by the Agency.

Thank you.

RABBI GINSBERG: Yeah, so we have two public members and one of them is the acting (audio interference) principal of a local law firm. He serves on the board of many local civic and charitable institutions. The other public member is actually somebody who serves in the local township committee. He's the founder and president of a real estate firm. They do not receive any enumeration whatsoever. They are very, very committed. They're prominent public members of the Jewish community. And they do have a tremendous appreciation for the importance of quality higher education. And they do not receive any stipend. I would actually say the
only thing they do get is maybe a good supper
when we have a meeting and that's about it. I
hope that answers your question, Bob.

MR. SHIREMAN: Yes. Thank you so
much.

RABBI GINSBERG: Thank you.

CHAIR KEISER: Okay. Any further
questions? No further questions. Ask the staff
to return please. Thank you very much members of
the Agency.

RABBI GINSBERG: Thank you, Mr.
Chairman.

CHAIR KEISER: Ms. Simms-Coates, are
you here?

MS. SIMMS-COATES: Yes, I am.

CHAIR KEISER: Okay.

MS. SIMMS-COATES: Can you hear me?

CHAIR KEISER: Any questions for the
staff?

DR. ALIOTO: Yes, I have questions
about how you came up with your final
recommendations in regards to staffing and
Standard 9.

MS. SIMMS-COATES: Standard 9 -- the staffing in Standard 9 -- are you referring to the staffing related to the Agency or the institution?

DR. ALIOTO: (audio interference) you had a negative response to infer and then came back (audio interference) staffing in regards to the Agency.

MS. SIMMS-COATES: I'm sorry, I couldn't understand your statement.

DR. ALIOTO: Staffing in regards to the Agency.

MS. SIMMS-COATES: Okay. So in regards to the Agency, I look at the number of their organizational chart and the number of specs they had in the roles and responsibilities of the staff. They have, as you can probably see, a very comprehensive staff. They have a President, a chief financial officer, compliance administrator, administrative assistant, and accreditation specialist. And they provide
resumes and job descriptions to demonstrate exactly what those positions entailed.

And I looked at the resumes and compared them to the job descriptions to ensure that they were consistent with the job descriptions and responsibilities of the staff. And I looked at the organizational chart. And it depicted the flow of the organization and who's responsible for what and who reports to whom. And also looked at the amount of work they had and all the accreditation (audio interference) that the staff had to oversee to determine if the staff was adequate to perform their duties according to the activities that they're responsible for.

DR. ALIOTO: Did you discuss with them the fact that the salary for -- when you hear that kind of work, went from $109,000 in '17 to $341,000 in '18, what that was all about? And what is it now?

MS. SIMMS-COATES: Yeah. No, I did not have that particular discussion with them. I
did look at their revenues, their expenditures, you know, their financial statement, and also the audit report, which determined that there were no major issues with their financial operations. So I did look at those items. But no, I didn't address that particular issue.

DR. ALIOTO: I wondered -- I have seldom seen trustees being paid. And one of the trustees who's also on the staff is paid $42,208.

MS. SIMMS-COATES: Yeah, that may be something that the Agency can address further (audio interference) salary allocation and the increase in salaries.

DR. ALIOTO: Well, I noticed on the website that, that person is no longer a trustee. So I (audio interference) on staff, so I just didn't know what was going on there. But I mean the basic thing is -- the basic thing was skill, but I just thought that was a little (audio interference). But, you know, in the reading that you included, most of the Torah (audio interference), the 100-year-old program, I
thought was quite a moving introduction to that institution. Alright, so now -- Okay, so that's the end of it. Thank you.

CHAIR KEISER: Any other questions?

Thank you very much members of the -- members of the staff. Will the primary readers be interested in making a motion?

MR. O'DONNELL: Yes. I'll make a motion. I hereby move that NACIQI accepts the staff recommendation that the Association of Institutions of Jewish Studies recognition be renewed for five years or however the language needs to be.

DR. ALIOTO: I'll second.

CHAIR KEISER: There's a motion and a second. Discussion? Wow, okay. All in favor of the motion -- I'm sorry, we're going to go down roll call. Anne?

MS. NEAL: Yes.

CHAIR KEISER: Claude?

DR. PRESSNELL: Yes.

CHAIR KEISER: David?
DR. EUBANKS: Yes.

CHAIR KEISER: Jennifer?

MS. BLUM: Yes.

