

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION

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NATIONAL ADVISORY COMMITTEE ON  
INSTITUTIONAL QUALITY AND INTEGRITY

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MEETING

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FRIDAY  
MARCH 5, 2021

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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  
ROSLYN CLARK ARTIS  
JENNIFER L. BLUM  
RONNIE L. BOOTH  
WALLACE E. BOSTON  
JILL DERBY  
DAVID A. EUBANKS  
PAUL J. LeBLANC  
ROBERT MAYES  
ANNE D. NEAL  
RICHARD F. O'DONNELL  
MARY ELLEN PETRISKO  
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 McKISSIC  
ANGELA SIERRA  
KARMON SIMMS-COATES  
MICHAEL STEIN

ACCREDITATION AGENCY REPRESENTATIVES PRESENT:  
Commission on Massage Therapy Accreditation  
(COMTA)  
DAWN HOGUE, Executive Director  
CLIFFORD KORN

National Accrediting Commission of  
Career Arts and Sciences (NACCAS) Inc.  
TONY MIRANDO, Executive Director  
DARIN M. WALLACE, Director of Govt. Relations  
LOUIS SARITA, Former Treasurer, NACCAS  
THERESE VOGEL, Former Chairwoman, NACCAS

PUBLIC COMMENTERS:  
FRED JONES, Professional Beauty Federation of  
California

1 P-R-O-C-E-E-D-I-N-G-S

2 9:11 a.m.

3 THE OPERATOR: Welcome to the National  
4 Advisory Committee on Institutional Quality and  
5 Integrity Meeting. Thank you for joining us  
6 today.

7 Please note you may open the  
8 participant and chat panels on Webex by using the  
9 associated icons located at the bottom of your  
10 screen.

11 If you require technical assistance,  
12 please send a private chat message to the  
13 producer. With that, I'll turn the conference  
14 over to Dr. Smith, the Executive Director.

15 DR. SMITH: Thank you, Candice. Good  
16 morning, and welcome everyone. This is the  
17 meeting of the National Advisory Committee on  
18 Institutional Quality and Integrity, also known  
19 as NACIQI.

20 I'm George Alan Smith, the Executive  
21 Director and designated federal official of  
22 NACIQI.

1                   NACIQI was established by Section 114  
2                   of the higher education Act of 1965 as Amended,  
3                   or HEA, and it's also governed by provisions of  
4                   the Federal Advisory Committee Act as Amended, or  
5                   FACA, which sets forth standards for the  
6                   formation and use of Advisory Committees.

7                   Sections 101(c) and 487(c-4) of the HEA  
8                   and Section 36(b) of the public health service  
9                   act, 41 U.S.C Section 2966 require the Secretary  
10                  to publish lists of the state approval agencies,  
11                  nationally recognized accrediting agencies and  
12                  state approval and accrediting agencies for nurse  
13                  education that the Secretary determines to be  
14                  reliable authorities as to the quality of  
15                  education provided by the institutions and  
16                  programs they accredit.

17                  Eligibility of the educational  
18                  institutions and programs for participating in  
19                  various federal programs requires accreditation  
20                  by an Agency listed by the Secretary.

21                  As provided in HEA Section 114, the  
22                  NACIQI advises the Secretary in the discharge of

1 these functions and is also authorized to provide  
2 advice regarding the process of eligibility and  
3 certification of institutions of higher education  
4 for participation in the federal student aid  
5 programs, authorized under Title IV of the HEA.

6 In addition to these charges, NACIQI  
7 authorizes academic graduate degrees from federal  
8 agencies and institutions.

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

14 Again, thank you for joining us. I'll  
15 now turn it to the Chairperson. Thank you.

16 CHAIR KEISER: Thank you, George.  
17 Good morning, everyone. welcome to Day 3 of the  
18 National Advisory Committee on Institutional  
19 Quality and Integrity Meeting.

20 We have a busy day today and we want  
21 to get finished as early as we can but we will  
22 spend the appropriate time in reviewing the

1 different agencies.

2 We have a little difference in our  
3 agenda. I'd like to discuss that for a second.  
4 We will start with the renewal of recognition for  
5 COMTA.

6 We will then continue our discussion  
7 on Accrediting Commission of Independent Colleges  
8 and Schools, and then we'll finally work with the  
9 renewal of recognition for the National  
10 Accrediting Commission in Career Arts and  
11 Sciences, NACCAS.

12 At this point, I'd like to introduce  
13 the members of the National Advisory Committee.  
14 I'll start by having them introduce themselves.  
15 Kathleen?

16 DR. ALIOTO: Hello, I'm Kathleen  
17 Sullivan Alioto.

18 For the last 15 years I have taught,  
19 researched, and read programs at all levels and  
20 become dedicated to the proposition that the  
21 years from birth to three are critical to brain  
22 development and ensure a future of quality.

1 Thank you.

2 CHAIR KEISER: Is Roslyn here? Is she  
3 supposed to be here today? I don't see her.

4 DR. ARTIS: I am.

5 CHAIR KEISER: There you are, good.

6 DR. ARTIS: Good morning, colleagues.

7 I am Roslyn Artis, I'm president of Benedict  
8 College in Columbia, South Carolina, a small,  
9 private liberal arts college and university.

10 This is my eighth year as a college  
11 president and I am honored to have the  
12 opportunity to sit on this Committee.

13 Thank you, Mr. Chairman, for the  
14 opportunity to be introduced.

15 CHAIR KEISER: Welcome. Jennifer?

16 MS. BLUM: I'm Jennifer Blum, I'm  
17 happy to be back for a third day. I am an  
18 attorney that has focused on higher education  
19 policy, development, and compliance.

20 And I'll leave it at that.

21 CHAIR KEISER: Ronnie?

22 DR. BOOTH: Ronnie Booth, President

1 Emeritus of Tri-County Technical College in South  
2 Carolina.

3 CHAIR KEISER: Wally?

4 DR. BOSTON: Wally Boston, President  
5 Emeritus of American Public University System.

6 CHAIR KEISER: Thank you. Jill?

7 DR. DERBY: Yes, I apologize, my video  
8 doesn't seem to be working.

9 But I'm here, Jill Derby, Senior  
10 Consultant with the Association of Governing  
11 Boards of Universities and Colleges.

12 CHAIR KEISER: David?

13 DR. EUBANKS: Good morning, everyone,  
14 I'm David Eubanks. I work at Furman University  
15 where I am assistant Vice President for  
16 Institutional Effectiveness.

17 CHAIR KEISER: Paul?

18 DR. LeBLANC: Paul LeBlanc, President  
19 of Southern New Hampshire University.

20 CHAIR KEISER: Michael?

21 DR. SMITH: Michael is out today.

22 CHAIR KEISER: Okay, Robert Mayes?



1 MR. MAYES: Good morning, Robert  
2 Mayes, CEO of Columbia Education Group and  
3 Columbia Southern University and Waldorf  
4 University.

5 CHAIR KEISER: Anne?

6 MS. NEAL: Anne Neal, Senior Fellow of  
7 American Council of Trustees and Alumni.

8 CHAIR KEISER: Rick?

9 MD. O'DONNELL: Rick O'Donnell,  
10 Founder of Skills Fund.

11 CHAIR KEISER: Mary Ellen?

12 DR. PETRISKO: Mary Ellen Pastroko,  
13 past President of the WASC Senior College and  
14 University Commission and Higher Education  
15 Accreditation Consultant.

16 CHAIR KEISER: Claude?

17 DR. PRESSNELL: Claude Pressnell,  
18 President of the Tennessee Independent Colleges  
19 and Universities, and Vice Chair of the  
20 Committee.

21 CHAIR KEISER: Robert Shireman?

22 MR. SHIREMAN: Bob Shireman, I am

1 Senior Fellow and Director of Higher Education at  
2 the Century Foundation.

3 CHAIR KEISER: And Stephen?

4 DR. VanAUSDLE: Stephen Van Ausdle,  
5 President Emeritus of Walla Walla Community  
6 College and Westman State.

7 CHAIR KEISER: And George, would you  
8 like introduce your team that's with you?

9 DR. SMITH: Yes, I'm supported today  
10 by two of our OGC representatives, Angela Sierra  
11 and Donna Mangold and Valerie Lefor is also on  
12 the line. Thanks.

13 CHAIR KEISER: And Herman, if you  
14 would like to introduce your team?

15 MR. BOUNDS: Sure, good morning, my  
16 name is Herman Bounds. I'm the Director of the  
17 Accreditation Group.

18 Our accreditation staff here today are  
19 Elizabeth Daggett, Reha Mallory, Nicole Harris,  
20 Stephanie McKissic, Charity Helton, Karmon Simms-  
21 Coates, Mike Stein, and Jass Holt, who is here to  
22 offer any technical support to Committee Members

1 with the erecognition system.

2 Thank you.

3 CHAIR KEISER: Thank you, Herman, and  
4 welcome again everybody. I apologize for the  
5 fact that this is not in person, which makes it a  
6 little bit more complicated, especially with the  
7 Webex and telephone system.

8 So, please work with us as we go through  
9 the process. I want to talk about our standard  
10 review procedures.

11 What we do with the Agency, we start  
12 with the primary readers who are assigned by the  
13 Staff to introduce the Agency application. We  
14 then have the Department Staff provide a briefing  
15 regarding the petition.

16 The Agency's representatives are  
17 provided the opportunity to present comments and  
18 there will be questions by the NACIQI Members  
19 followed by the response and comment from the  
20 Agency.

21 There will be third-party comments, if  
22 there are any and then the Agency will have the

1 opportunity to respond to third-party comments.  
2 And then the Department Staff responds to the  
3 Agency and the third-party comments, and then we  
4 go to a discussion and a vote.

5 So, it is our normal structure and we  
6 will start today with the renewal of recognition  
7 for the Commission on Massage Therapy  
8 Accreditation, or COMTA.

9 The primary readers are Ronnie Booth and  
10 Paul LeBlanc. The Department Staff, Ronnie,  
11 Paul, it's yours, the agenda is yours.

12 DR. LeBLANC: Thank you, Art. So,  
13 before us is the Commission on Massage Therapy  
14 Accreditation. They were last before us in 2016  
15 when they were renewed for five years.

16 They had petitioned for a rule for  
17 another five years. COMTA accredits 38  
18 institutions and 15 programs in 32 states in  
19 Costa Rica.

20 So, Michael Stein is the Staff who  
21 assigned and conducted the review. Michael, do  
22 you have any comments?

1           MR. STEIN: Yes, good morning, Mr. Chair  
2           and Members of the Committee. For the record, My  
3           name is Mike Stein and I am providing a summary  
4           of the Petition of Renewal for Recognition for  
5           the Commission on Massage Therapy Accreditation,  
6           or COMTA.

7           The Staff recommendation to the senior  
8           department official is to renew the Agency's  
9           recognition as a nationally recognized  
10          accrediting Agency and require a compliance  
11          report in 12 months on issues identified on the  
12          Staff report, which I will summarize in a moment.

13          The Department Staff also recommend the  
14          Agency submit a monitoring report for the next  
15          three years of the recognition period. A  
16          monitoring report must demonstrate that the  
17          Agency's staffing and financial resources are  
18          sufficient to carry out its accrediting  
19          responsibilities.

20          These recommendations are based on a  
21          review of the Agency's petition and supporting  
22          documentation as well as two observations that

1 included a site visit attended with the Agency in  
2 January of 2020 and an observation of the  
3 Agency's April 2020 Commission meeting that was  
4 conducted online due to the COVID-19 pandemic.

5 The Agency has not had any complaints or  
6 third-party comments submitted to the Department  
7 since its last review.

8 As previously mentioned, Department  
9 Staff identified several outstanding issues that  
10 the Agency needs to address in the recognition  
11 areas of administrative and fiscal  
12 responsibilities, student achievement,  
13 monitoring, and development of standards.

14 First, as it relates to monitor the  
15 Agency's staffing and financial resources,  
16 Department Staff finds the Agency substantially  
17 compliant with 34 C.F.R. 602 15(a)(1).

18 Department Staff found no evidence that  
19 the Agency is unable to carry out its accrediting  
20 activity in light of its staffing and financial  
21 resources.

22 However, the Agency described challenges

1 in the massage education market that led to  
2 several measures by the Agency to ensure its  
3 financial stability during the recognition  
4 period, including a temporary Staff reduction as  
5 well as entering into a joint management  
6 agreement with another accrediting Agency.

7 COMTA recently returned to self  
8 management and currently employs only one Staff  
9 Member.

10 Based on these facts and because the  
11 Agency is entitled to a gatekeeper, Staff feels  
12 it's prudent to monitor the Agency's financial  
13 and staffing resources for a period of three  
14 years.

15 Second, there are a number of remaining  
16 issues related to organizational and  
17 administrative requirements the Agency must  
18 address.

19 The Agency must address compliance of  
20 its own biological lead as the number and tenure  
21 of Commissioners, documentation of training of  
22 Commissioners, Staff, and peer reviewers, and

1 qualifications of peer reviewers as it relates to  
2 the roles on site evaluation teams.

3 Third, as it relates to student  
4 achievement, the Agency must provide more  
5 information that demonstrates how the Agency  
6 ensures its student achievement benchmarks are  
7 sufficiently vigorous to ensure the Agency is a  
8 reliable authority regarding the quality of the  
9 education or training provided by the  
10 institutions or program it accredits.

11 Fourth, the Agency must submit further  
12 evidence demonstrating how it analyzes and acts  
13 on the fiscal information it collects from its  
14 accredited members in accordance with its  
15 policies and procedures.

16 Finally, the Agency must demonstrate  
17 that it consistently requires institutions to  
18 come into compliance with its standards or take  
19 adverse actions in accordance with the timeline  
20 and regulations.

21 We believe the Agency can resolve the  
22 issues identified in the Staff report and



1 demonstrate its compliance in a written report in  
2 a year's time.

3 Therefore, as I've stated earlier,  
4 Department Staff is recommending to the senior  
5 department officials to renew the Agency's  
6 recognition as a nationally recognized  
7 accrediting Agency at this time, subject to the  
8 submission and review of the compliance report  
9 due in 12 months and a review and decision on the  
10 compliance report as well as monitoring report to  
11 be submitted annually for the next three years.

12 In the event recognition is continued  
13 following a decision on compliance report, the  
14 period of recognition will not exceed five years  
15 from the date of the decision if the renewal of  
16 accreditation is issued by the senior department  
17 official.

18 There is a representative here from the  
19 organization so I'll be happy to take any  
20 questions you may have. Thank you.

21 DR. LeBLANC: Thank you, Michael. One  
22 of the themes of this meeting seems to be around

1 capacity. You said you have obviously flagged  
2 what appears to be some diminished capacity  
3 resources.

4 Could you just reassure us that what you  
5 saw did not transfer to diminished capacity  
6 resources, for example, did not translate into --  
7 how did that review feel to you in terms of  
8 rigor?

9 MR. STEIN: Yes, thank you for that  
10 question. So, we did not find any evidence that  
11 their small size, the budget or the one Staff  
12 Member was negatively impacting their ability to  
13 conduct their accreditation activity.

14 So, we've had no complaints, no  
15 third-party comments, we've received no  
16 controlled correspondence or letters from  
17 constituents that may have come from Members of  
18 Congress.