CHAIR KEISER: Jill? Jill Derby?

Kathleen?

DR. ALIOTO: Yes.

CHAIR KEISER: Michael?

DR. LINDSAY: Yes.

CHAIR KEISER: Paul? Paul? Rick?

MR. O'DONNELL: Yes.

CHAIR KEISER: Robert Mayes?

MR. MAYES: Yes.

CHAIR KEISER: Robert Shireman?

MR. SHIREMAN: Yes.

CHAIR KEISER: Ronnie Booth?

DR. SMITH: Ron had to drop off for -- Ron dropped off for an appointment.

CHAIR KEISER: Okay. Steve?

DR. VANAUSDLE: Yes.

CHAIR KEISER: And Wally?

DR. BOSTON: Yes.

CHAIR KEISER: How many is that? Do
we have a quorum.

DR. SMITH: It looks like it's 11.

Verify that, Valerie. Eleven yes's.

CHAIR KEISER: And the motion passes.

Congratulations, members of the Association of Institutions of Jewish Studies.

We are ahead of schedule and what we are going to do now is move up from what was on the agenda for Friday; the Subcommittee on Student Success. David has the report.

DR. SMITH: Right. We're going to do it -- We're going to do it only if -- Candice, can you verify that our third party commenter is on the line? He said that he would be on the line at this time.

THE OPERATOR: And what is his name?

CHAIR KEISER: Bernie Fryshman.

DR. SMITH: Bernard Fryshman, yeah.

THE OPERATOR: Yes, he is. I just unmuted his line.

DR. SMITH: Okay. Go ahead and -- Yeah give him all status. If you could bring up
the report for David. I think we're going to
post his report. And he can go ahead and give us
--

DR. EUBANKS: Go ahead. I moved back
over. I'm sorry.

CHAIR KEISER: Go ahead, David.
You're up. It's your agenda.

DR. EUBANKS: Okay, thank you. So the
party comments doesn't need to come first or
anything?

CHAIR KEISER: No, you go first.

DR. EUBANKS: Okay, great. And I
apologize again for my video. I'm kind of having
connection problems. As long as you hear me, I
guess it's good.

At it's July 2020 meeting, NACIQI
created a subcommittee to look at the impact and
changes to the 2019 handbook for accreditors and
the underlying rules adopted November 1st, 2019.
These changes are in regards to the documentation
of student achievement standards. Specifically
602.16(a)(1) previously required that standard
effectively address the quality of institutions
or programs. But now reads, "The Agency's
accreditation standards must set forth correct
expectations for (audio interference) programs
that it accredits."

Accordingly, the revisions to the
handbook now emphasizes the importance of
documentation, asking for on Page 8, "Citation
for pages within the Agency standards and policy
manuals that describe the standards set by the
Agency for measuring student achievement. These
pages must describe the way the Agency evaluates
inherence to those requirements and the way that
it enforces compliance."

As Chair of the subcommittee, I will
now give a brief overview of the work to date.
The other members of the subcommittee are Roslyn
Artis, Jennifer Blum, Wally Boston, Jill Derby,
Robert Mayes, Mary Ellen Patrisko, and Robert
Shireman. These include new NACIQI members
replacing Anne Neal (audio interference) were
called away by other obligations and Ralph Wolff
who's term (audio interference). We are particularly indebted to Ralph who was part of negotiated rulemaking (audio interference) many valuable contributions.

Members have met online in various combinations demonstrating enthusiasm for this work and a wealth of expertise. I also talked with Herman Bounds, the Director of the Accreditation Group for Post Secondary Education and came away optimistic that this project can be beneficial to all parties concerned. Our conversation also affirmed the goal of providing service to accreditors verifying expectations for documenting student achievement.

At my request, department staff produced and redacted documentation on the Student Achievement Standard from past ACCSC, HLC, Middle States, and WASC senior reports. These are (audio interference) narratives that support materials including (audio interference) taken from renewal applications for the department including policies, institutional self
studies, visiting team reports, official correspondence, and other materials. Together these comprise about 10,000 pages of electronic documents. Special thanks to Valerie Lefor for managing the data and (audio interference) some access problems.

After receiving this material in November, I have reviewed more than 90 percent of it and have extracted several hundred pages of excerpts with (audio interference). The next step for the subcommittee to synthesize this information and make initial judgements based on review materials. Specifically do past reporting practices by agencies satisfy the new rule for documenting student achievement standards or should agencies be alerted (audio interference) changing expectations?