19 And the Agency stated in its letter that  
20 it has not had to delay any site visits or  
21 Commission meeting, and we found no evidence of  
22 delay of Commission meetings.

1           Nevertheless, we recognize the Agency's  
2           small size has led to challenges in the past.  
3           I'm not sure we have seen an Agency that had just  
4           one Staff Member in the past.

5           But because we found no evidence that  
6           their size had a negative impact on their  
7           accrediting activities, we couldn't find them  
8           non-compliant.

9           However, we're still concerned which is  
10          why we're recommending the monitoring report and  
11          the finding is substantially compliant.

12          DR. LeBLANC: Thank you.

13          DR. BOOTH: I've got a couple questions.  
14          He can maybe answer it if we could hear from Dawn  
15          and her statements and then I'll pass my  
16          questions.

17          DR. LeBLANC: Let me introduce the  
18          Executive Director of the Agency, Dawn Hogue, and  
19          then to Michael Ross for introductions.

20          MS. HOGUE: Thank you so much. Good  
21          morning, Mr. Chair and Members of the Committee.

22          My name is Dawn Hogue and I have the

1 pleasure of serving the Executive Director for  
2 the Commission on Massage Therapy Accreditation,  
3 COMTA.

4 I'm sorry, I don't know if you can see  
5 me, I can't see myself on the video.

6 DR. LeBLANC: We do not at the moment  
7 but we can hear you loud and clear.

8 MS. HOGUE: There we go, I think it's  
9 coming on now. Thank you for your consideration  
10 of our application for renewal of COMTA's  
11 recognition.

12 I've been in my position since June 2019  
13 and prior to that had had a long relationship  
14 with the Agency.

15 I started with COMTA in 2007 as a  
16 volunteer peer reviewer, site visitor, and also  
17 served as a team leader for onsite evaluation  
18 teams.

19 In 2012 I was elected as a Member of the  
20 Commission in the role of an administrator, and  
21 in 2014 my fellow Commissioners nominated and  
22 elected me to serve as Chair of the Commission

1       until 2017 when I was appointed to serve as  
2       acting Executive Director, at which time I  
3       resigned from my role as a Commissioner.

4               In 2019 the Commission hired me to  
5       permanently assume the Executive Director  
6       position full time.

7               Prior to my current position with COMTA,  
8       I was a school director for over ten years at a  
9       COMTA-accredited private, proprietary massage  
10      therapy school in Virginia Beach, Virginia.

11              I've been a licensed massage therapist  
12      in the Commonwealth of Virginia since 1998. I  
13      have a bachelor's degree from Virginia Tech  
14      University in Blacksburg, Virginia and a master's  
15      degree from Naropa University in Boulder,  
16      Colorado.

17              I'm very proud to represent the Agency  
18      here today and on behalf of our Commissioners,  
19      our school members, volunteers, massage therapy  
20      and body work and aesthetics professions, I'm  
21      proud to affirm our mission and version.

22              COMTA elevates and upholds standards of

1 excellence in massage therapy, body work, and  
2 aesthetics education to a specialized  
3 accreditation benefitting students in schools,  
4 practitioners, and the public.

5 Our version is that all quality massage  
6 therapy, body work, and aesthetics institutions  
7 or programs are accredited by COMTA.

8 And I'd also like to acknowledge that  
9 although I am the designated representative to  
10 address the Committee and answer your questions,  
11 our Commission Chair is in attendance today and  
12 he, along with our entire Board, shares my  
13 commitment to the Agency and passion for our  
14 purpose.

15 As the new Executive Director, I  
16 anticipate that the renewal of recognition  
17 process would be a valuable opportunity for my  
18 thorough engagement with the recognition criteria  
19 and for the Agency's self-review and continued  
20 assessment of areas in which we can improve and  
21 enhance our policies and procedures and  
22 operations.

1           I welcomed the experience of providing  
2       responses to the draft analysis that enabled me  
3       to better understand how to present detailed  
4       descriptions and relevant evidence that would  
5       effectively address the recognition criteria and  
6       reflect how we work to maintain our compliance.

7           That said, I also welcome the  
8       opportunity to provide follow-up compliance  
9       reports to demonstrate to the Committee that  
10      COMTA is committed and dedicated to taking  
11      actions that will support our Agency's continued  
12      quality and integrity, and in turn, our role in  
13      supporting the quality and integrity of our  
14      member institutions and programs.

15          And we recognize, as was just mentioned,  
16      there are a number of criteria from the final  
17      analysis that were highlighted requesting  
18      additional information.

19          We've already taken steps to address and  
20      demonstrate compliance with several that are what  
21      I would consider more straightforward.

22          For example, with Section 602.15(a)(4),

1 our Commissioner Chair has just appointed a new  
2 Commissioner to fill the open employer position.  
3 And that individual is scheduled to be in  
4 attendance for our April 2021 Commission meeting.

5 Another example is with regards to  
6 Section 602.15 (a)(2), we have now established a  
7 formalized and consistent training cycle that  
8 will be implemented for current Commissioners and  
9 peer reviewers regarding their roles and  
10 responsibilities related to the standards of  
11 accreditation, policies, procedures, and  
12 decision-making, as well as update or institute  
13 training procedures for new Commissioners and  
14 peer reviewers.

15 We've also designed a process of  
16 specific recordkeeping of those training and  
17 orientation sessions.

18 Although we were not able to implement  
19 evidence of those updates in time for this  
20 review, I share this to demonstrate that we are  
21 taking action over mediation as swiftly as we are  
22 able.



1           Additionally, during our recent February  
2           2021 Commission meeting, we had extensive dialog  
3           about Sections 602.16(a)(1)(I), 602.19(b),  
4           602.20(a) and 602.20(b).

5           I chose to mention these sections  
6           specifically, however, the Commission discussed  
7           and addressed each item referenced in the final  
8           analysis.

9           The Commission as a whole and the  
10          Executive Committee of the focus group of which I  
11          am a member will be working together to ensure  
12          that we come into full compliance with the  
13          criteria as outlined efficiently and effectively.

14          Before I address your questions, I would  
15          like to close with my appreciation and gratitude  
16          for this opportunity to introduce myself and  
17          provide these opening comments, to the Department  
18          Staff, in particular Mike Stein, for his  
19          assistance throughout this process, and to the  
20          Committee Members to the higher education  
21          community and for the work and attention that you  
22          put into providing thoughtful advice and

1 recommendations, the Department officials on  
2 COMTA's recognition and each Agency appearing  
3 before you.

4 Thank you.

5 DR. LeBLANC: Thank you so much. Before  
6 I turn it over to Ronnie, would you like to  
7 introduce your Board Chair and we can invite him  
8 to turn his video on as well?

9 Dawn, would you like to introduce your  
10 Board Chair?

11 MS. HOGUE: Sorry, our Board Chair is  
12 Cliff Korn and he is in the audience today.

13 DR. LeBLANC: Mr. Korn, you're invited  
14 to turn on your video if you would like to join  
15 the conversation. Why don't you take it away?

16 DR. BOOTH: Thanks, Paul, thanks, Dawn.  
17 Let me first say I'm glad to say that one of your  
18 graduates is an integral part of our family  
19 healthcare team.

20 And thanks for pointing out that you're  
21 addressing already some of the concerns raised by  
22 the report. But given the recommendations to

1 date, can you talk to us a little bit about your  
2 staffing?

3 One of the concerns was what I'll call  
4 succession planning, long-term staffing,  
5 planning, given that you're not using quite as  
6 extensively as you have in the past with the  
7 other accrediting agency.

8 They told us a little bit about how  
9 you're staffing, how you get things done, your  
10 long-term plan there, if you will.

11 MS. HOGUE: Yes, sir. Thank you for the  
12 question and I'm happy to address that. We  
13 anticipate that question would arise through this  
14 process and recognize that it is rather unique to  
15 have a full-time Staff of one.

16 I have to go back in time just a little  
17 bit. COMTA has always had a small staff, an  
18 Executive Director, and a position, an  
19 accreditation content specialist.

20 That was noted in the final draft  
21 analysis of the currently open positions. So, we  
22 have a history of being a small Agency, I'd like

1 to say small but mighty, and we've always  
2 utilized third-party servicers to help support  
3 our operations, such as payroll servicing,  
4 accounting services.

5 Obviously, we have an auditor that we  
6 work with very closely that's a third-party  
7 service. We have our legal counsel that we  
8 utilize as a third-party support system.

9 And so it started I would say around  
10 2015, our massage therapy in particular industry.  
11 There was some shrinkage that was taking place,  
12 schools closing and COMTA in particular had a  
13 significant number of corporately owned  
14 institutions that closed and closed rather  
15 abruptly.

16 And so that contributed to a bit of a  
17 domino effect in terms of just our financial  
18 resources and that sparked this consideration of  
19 joining with ACCSE, another accrediting Agency to  
20 provide some management support, enter into this  
21 management agreement, and also explored this  
22 opportunity for dual accreditation, for

1 institutions accredited by that Agency to become  
2 programmatically accredited with COMTA.

3 So, there were a number of conditions  
4 taking place at that time that gave us a  
5 direction to enter into that management  
6 agreement.

7 Of course, again, that would provide  
8 additional operational and program support by  
9 virtue of their additional staffing and it was at  
10 that same time that our Executive Director  
11 position became vacant.

12 And so that kind of opened up for the  
13 Commission to consider what action needed to be  
14 taken at that time to have someone representing  
15 that position, which is why they nominated me to  
16 fill the role as an acting Executive Director.

17 And knowing that we had two plus one  
18 years in that management agreement with ACCSE, we  
19 knew we had some time to assess how that was  
20 going to work and how that might unfold if that  
21 might become a long-term situation or not.

22 And so as we proceeded through that

1 management agreement, ironically enough we were  
2 in a period where we did not have a number of  
3 renewals, schools going through the renewal  
4 process.

5 And that's sort of an interesting space  
6 that we were in to, I guess, again not have any  
7 adverse action in terms of our timelines with a  
8 small Staff.

9 As we moved through that management  
10 agreement and we started to welcome in new  
11 members applicants, it became clear to us that  
12 COMTA's goal was to return to self management.

13 We appreciated the support from ACCSE  
14 very, very much and wanted to ensure that we were  
15 able to operate successfully on our own as we  
16 had.

17 We've been very fortunate to receive  
18 wonderful support from our professional allies in  
19 the field.

20 We're a part of a coalition of massage  
21 therapy organizations and one of those  
22 organizations has provided great support for new

1 schools to enter into the accreditation process  
2 with COMTA.

3 So, we just completed that management  
4 agreement with ACC, I say just because COVID last  
5 year was such a time warp that it was actually  
6 March last year that we completed that agreement.

7 And so for the past year, we have been  
8 re-establishing our processes, our procedures,  
9 analyzing our budget, getting through that budget  
10 year and ensuring that we had a positive net  
11 income, which we did.

12 Again, no renewals so we were not  
13 burdened in that way with maybe a workload that  
14 might normally be in other years.

15 We are coming into that now as we go  
16 through this year and we have budgeted for this  
17 current Fiscal Year the hiring of another Staff  
18 Member.

19 So, that's already factored into our  
20 budget, again, recognizing that need for  
21 additional administrative staff.

22 One other piece I'd like to add, and I

1       hope I'm not giving you too much detail but I  
2       want to just speak to the fact that our  
3       Commission and our Executive Director, the  
4       Executive Committee, have always had a very close  
5       working relationship.

6               And I really don't know how that  
7       compares to other agencies and their Boards, but  
8       with regular communication, weekly and monthly  
9       meetings.

10              And so when I was serving as Chair, I  
11       was very much acquainted and familiar with the  
12       operational procedures, needs, issues, that were  
13       taking place for the Executive Director.

14              That is the same relationship that I  
15       have with Mr. Korn, who I referenced earlier, and  
16       that he is very much in the loop with everything  
17       that I am working on week to week.

18              And so if there were an emergency  
19       situation related to my position and my ability  
20       to fulfil my function, the Chair could step into  
21       assume certain aspects that would keep the  
22       business moving forward, contract signing, access



1 to bank records, et cetera.

2 But we recognize that just for those  
3 emergency purposes, having that additional Staff  
4 to be the backup when needed but also to help  
5 manage the operational and administrative  
6 responsibilities as our business increases as we  
7 go through this year.

8 We're very pleased that we've had that  
9 positive net revenue and again, I think its comes  
10 down to a matter of timing, that we just happened  
11 to have that window of time where we were able to  
12 maneuver through and manage through that last  
13 couple of years, with the support of ACCSE.

14 We're on our feet now, we're doing well,  
15 we have support of our allies of our Board and we  
16 are projecting forward to resume with that  
17 additional staff member.

18 And in the future, hopefully growing  
19 into additional staff beyond that. Hope that  
20 answers your question. I'm happy to give you  
21 more details.

22 DR. BOOTH: You did answer my question

1 and you touched on one other related to capacity  
2 financially, so you've already got that budgeted  
3 for that Staff Member so I'm good with that.

4 I do have another question and you  
5 touched on this a bit.

6 You filled the Commissioner slot which  
7 you needed to fill, you are working on the  
8 training, but one of the questions that arose was  
9 finding appropriate evaluators as you do go out  
10 and do site visits.

11 So, can you address that?

12 MS. HOGUE: Yes, I can. There we go, I  
13 was getting a note about my video so I hope it  
14 will come back on momentarily.

15 So, as the Staff Member, I'm the one who  
16 schedules the site visits and assigns the peer  
17 reviewers to those visits.

18 We have our peer reviewer manual and our  
19 categories of peer reviewers that we are required  
20 to fill for our institutional site visits and our  
21 programmatic site visits.

22 And one thing that is acknowledged in

1 the draft analysis is that we have a role for a  
2 designated practitioner on our site teams both  
3 for institutional visits and programmatic visits.

4 That individual can be served by another  
5 role, a visitor, a team member who is serving  
6 another role.

7 And so that is I think a piece the  
8 Commission and I need to look at in more detail  
9 and see how we can come into full compliance,  
10 again designating each member of the team with  
11 their own specific role.

12 Up to this point, though, we have not  
13 had any issues with filling each visit with the  
14 number of visitors that's required and with the  
15 area of expertise that relates to their  
16 standards.

17 So, we had a number of visits scheduled  
18 for this year too and I'm actually in that very  
19 process right now of assigning teams for about  
20 five visits coming up in the summer.

21 And so, in light of this analysis, I'm  
22 particularly mindful of the qualifications of

1 each of those peer reviewers.

2 And to what I just mentioned  
3 specifically, maintaining a cycle of training, as  
4 I interpret it, what was referenced in the  
5 analysis was that our documentation of ongoing  
6 training for peer reviewers and Commissioners  
7 could be enhanced and improved.

8 And so we are going to, as I said,  
9 implement a regular cycle of updates of training  
10 for current peer reviewers and Commissioners and  
11 implement that same cycle as the new  
12 Commissioners and peer reviewers come on board.

13 DR. BOOTH: Okay, good, I think it's  
14 worth considering as you move into the future and  
15 do field visits and site visits to actually  
16 document the roles of various evaluators are  
17 filling this for your own purposes and for  
18 purposes of clarity later during questions.

19 Those are my questions, I'll toss it  
20 back to you.

21 DR. LeBLANC: Thank you, Ronnie. Can  
22 you address some of the capacity staffing

1 training questions? You alluded to a set of other  
2 questions that I might put under the umbrella of  
3 general rigor.

4 You said a little bit less about that.  
5 Can you give me examples, for example, where a  
6 review has moved institutions from non-compliance  
7 into compliance and examples of what was that  
8 around?

9 Where did that occur?

10 MS. HOGUE: Yes, thank you for that  
11 question. It occurs in a number of areas.

12 We have a category of Commission action  
13 that we call condition and so anytime a school is  
14 a new accreditation applicant or even a renewal  
15 applicant, if they meet all of the standards,  
16 maybe except for one or two areas, then we put a  
17 condition on that standard and require the school  
18 to do follow-up reporting.

19 One example that we've recently  
20 encountered was with a new Applicant and they had  
21 not yet had an opportunity for their PAC, their  
22 Professional Advisory Committee, to have a

1 synchronous meeting.

2 And so we put a condition on Standard 8,  
3 which is program effectiveness, and gave them a  
4 period of time in which they needed to provide  
5 information documenting that their PAC has had  
6 their meeting as required.

7 Sometimes the conditions relate to a  
8 piece of documentation from the faculty file.

9 If, for example, a continuing education  
10 requirement was not able to be verified in a  
11 faculty file document, then we would put a  
12 condition on Standard 3, as it relates to that  
13 item, and require, again, that follow-up  
14 reporting and proof of evidence that that piece  
15 of continuing education has been taken and  
16 fulfilled and verify our standard.

17 In the petition I provided some examples  
18 relating to our annual reporting, which relates  
19 to student benchmarks, student achievement. And  
20 so I'll speak to that included in this question.

21 We collect annual reports each year,  
22 February 1st, from our institutions and programs

1 and they are required to on a chart that we give  
2 them provide their completion rate and their  
3 placement rates from a particular reporting  
4 period.

5 If the Staff reviews those, the Staff  
6 does the first review, and if those rates are low  
7 then the Commission reviews those and takes the  
8 appropriate action, what would typically be,  
9 again, a follow-up report acknowledging that the  
10 rate, for example, of placement was below the  
11 benchmark.

12 We give them a particular deadline in  
13 which they need to follow up and provide that  
14 documentation, that they have gathered additional  
15 evidence on placement and resubmit the chart, and  
16 resubmit the rates, and that is re-evaluated.

17 A condition would be removed in the  
18 situations where the issue has been resolved or  
19 the condition may be continued but additional  
20 time is required.

21 DR. LeBLANC: Have you had instances of  
22 adverse action? I think you do now --

1 (Simultaneous Speaking.)

2 I'm sorry, do you do about five reviews  
3 a year, is that the average?

4 MS. HOGUE: For renewals that is about  
5 the average. This year in particular we have  
6 about six to eight at different points throughout  
7 our Fiscal Year but five to six is the average.

8 And we've been averaging about eight new  
9 schools per year as well. And yes, we do take  
10 adverse action. There's one example in the  
11 petition that has had some very unique  
12 circumstances.

13 Adverse action has been taken, timelines  
14 have been extended, and we are aware of our  
15 extension beyond what is considered the maximum  
16 timeframe for that institution.

17 That really, I would say, is an outlier  
18 in terms of our consistency of monitoring  
19 timelines and requiring institutions and programs  
20 to come into compliance within the required  
21 timeframe.

22 Adverse actions can include probation,



1 of course revocation, which fortunately has  
2 happened very rarely. We have had one instance  
3 of revocation in the last two years because of a  
4 school precipitously closing and probation showed  
5 cause.

6 We don't designate show-cause as an  
7 adverse action but it's an action that requires  
8 the school to show us why their accreditation  
9 should not be revoked.

10 And so we do take those actions when the  
11 school is just extremely deficient and we see  
12 that they are unable to come into compliance.

13 DR. LeBLANC: Dawn, how do you know your  
14 standards work?

15 Do you have an evidence base that says  
16 this makes a demonstrable difference in the  
17 quality of programs?

18 I'll talk more about that in a moment  
19 but could you respond to that?

20 MS. HOGUE: Well, we do internal  
21 analysis. Obviously, we do data collection with  
22 our annual reporting.

1           I would also add to that question  
2       several years back we had a research study done  
3       by an independent organization so that was a  
4       great source of data for us for COMTA accredited  
5       schools in comparison to non-accredited schools  
6       or accredited schools from other agencies.

7           The result of that research was that it  
8       was shown to be a benefit, COMTA accreditation  
9       did show evidence that students graduates had  
10      better performing outcomes.

11          I reference that study even though it's  
12      a few years old because to your question, we also  
13      receive great support from, I referenced earlier,  
14      our coalition partners, professional partners.

15          Specifically I'm going to reference one,  
16      the Federation of State Massage Therapy Board.

17          That organization includes member  
18      licensing Boards from across the country and in  
19      2019 at their annual meeting, they presented  
20      evidence that they had conducted that showed  
21      COMTA accredited schools having much higher than  
22      average, for example, pass rates on the Emblex

1       that required licensure for massage therapy  
2       license.

3               COMTA-accredited schools had a much  
4       higher pass rate than the national and even state  
5       averages.

6               So, we do collect data, again internally  
7       and from our partners that help us recognize that  
8       our specialized focus, especially with regards to  
9       our curriculum competencies and our curriculum  
10      standards and faculty qualifications are working,  
11      as you said.

12              DR. LeBLANC: Dawn, I read that article  
13      and was impressed. The one thing I was struck by  
14      is it's a very, very small percentage of schools  
15      that actually pursue content accreditation.

16              Am I right? Even with the decrease in  
17      the number of programs nationally. Do you have  
18      that percentage? It is tiny.

19              MS. HOGUE: It is very tiny. Oh, gosh,  
20      and every year we have another --

21              (Simultaneous Speaking.)

22              -- analysis of how many schools are

1 operating in the profession.

2 I think that number, again just  
3 anecdotally, is hovering around 1,200. So, we're  
4 maybe less than ten percent of that in terms of  
5 our accredited schools and programs.

6 A challenge that we've faced and we hope  
7 there might be some change in the professional  
8 landscape in the years to come, there's certainly  
9 a lot of allies and our own Board and school is  
10 working towards that, is that very few states  
11 require Applicants or massage therapy or a  
12 aesthetics licenser to have attended an  
13 accredited program.

14 And so that leaves many schools in the  
15 arena of if I don't need it, why should I pursue  
16 it? And the cost and small staffing and  
17 resources, time, so we try to address those  
18 hurdles.

19 We try to make our process as clear and  
20 direct for schools and to provide assistance to  
21 them through that. But we recognize that's an  
22 inherent challenge and until there might be a tip

1 in that scale, we will likely remain a small  
2 percentage.

3 But we affirm that will grow, our  
4 version that all programs, quality programs, will  
5 be accredited by COMTA. That's a significant  
6 factor, our small number.

7 DR. LeBLANC: For sure, and I would say,  
8 though, having read through some of the reviews  
9 and institutional reports, I was impressed by the  
10 detail and thoroughness of them.

11 Final question for the sake of  
12 economizing how much time to give you. Are any  
13 of your members paid on the Board?

14 MS. HOGUE: By COMTA?

15 DR. LeBLANC: I'm asking for a friend.

16 MS. HOGUE: No, sir, all of our  
17 Commissioners are volunteers and of course our  
18 peer reviewers are volunteers. Yes, I'm the only  
19 paid Staff.

20 DR. LeBLANC: Thank you, Dawn. Mr.  
21 Korn, do you have any comments you'd like to make  
22 before we open up?

1           MR. KORN: I do not really have comments  
2 other than to say how pleased I am to have opened  
3 the job because I think she did an excellent job  
4 of explaining the perfect storm we went through  
5 maybe three years ago.

6           And I think the steps we're taking right  
7 now to overcome that and get to an actual  
8 position of growth, that has a positive bottom  
9 line and she's a large part of that. And I  
10 consider myself smart for offering her the job.

11           But I think we really are at a place now  
12 where we can be proud and I think the profession  
13 is part of what COMTA's doing.

14           As you mentioned, one of the  
15 organizations that's actually helping to fund  
16 first-year schools into accreditation because  
17 they think it's important to growth of the  
18 profession.

19           So, yes, we are small and until there's  
20 some sort of required accreditation in the  
21 educational system of massage therapy and  
22 aesthetics, we will likely remain small.

1 But our percentage is growing and I  
2 think our market share is growing. So, I think  
3 we're on a very good path right now. We do have  
4 plans to support our growth with additional  
5 staffing and that's really all I would like to  
6 say.

7 So, I thank you for your oversight  
8 because the report we got has discussed that at  
9 length by the COMTA Commission.

10 And I think the next time you see us  
11 there if you have a consent agenda my guess is  
12 this will be on it.

13 DR. LeBLANC: Thank you very much.  
14 We'll open it to my colleagues.

15 CHAIR KEISER: Thank you, Paul. Please  
16 raise your hands if you have any questions?  
17 David then Bob.

18 DR. EUBANKS: Thank you, I appreciate  
19 the remarks and the explanations. As far as  
20 Dawn, I thought I heard you say that a couple of  
21 schools closed unexpectedly or under unusual  
22 circumstances.

1           If that's the case, can you describe  
2       were you alerted before they closed? What  
3       happened to students and what did you learn from  
4       that experience?

5           MS. HOGUE: Thank you, David.

6           I did reference a large number of  
7       corporately owned and operated schools that  
8       closed several years ago, which directly impacted  
9       our financial budget and, therefore, our  
10      exploration of entering into the management  
11      agreement.

12          In those situations, we did have  
13      notification and so we weren't blindsided by that  
14      but the notification was not such that it gave us  
15      a timeline of, say, another year to plan and  
16      project.

17          Their closure was, rather, short term or  
18      within several months or six months. And so,  
19      again, any kind of financial impact we were not  
20      able to project for that.

21          That was prior to my role on Staff. I  
22      was part of the Commission but I think that



1 reflects a bit of a wave, if you will, that was  
2 taking place at that time.

3 A large corporate entity had purchased  
4 some very well-known proprietary and privately  
5 owned massage therapy schools across the country.

6 And maybe it speaks to the quality of  
7 those programs, the expense of those programs,  
8 the financial burden on those programs to achieve  
9 enrollment levels that would continue to support  
10 them.

11 It all contributed to their having to  
12 close and not having the financial resources to  
13 support them.

14 We in the last year or two have had --  
15 I can probably count on one hand the number of  
16 schools that have closed.

17 And in those instances, again, one was  
18 a rather short notice and came in conjunction  
19 with some communication with the financial  
20 student aid department.

21 One school that I referenced whose  
22 accreditation status we revoked, that school we

1 did not have notice of.

2 That was a very unfortunate situation  
3 with a change of ownership and the new owners,  
4 through our process of verification and approval  
5 of the new opening statement, became unavailable.

6 They did not return correspondence and  
7 also through communication with the State Board  
8 that was in Florida, we were alerted to the fact  
9 that there were some concerns about their  
10 operation.

11 And so that happened in a very quick  
12 timeframe, the action we took in response to the  
13 notification we received.

14 DR. EUBANKS: Thank you.

15 CHAIR KEISER: Bob?

16 MR. SHIREMAN: Thank you, Dawn, for your  
17 very thoughtful and thorough responses to the  
18 Staff and the Staff report and to the questioning  
19 today. This is a question for you or maybe for  
20 Clifford.

21 Among other things, Section 602.15  
22 requires content to have qualified and competent

1 representatives of the public on all  
2 decision-making bodies.

3 Another regulation describes what that  
4 is not but there's no description of what a  
5 representative of the public is or should not be.

6 Can you tell us a bit about how your  
7 Agency interprets that mandate that your  
8 decision-making be guided in part by  
9 representatives of the public?

10 And feel free to tell us about the  
11 public members that you have on your Board.  
12 Thanks.

13 MS. HOGUE: Thank you for the  
14 opportunity.

15 I'm proud to talk about our Commissioner  
16 Members any opportunity that I get and I will  
17 certainly defer to Cliff if he wants to add any  
18 comments.

19 We have two Members, public Members, on  
20 our Commission, both of whom are from the higher  
21 education community.

22 That is a requirement at least one of

1 our public Members, as well as having some  
2 experience with distance education in a higher  
3 education setting.

4 Of course, we prevent that our public  
5 Member had any Association with another  
6 professional Association, another partner of ours  
7 in the professional landscape of massage or  
8 aesthetics.

9 So, they really do have to come from  
10 outside of our profession and be able to give us  
11 that perspective of someone who's not from the  
12 inside because most of us, in fact all of us, are  
13 in some way, shape, or form.

14 And so from the fact that they also  
15 bring that perspective from higher education is  
16 very valuable to us.

17 And so our guidelines for the public  
18 Members, I don't have my dialog up on the  
19 computer in front of me, but they are in line  
20 with the Department's criteria.

21 And we have two excellent ones right  
22 now, one of whom is a professor at Drexel

1 University and the other of whom is a professor  
2 at an online university, and the name is escaping  
3 me at this moment.

4 MR. SHIREMAN: I think it's Thomas  
5 Edison State University, is that right?

6 MS. HOGUE: That's right, yes. Jeffrey  
7 Hawkins, yes. Cliff, would you like to add  
8 anything?

9 MR. KORN: I think you answered it well.

10 I will say once in the past we had a  
11 public Member who was associated with an  
12 institution that started to develop a massage  
13 program and we had to ask her for her service and  
14 she was a Commissioner from the public.

15 So, we follow the dialogs quite strictly  
16 on that and right now I too am very pleased with  
17 the public Members we have.

18 They're very engaged, very smart and are  
19 involved in all our decision-making.

20 CHAIR KEISER: Thank you. Any other  
21 questions from Members of the Committee?

22 Hearing none, thank you very much Ms.

1 Hogue and I'll call Michael back to answer any  
2 questions by the Committee or observations.

3 There are no third-party observers.

4 Are there any questions for Mike Stein?

5 (Simultaneous Speaking.)

6 MR. SHIREMAN: I have no further  
7 comments.

8 DR. LeBLANC: I think we're good. If  
9 you're ready I'll make a motion?

10 CHAIR KEISER: I guess I am ready  
11 because there's no more conversation so Paul,  
12 you're up.

13 DR. LeBLANC: I'd like to move for a 5-  
14 year renewal subject to a compliance report in 12  
15 months and an annual monitoring report for the  
16 next three years that will focus on capacity,  
17 specifically finance and staffing.

18 CHAIR KEISER: Do you have that,  
19 Valerie?

20 MS. LEFOR: Just one minute.

21 CHAIR KEISER: Is there a second to the  
22 motion?

1 DR. BOOTH: Art, this is Ronnie, I'll  
2 second.

3 CHAIR KEISER: The motion has been made  
4 and seconded. We're waiting for Valerie to get  
5 the information up and then we will have any  
6 discussion on the motion.

7 CHAIR KEISER: It appears there's no  
8 discussion. Let's go for a roll call vote. Can  
9 you bring it down? Okay. Anne?

10 MS. NEAL: Yes but I will say I'm glad  
11 there are conditions on this. I think there's a  
12 number of questions so I'm glad we will be  
13 hearing more reporting.