I anticipate asking for voluntary feedback about student achievement policies and practice from the agencies represented in the review materials, as well as from external experts in related fields. Such feedback will be
essential so the subcommittee's work fairly reflects the complexities of student achievement reporting and its relationship to the agency's standards and policy manuals. I understand that similar inquiries were made as part of the Governance Subcommittee's work. I anticipate that we will have a substantive report by July with findings, if not recommendations.

At this point, I'd like to ask if the subcommittee members themselves have anything to add to that?

CHAIR KEISER: Bob?

DR. EUBANKS: I'm happy to take --

MR. SHIREMAN: Yeah, I just -- David, I just wanted to thank you for all the work that you've done. And when I went in and looked at the -- to glance at the documents that have been pulled together and realized how voluminous they were and was doubly glad that you're going through them and pulling out things that will be useful because there is a huge amount there. So thank you so much. And I think just the
discussion from the agencies earlier today just underscores the importance of the work that you are leading in the subcommittee. So thank you.

DR. EUBANKS: Thanks, Bob.

CHAIR KEISER: Any questions for David? David, thank you. You have done just tremendous work and I appreciate you stepping up to do this. I'd like to recognize Bernie Fryshman for comments that he wanted to make regarding the study. Bernie, can you speak?

DR. FRYSHMAN: Yes, I can. Yes, I can. How are you all? First of all, I do want to express my appreciation to David for all the work he's done. I was floored with that 10,000 pages of electronic documents. I can't begin to understand how anybody could accomplish that, but I guess it was done.

I guess it's unfortunate that I'm taking a different position. It seems to me that we are -- we are establishing a measure of student accomplishment and numerical measurements, which are not really relevant,
which are harmful. They're detrimental in the
sense that they provide a papering over of what
actually takes place at a school.

I speak as a faculty member at a
university. In fact, I just came -- I just
finished teaching my last class on Wednesday.
What happens at a school that you can box into a
-- you can pigeonhole into a number of graduation
rates or retention rates or some of the other
qualifying numbers. And they're proxies for
something which rarely reaches what takes place
in the classroom.

This kind of numerical determination
of quality is detrimental in a variety of ways.
For one, it doesn't identify where the problems
are. A school that shows that it meets its
benchmarks, that it satisfies the department's
concerns, has satisfied the school's problems.
But what has it done for the vast number of
students who simply don't make it and whose
problems -- whose difficulties never rise to the
attention of the accreditor because the
accréditeur est forcé par le département de

1. rencontrer certaines normes mondiales, ce qui peut paraître raisonnable d'un point de vue de 30 000
6. 
14. 
15. Si une école apparaît comme un modèle exceptionnel de excellence grâce à certaines 16. simples chiffres sur les cartes de marque, par exemple
of real detailed context, you are telling -- you are suggesting to parents that this is the correct way and this is an excellent school, and by all means, send your child there. We're now --

(simultaneous speaking)

CHAIR KEISER: Bernie, you have -- you have 30 seconds, Bernie.

DR. FRYSHMAN: Oh I need 30 minutes, Arthur.

CHAIR KEISER: I know you do, but you only get three. So you have to compress it.

DR. FRYSHMAN: Okay. Well look, I will just say this. I guess what I'll have to do is I'll try to write up my feeling and what I really feel is wrong about the student achievement standards, the numerical standards, which divert and cause us to really cause -- I don't want to say cause harm consciously -- but a fact, we are causing harm to whole communities of students who are not being benefitted by.

I would suggest also that if there is
a committee chaired by my friend, Dave, who is able to put in so much time and have so much -- so much access to the details and to providing and to serving this purpose, the public should also have an opportunity to engage an inimical fashion.

I thank you very much for the three minutes. And I guess there will be some other opportunities when we can interact. Thank you all.

CHAIR KEISER: Thank you, Bernie. Any other comments regarding the report? Sensing none, I think we are pretty much at the end of the agenda for today. I would entertain a motion to adjourn.

(simultaneous speaking)

MR. SHIREMAN: Move to adjourn. Move to adjourn.

CHAIR KEISER: Very good, thank you.

DR. PRESSNELL: I second.

CHAIR KEISER: Okay. Have a great evening. We will see each other tomorrow at 9
o'clock.

(Whereupon, the above-entitled matter
went off the record at 4:00 p.m.)
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