14 CHAIR KEISER: Claude?

15 DR. PRESSNELL: Yes.

16 CHAIR KEISER: David?

17 DR. EUBANKS: Yes.

18 CHAIR KEISER: Jennifer?

19 MS. BLUM: Yes. Actually, I had my hand  
20 up, you just didn't see it but I would say  
21 exactly what Anne said. This is essentially what  
22 I was suggesting the other day so I'm happy to

1 see it there.

2 CHAIR KEISER: I did not see your hand,  
3 I'm sorry. And I'm sorry I didn't see Roslyn's  
4 hand either.

5 MS. BLUM: I really raised it.

6 CHAIR KEISER: Okay, I'll get to you  
7 when we go down the list. Jill?

8 DR. DERBY: Yes.

9 CHAIR KEISER: Kathleen?

10 DR. ALIOTO: I concur with Anne and  
11 Jennifer and say yes.

12 CHAIR KEISER: That's a yes. Mary  
13 Ellen?

14 DR. PETRISKO: Yes.

15 CHAIR KEISER: Paul?

16 DR. LeBLANC: Yes.

17 CHAIR KEISER: Rick?

18 MD. O'DONNELL: Yes.

19 CHAIR KEISER: Robert?

20 MR. MAYES: Yes.

21 CHAIR KEISER: Robert Shireman?

22 MR. SHIREMAN: Yes.



1 CHAIR KEISER: Ronnie Booth?

2 DR. BOOTH: Yes.

3 CHAIR KEISER: You ended up being last  
4 this time. Before you were first. Roslyn?

5 DR. ARTIS: Yes.

6 CHAIR KEISER: The motion passes, thank  
7 you Agency and congratulations.

8 (Simultaneous Speaking.)

9 DR. BOSTON: I vote yes also, Art.

10 CHAIR KEISER: Oh, Wally, did I miss  
11 you?

12 (Simultaneous Speaking.)

13 DR. VanAUSDLE: And this is Steve. I'll  
14 vote yes.

15 CHAIR KEISER: You're not even on this  
16 one.

17 DR. VanAUSDLE: What's the deal?

18 CHAIR KEISER: Valerie, where's she?  
19 Okay, Steve has now been added in and you voted  
20 yes. Did I miss anybody else? Well, thank you  
21 all.

22 Okay, we're now moving to the discussion

1 from yesterday that's back on the table. I will  
2 introduce Mary Ellen Patrisko to set us up.

3 DR. PETRISKO: Thank you. Art, I think  
4 first we are going to have a comment about the IG  
5 report before we move on to the specifics of the  
6 current review.

7 So, I don't know how you want to handle  
8 the IG?

9 CHAIR KEISER: That's fine, this is you  
10 and Claude. So, how would you like to go ahead  
11 with the IG report?

12 DR. BOOTH: I need to recuse myself.

13 CHAIR KEISER: Ronnie and I think Bob is  
14 also going to recuse himself. We'll call you  
15 back when we're ready. Okay, Mary Ellen, you're  
16 leading the discussion.

17 DR. PETRISKO: Thank you. So, first I'd  
18 like to note that we agreed yesterday that the IG  
19 report which dealt with the 2019 review and the  
20 2018 decision of the Department would be reviewed  
21 by the Committee.

22 And we would take that into

1 consideration for the conversation and vote today  
2 would occur. Having read that report  
3 last night, I agree that the final statement the  
4 review does not actually affect this decision --  
5 the four reviews that we have done are not  
6 affected by what the IG found in that report,  
7 which really was focused on how the 2016 decision  
8 and very importantly, the 2018 decision was made  
9 with regards to ACICS.

10 So, although that report provided  
11 further insight into those actions, that insight  
12 does not affect what we have seen and heard in  
13 the evidence that we have currently with these  
14 four reviews. So, what I would say  
15 there, I don't know, if others would love to  
16 comment on that? I would like to go on with a  
17 statement about ACICS now if that's appropriate.

18 CHAIR KEISER: Well, does anybody else  
19 have a comment? Bob, did you raise your hand?

20 DR. PRESSNELL: Yes, I do. I want to  
21 agree with Mary Ellen that the report explicitly  
22 indicated that the decisions being made today are

1 not impacted or weren't included in the report  
2 analysis.

3 The only question I would have for the  
4 Staff so that we don't repeat what happened in  
5 2016 is that is there any other information that  
6 has been filed regarding these four reports by  
7 the Agency that we have not been able to  
8 consider?

9 Because that's the crux of the IT  
10 report, that the criticism of the Department and  
11 the criticism of the decision was around that  
12 there was a very large amount of evidence that  
13 were not considered in the decisions.

14 So, let me just ask that point blank.  
15 In the considerations that we have on these four  
16 reports, is there any additional information that  
17 we have not considered?

18 Herman?

19 MR. BOUNDS: Yes, I can tell you I'm not  
20 aware of any.

21 They have some comments but I'm not  
22 aware of any additional information that's not

1 included in the record before this meeting.

2 CHAIR KEISER: I'm sorry, go ahead.

3 MS. DAGGETT: I don't know, did you want  
4 me to respond there?

5 As far as I'm aware, any documentation  
6 that was provided by ACICS in response to these  
7 four inquiries and reports are included in all  
8 the documentation that you have before you that  
9 was included in the erecognition system.

10 DR. PRESSNELL: Thank you. The only  
11 other comment I would make is that the decisions  
12 we're making based on these four reports are  
13 consistent with what the IG report found as  
14 legitimate inquiries.

15 As a result again, I do agree with Mary  
16 Ellen that based on the answers we received from  
17 the Department here today, the report, although  
18 informative, does not have direct bearing on the  
19 consideration of these four reports.

20 Thank you.

21 CHAIR KEISER: Jennifer?

22 MS. BLUM: Oh, I thought I was moving.

1 Go ahead. I'm here, can you hear me?

2 CHAIR KEISER: I can hear you, get  
3 closer though.

4 MS. BLUM: So, I agree with the point  
5 that Claude just said about we need to get the  
6 process right this time. And that's what I've  
7 been struggling with a little bit.

8 I do have a couple of other questions  
9 for the Department, I don't want to necessarily  
10 ask them now but I'm just wondering if there's  
11 going to be that opportunity or not about their  
12 process on these four matters.

13 CHAIR KEISER: Right now we're  
14 discussing the IG report.

15 MS. BLUM: Okay, so I just want to  
16 second what Claude said, which is that I think  
17 the most important thing now is the IG report is  
18 the findings around the process case and the  
19 need.

20 It just puts more urgency on us or on  
21 the process. I just wanted to say that.

22 CHAIR KEISER: Yes, and Anne, you'd like

1 to make a comment?

2 MS. NEAL: I just want to be certain  
3 this is part of the record. I do feel it deals  
4 directly with the 2016 and 2018 actions and those  
5 are a critical piece of where we've gotten today.

6 So, I think in that regard it's quite  
7 relevant to our consideration. It's an important  
8 part of the background behind this situation and  
9 so I do feel it should be in the record.

10 And to the argument made yesterday by  
11 the accreditor's attorney, it will be up to the  
12 senior department official to assess what the  
13 weight and value of the report is.

14 CHAIR KEISER: Herman, is your hand  
15 still up or is that just from before?

16 MR. BOUNDS: That's just from before,  
17 sorry. Let me take it down.

18 CHAIR KEISER: I'd like to agree with  
19 Anne in that discussion. I think the negative  
20 action taken in 2016 has colored the debate and  
21 colored the discussion.

22 It certainly has been referred to

1 multiple times and I think the IG certainly  
2 brought questions about the efficacy of our  
3 decision that we made in 2016.

4 I also believe there's a lot of  
5 information in the materials that were presented  
6 to us that refer back to 2016 and 2018 and,  
7 therefore are relevant in terms of where the IG  
8 report went.

9 So, I don't think we can avoid it but I  
10 think we need to take that into consideration and  
11 it's certainly in our discussion.

12 Was there somebody else? Mary Ellen,  
13 I'm going back to you and you had a comment you  
14 wanted make.

15 DR. PETRISKO: Yes, I'd actually like to  
16 read a statement and it is as follows.

17 Before moving to propose that we move to  
18 vote up or down on the Staff recommendations the  
19 ACICS be found out of compliance, the criteria  
20 cited in the final Staff report on these four  
21 reviews.

22 Claude and I would both like to say the



1 following.

2 After reviewing the voluminous material  
3 provided to the Committee, I'll cite it as 9000-  
4 some pages, and hearing the Agency responses to  
5 the Committee's question, we asked ourselves how  
6 would we evaluate this Agency if it's name were  
7 not ACICS?

8 Our response is we would evaluate it in  
9 the same manner. We're not convinced by the  
10 evidence and the response we have seen and heard  
11 that significant reforms have been made.

12 Reforms, for example, that would no  
13 longer allow for what we have seen as an  
14 insufficient process to determine eligibility for  
15 accreditation and institutions ongoing compliance  
16 of eligibility criteria.

17 We did not hear that the Agency would  
18 not allow for deferral after deferral of a new  
19 institution's application for accreditation,  
20 contradicting promises for more stringent  
21 decisions and an emphasis on compliance over  
22 improvement.

1           We have seen evidence of our process for  
2           the review of findings resulting from evaluate  
3           visits that gives confidence in institutions  
4           having addressed those findings.

5           We have not seen the fulfilment of a  
6           promise made nearly five years ago to work with  
7           veterans groups and the State Attorney General,  
8           nor did we hear or see support from any students  
9           for the Agency as we did the last time the agency  
10          was before us.

11          Even though the Agency was given an  
12          additional 12 months in 2018 to come into  
13          compliance with all recognition criteria, two  
14          years after the 2016 of permanent recognition, it  
15          had not done so by the end of 2019.

16          Although we were told of many changes  
17          that the Agency has made over the last years, we  
18          do not believe based on what we have seen in  
19          evidence provided in 2020 and heard yesterday  
20          that we have been provided sufficient grounds to  
21          make a recommendation based on those statements  
22          of change.

1           So, with that, I would move to propose  
2           that we go to the votes on the four...

3           CHAIR KEISER: Thanks, Mary Ellen. Is  
4           there a motion? The motion is what?

5           MS. NEAL: I'm sorry, I thought  
6           yesterday we were told we could still ask  
7           questions.

8           CHAIR KEISER: Well, we will once we get  
9           the motion on the floor. Then we can ask all the  
10          questions we want.

11          MS. NEAL: No, I don't mean folks here,  
12          I mean of the Staff and the Agency.

13          CHAIR KEISER: There will be time for  
14          that.

15          MS. BLUM: Anne had her hand up and gave  
16          it a break, and then we came back and  
17          decided...the seconding.

18          CHAIR KEISER: I don't remember that.  
19          I thought we finished our discussion.

20          DR. SMITH: Yes, so it's my  
21          understanding that Anne or any Committee Member  
22          can ask our Department Staff a question but you

1       couldn't bring the Agency back.

2               If you recall, Anne did have her hand up  
3       at the very end of the discussion.   So, Anne can  
4       answer questions along the way.

5               CHAIR KEISER:   Is there anybody from the  
6       mission on the line?

7               (Simultaneous Speaking.)

8               -- opportunity.

9               MS. NEAL:   I am happy then just to  
10       affirm it. Just particularly in light of the  
11       capacity question we just had with the one person  
12       and challenging issues, I want to get back to the  
13       capacity issue for this one.

14               Since we're dealing with the consistency  
15       of application of rules and regulations and we  
16       heard from two IG reports that this is a  
17       continuing problem within the Department.

18               And I feel after attending the last  
19       three days that it is a continuing problem.

20               So, yesterday we learned about the  
21       Department having a trend analysis of the  
22       finances notwithstanding the audit report.

1 I just wanted to ask Herman, is it true  
2 that in November of 2020 that you found they had  
3 sufficient financial resources?

4 MR. BOUNDS: Which Agency are you  
5 referring to, Anne?

6 MS. NEAL: I'm referring to ACICS, the  
7 one we're talking about now.

8 MR. BOUNDS: Beth can probably give you  
9 better details about the financial position in  
10 2020 as she conducted the report. So, I would  
11 ask her to respond to that.

12 MS. NEAL: No, but I'm asking you  
13 because I believe you were the one who made the  
14 statement.

15 MR. BOUNDS: A statement in 2020?

16 MS. NEAL: Yes, it was in the record  
17 that you found that they had the financial  
18 wherewithal and sufficient financial resources.

19 MR. BOUNDS: Anne, I'm sorry I'm not  
20 clear on what statement you're referring to that  
21 I made a statement they were stable in 2020.

22 MS. NEAL: Well, I would have to go find

1 it in the record.

2 MR. BOUNDS: I'm not aware of any  
3 statement I made saying they were stable in 2020.  
4 If you look at the review that was just  
5 conducted, it does show a decline in assets over  
6 the past few years.

7 I don't know where that stability part  
8 came into play.

9 MS. NEAL: Let me say it again. In  
10 November of 2020 I believe you were on the record  
11 saying that you found that they had sufficient  
12 financial resources.

13 MR. BOUNDS: I'm saying, Anne, I do not  
14 recall that statement. If you can show that to  
15 me then I may be able to respond to it.

16 MS. NEAL: I'll have to go back to the  
17 9000 pages and see if I can find it.

18 MR. BOUNDS: Okay, because I'm unaware  
19 of that statement. We can call back --

20 (Simultaneous Speaking.)

21 MS. NEAL: -- because I do believe it is  
22 in the record.

1 MS. DAGGETT: There's too many buttons,  
2 sorry about that. I'm not aware of anything that  
3 was transmitted in November of 2020. I'm sorry.

4 MS. NEAL: I didn't say it was  
5 transmitted. He's on the record of as saying it.

6 MS. DAGGETT: I'm not sure what that is.

7 MS. NEAL: I will try to find it.

8 Let me ask you, Herman, also I know that  
9 you are cautioned against speculating and when we  
10 talked to the funeral service people earlier and  
11 we raised some concerns, we were told not to be  
12 speculating about the particular challenges.

13 And so I guess I want to ask you -- I'm  
14 concerned when I see Staff reports which say,  
15 which could be or likely are the reasons. Or say  
16 it's still inexplicable.

17 I'm hoping that going forward, when we  
18 receive Staff reports they are factual and that  
19 they are not speculating and that they are not  
20 using adjectives and descriptors.

21 But rather, they're trying to present to  
22 us the facts on which we can make our decision.

1 I know this has been raised back in 2016 that  
2 Staff reports often were filled with  
3 characterizations.

4 And I guess I remain concerned that  
5 still is the case.

6 MR. BOUNDS: So, I will say in a Staff  
7 analysis, with the differences in accrediting  
8 agencies, there are 64 accrediting organizations  
9 right now that the Secretary recognizes.

10 They are all different, they are of all  
11 different sizes and they have all different  
12 missions.

13 We conduct a fact-based, what we would  
14 call objective review of when we can but you  
15 aren't going to be able to root out all of the  
16 subjectivity out of a recognition review.

17 They are something that are just not cut  
18 and dry, that's why there's the two-step process.  
19 We have Department Staff that conduct the review,  
20 we do the best job that we can to determine the  
21 compliance of the Agency with each of the  
22 criteria.



1           And then you have NACIQI, which is an  
2           18-member body who can gauge on opinion from 18  
3           different people. And then those recommendations  
4           go to the senior department official.

5           It's the same thing with most of us who  
6           have taught in classrooms. You can't take out  
7           all subjectivity from the classroom and you can't  
8           design a rubric to fix all things. There is  
9           still going to be some subjectivity there.

10          We will do the best we can, that's why  
11          I'm very happy that we have this two-part  
12          process, where we have Staff review and then we  
13          have NACIQI review. I think that is the beauty  
14          of the recognition process.

15          And then the senior department official  
16          will look at both of those recommendations and  
17          that person then will have to make the final  
18          recognition decision.

19          But you're going to have some  
20          subjectivity in a Staff analysis. We try to  
21          limit it but some's going to be there.

22          MS. NEAL: Well, I just hope going

1 forward that it is limited because I haven't seen  
2 it in other contexts. Can I also just have some  
3 clarification?

4 There were third parties which provided  
5 their response to your -- and you submitted a  
6 Federal Register notice. I think it was vis a  
7 vis the monitoring report, and this was  
8 surprising to me.

9 I was not aware of the Federal Register  
10 notice and I wasn't aware of the ability of  
11 third-party comments from when there is a 602.33.  
12 Could you explain to me what's been happening  
13 there?

14 MR. BOUNDS: So, there are two Federal  
15 Register notices that go out in association with  
16 a NACIQI meeting. The first notice that goes out  
17 is of the accreditation group or is of the Staff.

18 That notice to the public that you have  
19 agencies that are currently under review that are  
20 going to appear in the NACIQI meeting. Because  
21 of the margin, we have found some non-compliant  
22 issues.

1           Then there is the later notice that now  
2           the new regulations require. It's published 30  
3           days prior to the NACIQI meeting.

4           And that notice is more in the purview  
5           of the FACA, the Federal Advisory Committee,  
6           which maybe George can speak to.

7           But that notice invited oral commenters  
8           to come to the meeting.

9           MS. NEAL: I'm asking about your end  
10          location of 602.33 which became central to your  
11          analysis of ACICS, which allowed public comments  
12          to come in in response to some reports.

13          And I guess I'm just not aware of the  
14          public comment responding to that rule.

15          MR. BOUNDS: Our notice doesn't allow  
16          for public comment, it allows for written  
17          third-party comments so they have to write in.

18          When those comments come in, they become  
19          part of the Staff analysis and then the analyst  
20          who is conducting that review will review those  
21          third-party comments and make note within the  
22          petition for recognition.

1           Or in this case the monitoring report or  
2           the compliance report.

3           MS. NEAL: But if you were doing a mid-  
4           cycle review, you're saying that whenever there's  
5           a 602.33 you will be requesting public comments?

6           Because I'm aware of 602.33 reviews that  
7           did not request public comment.

8           MR. BOUNDS: If the 602.33  
9           investigations require a NACIQI appearance, if  
10          you have to appear before NACIQI, there has to be  
11          an announcement of that appearance, an  
12          announcement of those agencies under review if we  
13          are planning to bring that Agency before NACIQI.

14          And if you need further collaboration,  
15          Angela and Donna are on the phone. They can  
16          explain too but if you're going to bring in an  
17          agency into a -- for a NACIQI review, they need  
18          to be on that Federal Register notice to inform  
19          the public.

20          MS. NEAL: Thank you.

21          CHAIR KEISER: Is that it, Anne? Okay,  
22          Rick and then Jennifer, and then I'd like to

1 speak.

2 MR. O'DONNELL: Yes, my question is for  
3 Beth, it's similar to Anne's but slightly  
4 different. Could you clarify?

5 I think I heard the Agency say yesterday  
6 that the draft Staff report did not have a  
7 concern about their financial solvency and the  
8 final Staff report did.

9 So, I'm curious if that's accurate? And  
10 what prompted the change between the draft and  
11 the final Staff report regarding their final  
12 financial situation?

13 MS. DAGGETT: I think what they're  
14 referencing is -- well, actually, I'm not sure  
15 exactly which report because there's always a ton  
16 of them.

17 I think it's a mindframe report and in  
18 the draft we did say that it appeared that they  
19 had -- let's see, I'm sorry.

20 What we said in the draft report,  
21 although the documentation indicates the Agency  
22 is currently operating at a deficit and it's

1 projected to do so until 2023, the ACICS reported  
2 sufficient reserves to cover this operating  
3 deficit and a level of those reserves are in line  
4 with other similarly-sized accrediting agencies.

5 But then further, beyond that, we ask  
6 for specific documentation because we only had  
7 the reserve account through November of 2019.

8 We asked for specific investment  
9 statements and any plans to address any operating  
10 deficits with regards to the negative impact of  
11 anything related to the coronavirus.

12 We then also asked for their financial  
13 production included within their budget to  
14 include their operating results, their operating  
15 budgets, and audit of financial statements.

16 So, based on the information they  
17 initially provided, we had continued questions  
18 but we were hoping the information and  
19 documentation that we provided would answer those  
20 continued questions and provide a definitive  
21 answer.

22 But instead they turned in a different

1 direction.

2 MR. O'DONNELL: Thank you for your  
3 clarification.

4 CHAIR KEISER: Jennifer?

5 MS. BLUM: Thanks, Art. So, I just  
6 wanted to say from the conversation yesterday  
7 that I did find both Herman and Beth more  
8 compelling on the answers around questions around  
9 consistency. Having said that, I have  
10 some follow-up questions about process and  
11 decision-making. Which one do I want to do  
12 first? I'll do the training one first.

13 So, Beth, you said yesterday that I  
14 asked about the four different reports and  
15 whether they each stand alone or whether it's the  
16 aggregate, and you answered that each of them  
17 stand alone for legal purposes.

18 So, I want to go back to that and I  
19 think you also said that of all of those, the  
20 compliance one was the most disturbing. And  
21 frankly, I'll just be honest, I do get a little  
22 confused from all these reports and they are

1 overlapping.

2 So, let me just ask this question for  
3 myself before I ask the two questions. Am I  
4 correct that the compliance report, the meat of  
5 the -- well, not the meat but a substantial  
6 portion of the compliance report is related to  
7 the training questions or issues in non-  
8 compliance that you found?

9 I just wanted to make sure I had the  
10 right report. So, you mentioned that was one of  
11 the most serious concerns. I just want to ask  
12 first a process question.

13 They gave you that report and they  
14 responded I think in December of 2019. That  
15 report didn't come up at a meeting at the July  
16 meeting of NACIQI last year.

17 Why is it coming up now when we know  
18 there's a full petition this July which will be  
19 frankly a more complete record coming in six  
20 months?

21 And to the extent that we're concerned  
22 about the Agency sending this report back. So,



1 if that was the most serious finding and it  
2 stands alone, how come the Department didn't  
3 bring it up last year?

4 MS. DAGGETT: The only answer I can say  
5 is that a practical decision was made by the  
6 DeVos administration to try to consolidate all  
7 the reports together because they felt like it  
8 was not appropriate to have one report at one  
9 time when other reports were in process.

10 MS. BLUM: I just needed an answer on  
11 that because to me I keep talking about it and my  
12 head will always be an attorney head on this and  
13 due process.

14 And I'm not here to sit here to defend  
15 the Agency and I keep saying I'm new, I'm very  
16 late to this party, this consideration.

17 And that will definitely inform how I  
18 handle voting but I'm weighing and I'm seeing  
19 this process issue. So, I just wanted that on  
20 tape.

21 And then I had a second question, which  
22 is more to the substance of that decision. So, I

1       guess the concern and the frustration -- and I  
2       again want to say what I said yesterday, Beth.

3               The work of the Staff at the Department  
4       is yeoman's work. You guys are doing yeoman's  
5       work.

6               So, I also just want to make sure that  
7       it's clear that I'm not questioning the really  
8       hard work and dedication of the Department Staff  
9       but I do want to ask the question about this  
10      particular one.

11              So, I'm a little confused whether the  
12      finding against ACICS here on the training is a  
13      frustration that they were non-responsive about  
14      their training or whether it's that they didn't  
15      train.

16              To me, if they didn't train, that would  
17      be a very serious concern. I'm not saying it's  
18      not frustrating and really concerning, because it  
19      is also concerning that they didn't respond.

20              We're talking about removal here and  
21      we're talking about 48,000 students. So, I just  
22      want to understand is the training that they were

1 non-responsive for a year or is it that they  
2 didn't train?

3 MS. DAGGETT: I believe they didn't  
4 train.

5 They did not provide the documentation  
6 but Dr. Teneyuca and Dr. Minore and forgive me, I  
7 don't have the name of the person who had the  
8 just-in-time training, they provided statements  
9 that the just-in-time training was provided,  
10 that they didn't provide any documentation or  
11 anything to demonstrate even what they talked  
12 about with that person.

13 And then for Dr. Teneyuca and Dr.  
14 Minore they relied solely on the paper  
15 qualifications, which I went back to the  
16 Secretary's decision, which referenced the SDO  
17 recommendation which directly said that paper  
18 qualification was not enough and the refresher  
19 training was required.

20 (Simultaneous Speaking.)

21 MS. BLUM: That's great. To be honest  
22 with you, the record to me is not clear on that

1       so I felt an importance to make it clear.

2               But I do have one other question because  
3       I think they said yesterday -- and this would be  
4       extremely helpful -- I think they referenced  
5       yesterday.

6               I might be getting confusing standards  
7       and things so correct me again if I'm wrong. I  
8       think Ray said something along the lines of --  
9       and I think I might be blurring qualifications  
10      with training.

11              But at least it related to one of the  
12      people the Department said wasn't trained. I  
13      think part of their argument back was this person  
14      had been trained many times or had lots of  
15      experience before, something to that effect.

16              There was a requirement both  
17      qualification and training. Do those standards  
18      require a continual update?

19              Or in fairness to them, is there sort of  
20      a place where if the visitors or whoever it is  
21      involved in the Department or at the Agency were  
22      good enough?

1 I just want to understand that piece and  
2 also to the extent that you are really kicking  
3 the tires -- and I understand why you're kicking  
4 the tires really hard on this issue with ACICS.

5 But do we kick the tires just as hard as  
6 all of the other agencies on this 11th-hour need  
7 to have a fill-in site visitor and those types of  
8 issues?

9 MS. DAGGETT: I think the difference  
10 here is that when we ask the question, it depends  
11 on the answer that we get. The answer that we  
12 got wasn't sufficient in this particular regard.

13 If they were to answer the question and  
14 said we provided the training, and in fact their  
15 answer was we have 100 percent, we've trained  
16 everybody using the refresher training.

17 And we never acquired it prior to any of  
18 those site visitors being on a site visit team.

19 They provided the documentation that  
20 said that was their requirement, they provided  
21 the documentation of who attended which webinar,  
22 but they didn't demonstrate that all of the

1 individuals who had served on site teams that  
2 they said it was a requirement had met that  
3 requirement.

4 So, I provided that response in the  
5 draft, Staff's analysis saying there were five  
6 people that didn't appear on any of those. And  
7 they responded back with the individuals that  
8 they had not done the training or they had paper  
9 qualifications.

10 So, I go by what the information is they  
11 provide and the documentation they provide to  
12 determine whether or not they're in compliance or  
13 not.

14 And it's not just what I said before,  
15 the regulations, but also what are the policies  
16 and procedure that the Agency put in place and  
17 they should be held accountable to?

18 MS. BLUM: That's helpful, thank you.

19 CHAIR KEISER: Elizabeth, I have a  
20 couple of questions. I looked everywhere and I  
21 have not been able to see audited financial  
22 statements for 2020.

1           What I do see is unaudited statements  
2           and they show a balance in their Harris Bank  
3           Account of \$8,345,000.

4           Where did you get the \$2 million balance  
5           that you talked about yesterday?

6           MS. DAGGETT: I'm sorry, I don't think  
7           I said a \$2 million balance, I said they had a  
8           \$2.2 million negative change in net onset from  
9           operations.

10          And I got that from the June 30, 2020  
11          audited financial statements, which are included  
12          as an analyst upload.

13          They're not under the Agency documents,  
14          I uploaded them separately.

15          CHAIR KEISER: And I would have found  
16          that where?

17          MS. DAGGETT: It would have been in  
18          Section 602.15(a)(1) under the monitoring report,  
19          which is the report that was dated 2/24/2020 on  
20          the report and the erecognition system.

21          CHAIR KEISER: I've looked and I cannot  
22          find it. 2/22/21, final review and the staffing

1 do not meet I assume the last one.

2 MS. DAGGETT: It's 602.15(a)(1).

3 CHAIR KEISER: I don't have any  
4 documents, no files uploaded. I'm sorry, I just  
5 haven't...But did the auditor in that statement  
6 use then a qualified statement?

7 Did they consider them a risk of ongoing  
8 -- normally, the ongoing entity, they cannot  
9 continue.

10 MS. DAGGETT: I don't believe they did.

11 CHAIR KEISER: So, if the auditors did  
12 not feel they could not meet their future  
13 requirements, why does the Department not feel  
14 that?

15 Especially after the last review where  
16 we had a school or an Agency that had a problem  
17 and certainly with a lot less resources than \$8  
18 million in the bank and considering them  
19 financially unsound.

20 To look at four years down the line,  
21 certainly, as the IG talked about speculation,  
22 that would be speculating they wouldn't meet



1       their financial requirements four years down the  
2       line.

3               How do we justify that?

4               MS. DAGGETT: I can speak to ACICS in  
5       that it's a continual downward trend and it's not  
6       a little bit of money.

7               \$2.2 million change in net assets from  
8       operations in one year is significant and this  
9       has been an ongoing trend in that direction.

10              And if you look at their reserve  
11       accounts, they themselves said I think it was  
12       \$8.5 million in their statements. The \$2.2  
13       million, that's only a couple of years of them  
14       being able to do that.

15              I believe Steve also asked them about  
16       their plans for increasing any kind of membership  
17       and they had three that they just added since the  
18       moratorium was lifted in 2018.

19              They have three that are getting ready  
20       for on site reviews and then 18 that could  
21       potentially be accredited by them. But then they  
22       also are making their assumptions based on

1 maintaining where they are.

2 And I went back and looked and since  
3 their submission of the monitoring report when  
4 they said had 100 campuses, they're down to  
5 around 75 U.S. campuses. So, this just is not  
6 sustainable.

7 CHAIR KEISER: Doesn't the IG kind of  
8 suggest that when we withdrew their recognition,  
9 it would have caused significant economic  
10 hardships on them because all of their schools  
11 had to move, make a decision to stay and take the  
12 risk of staying with them or with an 18-month-  
13 period had to leave.

14 So, many of their schools had to leave  
15 and again, assuming that they're still under this  
16 sword over their neck, is it not understandable  
17 that they are potentially -- that they would have  
18 lost money?

19 Which is more significant, unlike COMTA,  
20 they kept a significant staff for almost the same  
21 number of schools. They had ten people in Staff  
22 and yet we can criticize them for that yet COMTA,

1 which is also an institutional accreditor, has  
2 only one.

3 I just don't understand the consistency  
4 and I don't understand the speculation that four  
5 years from now they may be in trouble. I just  
6 find that hard to understand and that seems to be  
7 the most important thing, other than the second  
8 question.

9 It seems and the IG picked it up to that  
10 the things that are shadowing this Agency are  
11 three institutional potential deficiencies. One  
12 was Reagan National, two was the San Diego  
13 school, and three was the Virginia school.

14 Now, my understanding is there are  
15 licensing boards in all three states that is  
16 usually the requirement of the licensing board,  
17 they're the primary consumer protection group.

18 They didn't identify the school closure  
19 and since they had withdrawn the accreditation  
20 prior to the school closure, why are we holding  
21 them accountable for the closed school and their  
22 behavior?

1 MS. DAGGETT: I'm not sure. Are you  
2 talking about RNU?

3 CHAIR KEISER: Yes, RNU.

4 MS. DAGGETT: Well, because they were  
5 accrediting them all the way up until that point  
6 and they had just been to that institution in  
7 October, the few months prior to when the  
8 institution allegedly closed.

9 (Simultaneous Speaking.)

10 I wasn't looking at their closure, we're  
11 looking at the process that they used and whether  
12 or not they used all the monitoring and  
13 evaluation mechanisms they had in place in order  
14 to be able to try to, as Ron talked about, being  
15 able to figure out this is what would probably  
16 happen.

17 CHAIR KEISER: But as COMTA talked  
18 about, schools do close. Schools close without  
19 notifying an institution, whether it be in us or  
20 whether it be in other agencies. That happens.

21 The question is did the October visit by  
22 ACICS, did you review the documents to see that

1 the people who were on that visit were just  
2 fabricating the material and saying the school  
3 did not exist?

4 Or did the school just shut the doors  
5 and lock it up and is ACICS to be held  
6 accountable for that?

7 MS. DAGGETT: I think ACICS is  
8 accountable to their processes and procedures and  
9 making sure they follow their policies and making  
10 sure that those processes, procedures, and  
11 policies are able to pick up on issues that could  
12 be seen or should be seen by an accrediting  
13 Agency who's trying to determine educational  
14 quality.

15 CHAIR KEISER: Didn't they put the  
16 school in show-cause and then ultimately before  
17 they closed, the U.S.A. Today article, didn't  
18 they withdraw the accreditation prior to that  
19 research? That's what I heard.

20 MS. DAGGETT: No, what I understood is  
21 that the school went through accreditation prior  
22 to having to answer to the show-cause.

1 CHAIR KEISER: So, you're holding them  
2 accountable after the accreditation was  
3 withdrawn? That's what I'm trying to figure out.

4 (Simultaneous Speaking.)

5 MS. DAGGETT: We're holding ACICS  
6 accountable for their policies and procedures and  
7 whether or not they're implementing them and  
8 whether or not they have effective on-site  
9 reviews, whether or not they have effective  
10 monitoring approaches, whether or not they're  
11 doing the things they say they're going to do and  
12 what are required by the regulations?

13 CHAIR KEISER: Don't we also require due  
14 process, which it sounded like they were  
15 following and giving the school a show-cause  
16 order, at which point the school decided it was  
17 not able to make show-cause requirements?

18 MS. DAGGETT: No, we do require due  
19 process, however, our regulations actually don't  
20 require a show-cause order at all.

21 Our regulations say that if an  
22 institution or program is out of compliance with

1 any standard, if you look at 602.20, they could  
2 automatically -- once they were to notify them  
3 via the on-site evaluation report, they could  
4 make a decision at that first Commission meeting.  
5 Instead of a show-cause they could terminate  
6 accreditation at that point.

7 They don't have to offer a show-cause,  
8 at least not by our regulations.

9 CHAIR KEISER: But they did, which sort  
10 of indicates that they were concerned. Let's  
11 move to the second one, which the IG talked about  
12 was San Diego.

13 Now, the Commission says they just had  
14 an application and there was never an accrediting  
15 action on that school, is that correct?

16 MS. DAGGETT: No, there was not an  
17 accrediting action on that school.

18 CHAIR KEISER: So, why are we concerned  
19 about it?

20 MS. DAGGETT: Because again, we're  
21 looking at the processes and procedures that  
22 ACICS uses in evaluating not just the

1 institutions that are up for renewal of  
2 accreditation but we also look at the processes  
3 they use for initial accreditation.

4 CHAIR KEISER: But they didn't even go  
5 through the process of initial accreditation so  
6 why are we concerned about that?

7 MS. DAGGETT: Because we're looking at  
8 educational quality and whether or not ACICS is  
9 meeting the recognition requirements that we have  
10 as a Department.

11 It doesn't matter if they have --

12 (Simultaneous Speaking.)

13 -- or not.

14 CHAIR KEISER: Let's go to the third  
15 one, which is Virginia.

16 Now, I understand our concern is the  
17 fact that the State issued a show-cause order to  
18 the school and somehow, some way, ACICS did not  
19 respond appropriately to that.

20 Now, in Florida I know for a fact  
21 Florida has rules that are very different for  
22 their schools than the accrediting agencies.



1           And Florida takes action with or without  
2           the accrediting agency and sometimes the triad  
3           works and sometimes the triad doesn't work.

4           What specifically was the concern with  
5           the SCHEV report as it relates to ACICS?

6           MS. DAGGETT: The SCHEV provided their  
7           audits, which were significant and included  
8           significant details regarding the failure of --  
9           the very concerning issues of the distance  
10          education program that they were offering.

11          And that ACICS did not do any kind of  
12          action to review whether or not those same  
13          distance education issues would be in compliance  
14          or not in compliance with their own standards.

15          (Simultaneous Speaking.)

16          CHAIR KEISER: -- licensor of that  
17          school?

18          MS. DAGGETT: Their ultimate action was  
19          not to provide licensure but to put a three-year  
20          moratorium on any distance education at that  
21          particular institution?

22          CHAIR KEISER: Now, my understanding was

1       that the school was put on show-cause by ACICS,  
2       that's what they said yesterday?

3               MS. DAGGETT: Yes, they did that after  
4       SCHEV production.

5               CHAIR KEISER: Would that not be  
6       supportive of the state action?

7               MS. DAGGETT: It would be but what what  
8       are looking at is the fact that ACICS, as we  
9       noted in the monitoring, it appeared that many of  
10      their actions were taken in response to other  
11      accrediting or approval entity actions.

12              CHAIR KEISER: Now, it's my  
13      understanding that this whole issue of Staff and  
14      competency of accrediting commissions are related  
15      to these three issues, is that correct?

16              I didn't see any others come up.

17              MS. DAGGETT: For the competency of the  
18      Staff? Well, mainly the questions and their  
19      ability to fulfil their accrediting activities  
20      based on the examples provided. That's correct.

21              CHAIR KEISER: These were the three.

22      And all three of these were from the newspaper

1 and from the people who spoke against the  
2 accrediting agency.

3 How were they brought to the attention  
4 of the Department?

5 MS. DAGGETT: The capacity to report was  
6 initiated in June of 2019 based off of reports  
7 from Michelle Edwards' own testimony at the CHEA  
8 Recognition Committee regarding the financial  
9 struggles that ACICS is having.

10 And then also, yes, one of the reports  
11 included the Virginia international University  
12 and San Diego Institution in that.

13 And so we were directed to open an  
14 inquiry into those issues.

15 CHAIR KEISER: I did read in the  
16 reports, though, you mentioned multiple times the  
17 complaints by the third party who sent you  
18 letters.

19 They seem to be the same people who  
20 spoke out yesterday. Is that correct?

21 MS. DAGGETT: I'm required by the  
22 regulations to take in any third-party comments

1 that are submitted and include them within the  
2 analysis and wherever it seemed appropriate or  
3 match that information.

4 That's where I put that.

5 CHAIR KEISER: I've been on this  
6 Committee a long time. I don't ever remember  
7 that the third-party comments were used as a  
8 basis for our analysis.

9 MS. DAGGETT: They're not used as a  
10 basis.

11 They were used as supplementary  
12 information and documentation of other concerns  
13 had been raised and so we raised those so that  
14 there was due process for ACICS to be able to  
15 respond to those specific issues.

16 CHAIR KEISER: And did you verify the  
17 legitimacy of the complaints?

18 MS. DAGGETT: As their comments I'm not  
19 required to verify any legitimacy. The Federal  
20 Register notice requests the comments and we're  
21 required to include those as part of our analysis  
22 --

1 (Simultaneous Speaking.)

2 CHAIR KEISER: Aren't they usually used  
3 and set aside at the end? The third-party  
4 comments I saw within the report, the use of the  
5 third-party comments, as evidence. Am I missing  
6 that?

7 MS. DAGGETT: It was not evidence in  
8 that the third-party comments did not trigger any  
9 of these inquiries.

10 Those third-party comments were provided  
11 as part of the record, which is what we were  
12 required to do in the recognition requirements.

13 And I have whenever there are third  
14 party comments and they are applicable to the  
15 areas that we have reviewed, I have included  
16 those in prior reports.

17 CHAIR KEISER: I'm sorry it took so  
18 long. I don't normally do that. Kathleen was  
19 next but I have other hands up.

20 If they are from before, let me know.  
21 If they are, drop them. If you want to ask a  
22 question, I will let you do that. The next one

1 is Kathleen.

2 DR. ALIOTO: First of all, I wanted to  
3 thank Elizabeth for her incredible work on this  
4 and also to Mary Ellen and Claude, whom I have  
5 great respect for your experience and wisdom.

6 You are supporting what the Committee  
7 wants to do on this. I wonder if in terms of  
8 process, we can consider that we give the ACICS  
9 another shot at this?

10 Would you consider that to be the thing  
11 that we had seen before this Agency? I think  
12 when you look at 48,000 students, we don't want  
13 48,000 students to be enrolled or down on their  
14 own.

15 But you also want to guide them,  
16 hopefully educationally, and make them as robust  
17 as possible. So, Elizabeth, did you consider  
18 some of these other draconian measures?

19 Or was it just a question of either and  
20 their accreditation --

21 MR. BOUNDS: Is that question for me,  
22 Kathleen, or was that for -- you're a little

1 broken up.

2 DR. ALIOTO: Well, Herman, it's  
3 basically for you --

4 MR. BOUNDS: Okay.

5 DR. ALIOTO: And for Jennifer in terms  
6 of (audio interference) that you would consider,  
7 I mean, (audio interference) possibilities. But  
8 I know that they've been given so many different  
9 chances since 2016 that to consider doing that  
10 along with the fact that they just -- they're  
11 making countless promises and just didn't deliver  
12 on them, the rationale for this, for your  
13 decision.

14 MR. BOUNDS: Yeah, so I think Beth may  
15 have talked about it earlier in her presentation  
16 I think on the first day. The first thing for us  
17 was, number one, was the compliance report. And  
18 the compliance report has shown systemic issues  
19 of noncompliance with those criteria over the  
20 past several years.

21 So based on that, there was no  
22 justification for an extension for good cause

1 because the agency has been out of compliance for  
2 quite a long time already. That was demonstrated  
3 in several years prior, including under the  
4 previous administration's review.

5 So in our mind, there was no option for  
6 an extension for good cause. We'd never given an  
7 extension for good cause for over a year. And I  
8 did some research on that yesterday and I just  
9 couldn't find one. So that really was not, you  
10 know, an option for us.

11 And then I think as Beth said in her  
12 presentation it's kind of the totality of  
13 everything thrown together which, you know, helps  
14 to drive our decision, that each one of those  
15 reports was, you know, was determined on its own  
16 weight and value, you know.

17 But at the end, you know, we had to  
18 consider, you know, we had to consider, you know,  
19 the issues, you know, identified in each one of  
20 those reports. So we just didn't think there was  
21 a lesser option, a viable option for us to take  
22 in our recommendation.



1 MS. DAGGETT: Can I add one (audio  
2 interference), can I add one thing? In addition,  
3 there was no time available as there is a five-  
4 year period of recognition which would expire  
5 during this year. So there was not time for us  
6 to entertain any further action.

7 MR. BOUNDS: Thanks, Beth, that's true.

8 DR. ALIOTO: Well, I think that that is  
9 the kind of the kernel of this, that it's a  
10 systemic issue and that the system, even with a  
11 new leadership, that the system itself has not  
12 changed enough to warrant accrediting them for  
13 another five years.

14 So thank you. That's it.

15 CHAIR KEISER: Okay, Rick and then  
16 Jennifer. Anne dropped her hand, okay, Rick and  
17 then Jennifer.

18 MR. O'DONNELL: Thanks, Art. Beth, I  
19 want to just pick up a little bit on what Art was  
20 discussing. And in the monitoring report on  
21 financial issues, it references the letter from  
22 the state attorney general as, you know,

1 important things they require. But the letter  
2 from the state attorney general doesn't actually  
3 provide any documentation around the financial  
4 issues. The only mention of it is a mention of  
5 the Secretary's 2018 decision.

6 So I am confused, because I've been on  
7 this (audio interference) a long time and don't  
8 recall ever seeing third-party comments put in  
9 the staff recommendation for us to refer to. And  
10 yet when I referred to the attorney general's  
11 letter, it seems to have no relevance to the  
12 financial section, because it provides no  
13 information except to reference the department's  
14 own information. So I see (audio interference)  
15 what it's saying.

16 So can you just elaborate a little bit  
17 more about why third-party comments that may  
18 actually not be germane to the specific issue  
19 have been included in the staff's  
20 recommendations?

21 MS. DAGGETT: Well, for this specific  
22 thing, actually if you go to the actual third --

1 so there is an analysis of third-party comments  
2 that's at the end of every report. And at the  
3 end of it, you'll see that it says that all three  
4 of the commenters tied the areas of alleged  
5 noncompliance -- I'm sorry, does somebody not  
6 have their phone muted? It's coming back and I  
7 can't really hear.

8 All three of the comments tied --  
9 commenters tied their areas of alleged  
10 noncompliance to Section 602.15(b)(1), necessary  
11 criteria for recognition, and those comments are  
12 referenced in the relevant sections of the  
13 department's staff analysis.

14 So they include -- they reference that  
15 specific section, and we are required by  
16 regulation to review the public comments and note  
17 them where they are applicable. And since they  
18 specifically note that section, and I put that in  
19 that section so that these two teed up for the  
20 Agency so that they would be able to respond to  
21 any of the concerns that they have in that area.

22 MR. O'DONNELL: Okay, thank you.

1 CHAIR KEISER: Jennifer.

2 MS. BLUM: Thanks, Art. And sorry --  
3 people start asking questions and then it gets  
4 me. So I just want to go back to something that  
5 Art said first with regard to the three schools.  
6 And I keep really focusing on the fact that there  
7 are four reports, and whether they stand on their  
8 own or not, and so I'll get to that in a second.

9 But as relates to the three schools, two  
10 of them weren't Title IV. And so I just want to  
11 throw that out there because I have to tell you  
12 where my head is. I'm kind of discounting those  
13 findings because honestly, for two reasons. One  
14 is they weren't Title IV, so I'm a little -- I  
15 have a question around department authority  
16 there.

17 And then the second thing -- at least I  
18 think they weren't Title IV, so correct me if I'm  
19 wrong. But I don't think they were -- at least  
20 RNU wasn't eligible yet, so it couldn't have  
21 been.

22 And then the other thing is this has

1       been a year of sudden school closures by lots of  
2       different schools, nonprofit, for-profit. We  
3       have like -- I mean, it's a very sad thing. But  
4       the last couple of years, even pre-pandemic.

5               And so I think it was Anne, or I can't  
6       remember who other, somebody else brought this  
7       up. But I'm a little concerned about holding  
8       that entirely -- holding that to the extent of  
9       removal for an accrediting agency. I'm not  
10      saying it's not something of concern or it should  
11      be looked at. And I guess that there's -- so  
12      this is a good segue. I guess that there is also  
13      the amalgamation of problems here.

14             So I want to say something also because  
15      Kathleen referenced the statement by Mary Ellen  
16      and by Claude, which I just want to say my  
17      questions aren't so much about how I feel about  
18      the agency. I just want to say that again. It's  
19      about the process to make sure we get it right.  
20      And so I'm very focused on the compliance report,  
21      partly because that (audio interference) sort of  
22      told me yesterday I should be.

1           So I'm really focused on that piece, and  
2 I'm confused. I guess I'm just going to say this  
3 again, and it's a question, I'm confused because  
4 Herman, just now, you talked about the totality,  
5 the totality of the record. But then Beth and  
6 reports themselves both say that they stand on  
7 their own.

8           So I am confused about whether we're  
9 looking at these reports in the totality or  
10 whether we're looking at them standalone. And so  
11 I am concerned about that process and  
12 decisionmaking, and so maybe that's a Herman or  
13 maybe it's Counsel (audio interference) who can  
14 help me out a little bit on am I focused on each  
15 report for consideration, or am I looking at the  
16 amalgamation over time.

17           Oh, and I did want to say one more  
18 thing. The IG, in my view, that report is  
19 absolutely relevant as to the compliance report,  
20 because the compliance report is a follow-on from  
21 all of this from 2016. So I just cannot ignore,  
22 you know, the IG specific to the compliance

1 report.

2 So I just wanted to -- that was the  
3 other comment I had, that I do want to allow  
4 Herman and Beth, or maybe it's Counsel, an  
5 opportunity of are we looking at this in the  
6 totality, or are we looking at this report by  
7 report.

8 MS. DAGGETT: Okay, well, I want to  
9 address a couple of the issues. First of all,  
10 for the compliance report, the -- I understand  
11 that, you know, there was a review by the OIG on  
12 that specific, this 2016 and the 2018 review.  
13 Please note, all of those throughout that, those  
14 two areas were considered noncompliant. So, you  
15 know, this is multiple levels of review where  
16 that was found noncompliant.

17 Second, I think he brought up, you know,  
18 why are we looking at things that are not Title  
19 IV related. Our -- why doesn't -- you know, in  
20 602.1, why does the Secretary recognize  
21 accrediting agencies.

22 That is, the Secretary recognizes

1 accrediting agencies to ensure that these  
2 agencies are for the purposes of the Higher  
3 Education Act of 1965 as amended, or for other  
4 federal purposes reliable authorities regarding  
5 the quality of education or training offered by  
6 the institutions or programs they accredit.

7 And it's, you know, one important thing  
8 for you to remember, Jennifer, is that, you know,  
9 Title IV, even though ACICS is a gatekeeper for  
10 Title IV, that is not the only major federal  
11 program. One of the other ones is access to the  
12 SEVP program.

13 So if you want to go back to some of  
14 those, the one that wasn't even accredited by us  
15 -- that wasn't yet accredited by ACICS, they were  
16 a participant in the SEVP program, I believe  
17 through their asset accreditation.

18 And they had on their campus -- their  
19 CAR, the campus accountability report form, I  
20 believe it was 2016, they had 2016 graduates and  
21 completers, but only -- but 209 of those were not  
22 available because they were on visas. VIU in



1       their 2018 team report they, there's actually --  
2       there's a statement at the beginning that says  
3       that they reduced from 95% international students  
4       to 90% international students.

5               So our charge is not just looking at,  
6       you know, Title IV eligibility and the  
7       maintenance of Title IV funds, it's also looking  
8       at accessibility and whether or not those  
9       programs and institutions should access any  
10      federal program.

11             As to the individual reports, I  
12      understand (audio interference) that they stand  
13      on their own. So those -- I was trying to answer  
14      all your questions, so there you go.

15             MS. BLUM: No, that's -- so they do each  
16      stand on their own, even though we should  
17      probably have a conversation about the totality.  
18      But I just want to just say that that was a very  
19      helpful answer on the visa piece because I'd  
20      forgotten that element, so that's an extremely  
21      helpful piece.

22             I would, though, fall back on the fact

1 that there have been, particularly in the  
2 Northeast by the way, a number of nonprofits  
3 pretty kind of sudden closures. And I certainly  
4 wouldn't suggest that that's on the accreditors.  
5 So I just -- I'm just putting that out there.

6 But I do, I just worry about the --  
7 going right to removal. And I am going to make  
8 this about a totality of the statement for a  
9 second. What I'm concerned about is the totality  
10 of this process problem. And so those are my  
11 concerns that are completely process-oriented.  
12 I'm certainly not defending this agency. So I  
13 just want to be really clear about that before I  
14 close out.

15 CHAIR KEISER: Thank you, Jennifer. I  
16 have David and then Anne and then Herman.

17 DR. EUBANKS: Thank you, Art. I wanted  
18 to go back to something Herman said a minute ago  
19 about the role of subjectivity and having 18, you  
20 know, informed opinions. We heard a lot  
21 yesterday about checkbox compliance, that the  
22 maybe ACICS got in trouble partly because its

1 review processes were too perfunctory.

2 And I feel like from a lot of the  
3 discussion here that we are sort of reverting to  
4 checkboxes. And I think that beyond the 602 dot  
5 dot dot criteria, that generate principle that  
6 Elizabeth mentioned has to be our guiding light,  
7 that the Agency standards should ensure the  
8 education or training the schools offers is of  
9 sufficient quality to achieve its stated  
10 objective for the duration of the accreditation  
11 period.

12 That is, it's not enough to explain away  
13 disasters using technicalities. Quality  
14 assurance should prevent the disasters. And of  
15 course no accreditor, as we've seen, can  
16 guarantee that. However, signature of an agency  
17 that wants to prevent disasters is self-  
18 reflection and transparency about what went wrong  
19 and how to prevent it next time. That's what I  
20 was looking for yesterday in the testimony, and I  
21 didn't see it.

22 And I think Mary Ellen's comments are

1 right on point with some specifics for handling  
2 and deferrals, not compelling evidence that  
3 institutions are actually improving. Promises  
4 unfulfilled to the state's attorney general and  
5 (audio interference) associations. And lots of  
6 statements about change, but not about why the  
7 change originated.

8 For example, the VIU situation, I would  
9 have thought that having read that report from  
10 SCHEV -- I don't know if you read it but you  
11 should if you haven't. I would think the  
12 accreditor would have been horrified and would  
13 have run back and said, well, we've got these 30  
14 questions that are supposed to ensure the quality  
15 of online education.

16 Obviously, that wasn't enough. We need  
17 at least one more question. Let's figure out  
18 what that is and then let's go to our other  
19 institutions that have online learning.  
20 Obviously I'm just making up stuff here, but I  
21 wanted to see something like that, and I didn't.

22 And one particular piece of evidence

1 pointed in completely the other direction, and  
2 that was the issue of the surveys. So if  
3 checkbox compliance is merely having the  
4 appearance of standards, and something  
5 substantive is more than just the appearance, the  
6 discussion about the surveys said to me that even  
7 now, it's really just about appearances.

8 The idea that we would only ask an  
9 institution to sample ten percent of its students  
10 and have the responses, whatever they happened to  
11 get from that ten percent of their students, that  
12 that is in any way a meaningful exercise is to me  
13 ridiculous, and I work with surveys all the time.

14 So I agree with Claude and Mary Ellen's  
15 assessment and I support their motion.

16 CHAIR KEISER: I'm not sure there has  
17 been a motion. But then Anne, you have your hand  
18 up?

19 MS. NEAL: Yes, I wanted just to raise  
20 another issue in the context of Mary Ellen and  
21 Claude's preview of where they would like to go.  
22 Basically over the last two and a half days, we

1 have been made aware, unfortunately we were made  
2 aware, they were not presented to us before, of  
3 two OIG reports, both of which substantially say  
4 that the Accreditation Bureaus has serious  
5 problems of subjective and inconsistent  
6 application of its standards.

7 And I think in the course of the last  
8 two and a half days, we have raised repeated  
9 questions about consistent application of  
10 standards in the context of ACICS, so that the  
11 issue has not been resolved, and in fact these  
12 two IG reports -- or one has been I guess  
13 addressed. The other one, the 30-day response  
14 period's not started to go into place. But  
15 nevertheless, pretty strong statement that  
16 there's an inconsistency problem here.

17 And I guess in light of that, which  
18 seems to have been fairly significantly agreed to  
19 by many of us that is there some other approach  
20 rather than terminating, such as simply insisting  
21 that they not be allowed to have any additional  
22 members, knowing that they're coming up in July

1 for renewal.

2 So I just want to understand, given what  
3 appears to be fairly significant evidence of due  
4 process violations, of why we would not consider  
5 alternatives.

6 MS. DAGGETT: Anne, I would just like to  
7 say I don't -- I disagree with that  
8 characterization of the particular IG reports  
9 that just came out. I don't think that it paints  
10 a broad brush of process issues.

11 I think it, as it specifically stated,  
12 it only review the 2016 process of review for  
13 ACICS and then the 2018 SDO review and  
14 recommendation, and even that was only limited to  
15 six of our 21 sections. So I don't think that  
16 the broad brush that you're using is applicable  
17 here.

18 And they've specifically noted that any  
19 conclusions that they made in their report cannot  
20 be projected onto the recognition criteria that  
21 they didn't review, or to the evidence that the  
22 SDO did not cite in their review. And they

1 specifically noted their report is not applicable  
2 to the reports that are before you today.

3 MS. NEAL: No, but Elizabeth, my point  
4 is that both reports have said that there is  
5 inconsistency and subjectivity in the application  
6 of standards by the Bureau, and that this needs  
7 to be addressed. So I'm not speaking in the  
8 context of ACICS, I'm just speaking in the  
9 context the two general reports have said, and it  
10 is that conclusion.

11 MS. DAGGETT: Well, the issue of  
12 subjectivity in the most recent one was actually  
13 related to the fact that the SDO was only a one-  
14 level review of that recommendation, the  
15 recommendation of -- recognition recommendation  
16 that was made, and that the OIG stated that  
17 additional levels or such as what we normally  
18 have, which is the OPE staff, the NACIQI meeting,  
19 and then the SDO review or ultimately Secretary  
20 review, was a much better option in order to  
21 eliminate that subjectivity.

22 CHAIR KEISER: Okay, Anne, anything



1 else? Herman, did you want to comment? Your  
2 hand's up, and Jennifer, your hand's back up, or  
3 is it down?

4 MR. BOUNDS: Yes, mine is up, Art. I  
5 just wanted to, you know, to make a -- let me  
6 just make another comment about I think was the  
7 question that Jennifer had asked about, you know,  
8 the totality. I just wanted to be clear, you  
9 know, we did look at each one of these reports  
10 individually, but they all did play off of one  
11 another.

12 I also wanted to just jump over to what,  
13 you know, what Beth just said, one of the key  
14 findings here in the -- in the OIG reports and,  
15 you know, Anne just referred to it. It talked  
16 about that single level of review being with that  
17 March 2018 decision. But it also noted that  
18 staff should have been involved in that.

19 So I think the report puts out both, you  
20 know, both some positive things and some things  
21 that staff need -- that not only staff need to  
22 work on, but the department needs to work on.

1 And that's why I mentioned yesterday to please  
2 read the entire report and come up with a, you  
3 know, with an understanding of what the report  
4 did actually, is actually saying.

5 CHAIR KEISER: If I may, again, respond  
6 to that. I tend to look at the financials as a  
7 very important consideration when we're looking  
8 at the competency or the -- in terms of the  
9 agency. And exactly what the OIG report said was  
10 there's a lack of objectivity in determining what  
11 is a -- an agency that's financially responsible.

12 Now, if you use the audits, this -- and  
13 use the composite score that is the way we look  
14 at institutions, the Agency would have a  
15 significantly good composite score because of the  
16 eight and a half million dollars in reserve.

17 So I think we've got to look at it all,  
18 but I think we're finished with the discussion.  
19 And I think we need to bring back Mary Ellen to,  
20 we're going to go through five votes, then four  
21 in terms of the reports. And then those will  
22 just be an approval or a not approval of the

1 report. And then the final one would be a motion  
2 on accreditation.

3 (Simultaneous speaking.)

4 DR. PETRISKO: I'm going to turn that  
5 over to Claude. Claude --

6 DR. PRESSNELL: So as the Chairman  
7 indicated, the attorneys have advised us that the  
8 best way to handle this is to accept or reject  
9 the staff recommendation on each individual  
10 report. Each individual report recommendation  
11 from the staff was termination, and so that was  
12 the stand-alone comments that that addressed.

13 So we're going to vote on each one of  
14 those, and then there will be a fifth vote on the  
15 ultimate action.

16 OPERATOR: Hold on, please.

17 CHAIR KEISER: Okay, there you are,  
18 you're back.

19 OPERATOR: Okay, we can continue.

20 DR. PRESSNELL: Thanks. So again, just  
21 to remind everyone, each individual report staff  
22 recommendation was for termination. What we're

1 going to do is we are going to take a vote on  
2 each report, and then there will be a fifth vote  
3 on our recommendation for the agency. So if I  
4 could have Beth with us again.

5 And the motion is that we accept the  
6 staff's recommendation that ACICS be found out of  
7 compliance with the cited criteria in the final  
8 staff report on the compliance report. And so  
9 the first one is on the compliance report.

10 And I wanted Beth to make sure in  
11 summary to articulate that report so that you  
12 know precisely what you're voting on, and she  
13 will do so on each report. But that's the  
14 motion, and we need a second.

15 CHAIR KEISER: Is there a second?

16 DR. DERBY: I second.

17 CHAIR KEISER: Who was that?

18 DR. DERBY: Jill.

19 CHAIR KEISER: Jill, okay. And  
20 Elizabeth, could you restate specifically the  
21 recommendation of the department?

22 MS. DAGGETT: Yes, the recommendation is

1 terminate recognition. But I believe what we're  
2 asked --

3 CHAIR KEISER: No, focus on the  
4 compliance report, not the termination.

5 MS. DAGGETT: Right, the compliance  
6 report, we found them out of compliance with  
7 Section 602.15(a)(2), which is in relation to the  
8 competency of their representatives. And this  
9 was a issue specifically about the training of  
10 their site team visitor.

11 CHAIR KEISER: Okay, is there  
12 discussion?

13 MS. DAGGETT: Also, want to know also  
14 that this is the issue that they've been out of  
15 compliance with for four years.

16 CHAIR KEISER: Is there discussion?  
17 Kathleen, you have your hand up.

18 DR. ALIOTO: Well, it's just I wanted to  
19 read into the record what the report has said  
20 about that that report had nothing to do with our  
21 deficient (audio interference), as Mary Ellen had  
22 already said. But I just (audio interference)

1 read it. That's all.

2 CHAIR KEISER: Thank you. Jennifer.

3 MS. BLUM: Yeah, I just had a topical  
4 question. I'm sorry, part of because I'm new.  
5 But to find a agency out of compliance is not --  
6 that's why you're separating this, right? There  
7 are other things you can do other than removal if  
8 you find an agency out of compliance, is that  
9 correct? I just want to make sure that I  
10 understand what I'm setting up.

11 CHAIR KEISER: Yeah, that is correct,  
12 yeah, that is correct.

13 MS. BLUM: Who answered that, just so I  
14 know?

15 CHAIR KEISER: (Audio interference)  
16 George or Herman be one --

17 (Simultaneous speaking.)

18 CHAIR KEISER: Does not mean  
19 termination, right? George, Herman?

20 MS. BLUM: Can somebody answer that?  
21 Because like if we vote something out of  
22 compliance, it doesn't mean that we're

1 necessarily voting to remove.

2 MR. BOUNDS: Right, we are focusing on  
3 the compliance report in this particular motion.

4 MS. MANGOLD: Hi, this is Donna Mangold.  
5 It's a compliance report related to the  
6 Secretary's decision in 2018. So she gave them,  
7 in 2018, X number, you know, a year to come into  
8 --

9 MS. BLUM: That's not what I'm asking,  
10 Donna. Donna's, it's not what I'm asking. I'm  
11 asking that on any motion, forget that it's the  
12 compliance. It happens that we're using the word  
13 compliance twice, sorry about this. This should  
14 be a different report (audio interference) the  
15 RNU report, just so we don't use the word  
16 compliance multiple times.

17 If it were the RNU report that we were  
18 voting on, if we accept that something is out of  
19 -- that the agency is out of compliance right  
20 now, we're not necessarily voting to terminate  
21 recognition because you have that final vote,  
22 right? So this is just simply to say we agree

1 that they're out of compliance but not  
2 necessarily that we agree that they should be  
3 terminated.

4 MS. MANGOLD: This is just on out of  
5 compliance. This vote is, that's correct. The  
6 distinction I'm trying to make, though, is that  
7 on the compliance report, that was something that  
8 if you find them out of compliance on that, there  
9 are more significant consequences.

10 This compliance report is different than  
11 the other report because the compliance report  
12 arises from the other -- from the prior  
13 secretarial decision, when she only gave them a  
14 year to come into compliance. So that's the  
15 significance of that. That's a little different.

16 MS. BLUM: That's really significant.  
17 Sorry, Donna, for interrupting before. Now I  
18 understand what your point was. Apologize.

19 MS. MANGOLD: No apology necessary,  
20 Jennifer.

21 CHAIR KEISER: And my understanding now,  
22 Elizabeth, is the issue of the compliance is a



1 training issue of three people.

2 MS. DAGGETT: Yes, primarily yes.

3 MR. O'DONNELL: Art this, is Rick, can  
4 I ask a quick process question. Before we --

5 CHAIR KEISER: Who said that?

6 MR. O'DONNELL: If we vote to accept  
7 this compliance motion that says terminate  
8 recommendation, but hypothetically the final  
9 fifth vote does not terminate recognition. Does  
10 this report still go -- I don't understand with  
11 the fifth vote is for. So is this -- I  
12 understand like what happens if this -- if we  
13 approve this motion but we defeat a fifth motion  
14 to termination recommendation, what happens?

15 CHAIR KEISER: Donna?

16 MS. MANGOLD: Everything will go to the  
17 SDO anyway. So, and the SDO will have the  
18 benefit of your recommendation.

19 MR. O'DONNELL: But I don't understand.  
20 So why is there a fifth vote?

21 CHAIR KEISER: Rick, we've voting on  
22 (Simultaneous speaking.) go ahead, I'm sorry.

1 MS. MANGOLD: We're also trying to do it  
2 for purposes of keeping the record as clean as  
3 possible for due process purposes for ACICS to  
4 make sure that there is a separate -- you know,  
5 it depends on how you will vote on any of these  
6 things and then to make it clear what your  
7 recommendation is based on the totality.

8 MR. O'DONNELL: But if we approve this  
9 specific motion, we're recommending terminate  
10 recommendation, regardless of the subsequent four  
11 votes, correct?

12 MS. MANGOLD: That is correct.

13 PARTICIPANT: So I'm sorry, go ahead.

14 DR. PRESSNELL: Well, we're at -- what  
15 we're saying is that we're -- the motion is to  
16 accept the staff's recommendation that ACICS be  
17 found out of compliance. We're not necessarily  
18 making the motion to accept their conclusion of  
19 termination until the fifth vote. Is that not  
20 correct?

21 MS. BLUM: Actually, that's not. I  
22 think it's Jennifer. I feel like John has just

1 told us that on this particular one it's more  
2 grave because it's been going on. The department  
3 only gave them a year to get into compliance.

4 MS. MANGOLD: Potentially we could, you  
5 know, there are limitations or suspensions,  
6 although, you know, suspension hasn't been used  
7 much.

8 MS. BLUM: Can I ask a question, Donna?

9 MS. MANGOLD: Yeah.

10 MS. BLUM: Let me just cut to the chase,  
11 and Anne alluded to it I think before. If we  
12 voted to accept this motion right here, the out  
13 of compliance on the compliance report, could we  
14 then later -- and I'm not suggesting this is  
15 going to happen, I'm just using this as an  
16 example, could we then move that this all gets to  
17 pushed to July when that decision is up? Or is  
18 that not an option?

19 Let me talk internally here. I don't  
20 want to --

21 MS. DAGGETT: I don't believe it's an  
22 option under 604.34, your procedures require you

1 to come up with a recommendation that's listed  
2 there, and deferral is not one of those options.

3 DR. PRESSNELL: Yeah.

4 MS. BLUM: So in effect, this motion is  
5 a -- and our option if we vote for it in the  
6 effect is termination. So can I, I know I'm  
7 complicating things, but in a way, this is like  
8 an endgame vote, and it's the first one. (Audio  
9 interference).

10 DR. PRESSNELL: Jennifer, this is  
11 Claude. We've talked about this ad nauseam. And  
12 my first impression was your impression that if  
13 this one -- if we accept the staff recommendation  
14 on this report, then it mutes all other reports.

15 So when we were trying to figure out how  
16 can we work on this so that we can agree that  
17 they're out of compliance in the report but not  
18 necessarily agree to the action of termination.  
19 Even though one report may weigh heavier than  
20 another report, then the fifth vote would give us  
21 our action recommendation to the SDO.

22 Now, again, this is a little convoluted,

1       you know, in terms of how we're doing it. But  
2       the goal here was for us to consider each report  
3       and not let one report just negate all the other  
4       reports. They could just simply act on whether  
5       or not, or make a decision on whether or not we  
6       believe that the staff conclusion of compliance  
7       or noncompliance is true but not necessarily  
8       recommend their action until that fifth vote.

9               In other words, we can say out of  
10       compliance, out of compliance, in compliance, out  
11       of compliance. All right, now what do we want to  
12       do with this? That's my understanding of where  
13       we've landed. If I'm not correct, I would be  
14       happy to stand corrected.

15              MS. MANGOLD: Yes, and potentially we  
16       could have -- I'm sorry, this is Donna, we could  
17       potentially have a limitation as a potential  
18       option at the end too.

19              CHAIR KEISER: I have Anne Neal's hand  
20       raised. Is that correct?

21              MS. NEAL: Yes, just following up on  
22       what Claude said. I'm still profoundly confused,

1       because as I just heard the staff attorney, it  
2       was my impression that we're not voting to accept  
3       the staff's recommendation that they're out of  
4       compliance, we are voting to terminate  
5       recognition.

6               And so there seems to be some confusion  
7       as to those who are giving the motion and those  
8       who are interpreting how we're voting. And so  
9       I'm not clear, based on what I just heard, as to  
10      why we wouldn't vote on each report and then vote  
11      on terminate recognition at the end them, but  
12      that's not what I just heard from staff counsel.

13             MS. MANGOLD: Yeah, I was trying to  
14      respond to Jennifer's question. And in terms of  
15      compliance -- compliance, and I just, what I was  
16      trying to say is that this compliance report  
17      relates to 2018. But it's not as though you can  
18      put them on another compliance report based on  
19      some finding of noncompliance on this compliance  
20      report. Because this comes out of Secretary  
21      DeVos's decision.

22             So that you would have -- so that if we

1 found them out of compliance on this one, it  
2 would have more impact in terms of your  
3 recommendation. And so, you know, it wouldn't  
4 necessarily be termination, it could be  
5 limitation. But I --

6 PARTICIPANT: Mary Ellen?

7 MS. MANGOLD: But the sure (audio  
8 interference) you're doing all -- we want all  
9 four to be done individually in terms of the  
10 findings of noncompliance or compliance in the  
11 separate report.

12 MS. NEAL: Anne, I don't ever recall  
13 voting on a monitoring report, so I'm very  
14 confused. Why are we voting on a monitoring  
15 report?

16 MS. DAGGETT: Because there was -- it  
17 was a process via our, via Section 602.33, and  
18 then it was a monitoring report that was required  
19 by that same decision by Secretary DeVos in 2018.  
20 And we found that there were areas of  
21 noncompliance, and so we moved it forward for an  
22 SEP (audio interference) review.

1           It was called a monitoring report  
2       because that's how Secretary DeVos referenced it.

3           CHAIR KEISER: Anne? Is that it? Mary  
4       Ellen?

5           DR. PETRISKO: If we're beyond the -- I  
6       just would like to note that if we actually look  
7       at 602.15(a)(2), which is what's at question  
8       here, this is bigger than the training of three  
9       people. This is about (audio interference)  
10      individuals across the board working at different  
11      agencies on their responsibilities, they're  
12      appropriate for their roles.

13           These are the standard (audio  
14      interference) policies, etc. So it's not just --  
15      I mean, we're asked to do our own read of this  
16      and look at the evidence and prevent it. So I  
17      just wanted to be sure that people weren't  
18      thinking this is about only about those three.

19           This criterion is a broad criterion  
20      about the capacity of all of the individuals that  
21      are working with this -- for this agency to do  
22      this work. Wanted to make that clarification.



1 MS. DAGGETT: Yes, thank you, Mary  
2 Ellen. Yes, I was trying to find my notes of  
3 what I specifically said, and what I said is that  
4 the ACICS failed to demonstrate that it  
5 consistently trained its representatives for  
6 their roles and followed its own policies and  
7 procedures as regarded by regulation in this  
8 Section 602.15(a)(2).

9 CHAIR KEISER: And just out of  
10 curiosity, was -- did that just -- didn't that  
11 apply to the three highlighted institutions? Is  
12 that what we're still talking about?

13 MS. DAGGETT: We're just talking about  
14 what's in the compliance report, the training in  
15 the compliance report.

16 CHAIR KEISER: The training, the  
17 evidence of the training with three people,  
18 right?

19 MS. DAGGETT: Well, I'm -- the three  
20 specific people they did not provide training to,  
21 but it was a broader, as what Mary Ellen said, it  
22 was saying that they had failed to demonstrate

1       that they consistently train their  
2       representatives for their roles and follow their  
3       own policies and procedures.

4               CHAIR KEISER:   Okay, I see no more hands  
5       up.   There is a motion, there is a second.   Anne,  
6       is your hand still up?

7               DR. SMITH:   Art, I just want to address  
8       -- this is George -- address a question that Mary  
9       Ellen raised yesterday about people who perhaps  
10      did not participate in yesterday's robust  
11      conversation about the agency.   Our expectation  
12      would be as the both as we, as the motions, you  
13      know, progress that the people who did not  
14      participate would abstain during the vote.   Thank  
15      you.

16              CHAIR KEISER:   Okay, well, I wasn't  
17      aware of that, but that please make sure when I  
18      get to your name, just say you were not here.   I  
19      can try to remember.   I think Roslyn might be the  
20      only one.

21              Okay, all in -- people voting on the  
22      motion.   Anne?   Anne?   We're doing a roll call.

1 I lose Anne? You're on mute. Anne  
2 Neal. I can't hear you.

3 Can we go to Claude, I can't hear Anne.

4  
5 DR. PRESSNELL: Yes.

6 CHAIR KEISER: David.

7 DR. EUBANKS: Yes.

8 CHAIR KEISER: Jennifer. Jennifer?

9 MS. BLUM: Yeah, I'm here, I'm here. I  
10 am going to say yes.

11 CHAIR KEISER: Jill.

12 DR. DERBY: Yes.

13 CHAIR KEISER: Kathleen.

14 DR. ALIOTO: Yes.

15 CHAIR KEISER: Mary Ellen.

16 DR. PETRISKO: Yes.

17 CHAIR KEISER: Paul.

18 DR. LeBLANC: Yes.

19 CHAIR KEISER: Rick.

20 MR. O'DONNELL: Yes.

21 CHAIR KEISER: Robert Mayes.

22 MR. MAYES: No.

1 CHAIR KEISER: Can you keep going down?  
2 Thank you. Ronnie. You recuse. Roslyn, you  
3 were not here, so you're recused. Steven.

4 DR. VanAUSDLE: Yes.

5 CHAIR KEISER: And Wally.

6 DR. BOSTON: Yes.

7 CHAIR KEISER: Okay, we go to the second  
8 one, which is on -- we need a motion --

9 MS. NEAL: I'm sorry, Art, I guess I was  
10 left out. Sorry, I vote yes.

11 CHAIR KEISER: You were not left out, we  
12 just couldn't hear you.

13 MS. NEAL: Sorry.

14 CHAIR KEISER: Voting yes or no, or?

15 MS. NEAL: Yes.

16 DR. PRESSNELL: Okay, Mr. Chairman, we  
17 have a motion on the second report. We move, or  
18 I move that NACIQI accepts the staff's  
19 recommendation that ACICS be found out of  
20 compliance with the criteria cited in the final  
21 staff report on the monitoring report. And if I  
22 could get a second, we would like to have Beth

1       come up and describe that report again.

2             DR. ALIOTO:   Second.

3             CHAIR KEISER:   Okay, Elizabeth.

4             MS. DAGGETT:   So the monitoring -- yes,  
5       the monitoring report was the report that found  
6       ACICS out of compliance with two areas.  They  
7       were Sections 602.15(a)(1), which is ACICS failed  
8       to demonstrate that it has the financial  
9       resources to carry out its accrediting  
10      responsibilities based on a review of financial  
11      statements over a five-year period and related  
12      documents.

13            And the second section was Section  
14      602.19(b), that the ACICS failed to demonstrate  
15      that it has effective monitoring and evaluation  
16      approaches because using the oversight expert the  
17      agency cited, ACICS still did not uncover the  
18      serious areas of noncompliance identified by  
19      other accrediting or approval agencies.

20            CHAIR KEISER:   Okay, is there  
21      discussion?  Jennifer?

22            MS. BLUM:   Just a technical one, sorry.

1 But on this one, this one is subsequent. This is  
2 not like the one we just did on the compliance  
3 report, is that right? In terms of timing?

4 MS. DAGGETT: I'm sorry, subsequent?

5 MS. BLUM: Well, in terms of the  
6 Secretary giving one year.

7 MS. DAGGETT: Well, I mean, the whole  
8 point of a monitoring report was that they were  
9 found substantially compliant. And now based on  
10 the monitoring report, we're finding them out of  
11 compliance.

12 MS. BLUM: Okay, thank you for that  
13 clarification.

14 CHAIR KEISER: I would object. And even  
15 though I don't vote, the fact is the financial  
16 reports do not show that they are not capable of  
17 operating, and in fact they have an unqualified  
18 opinion in the last three audits. So I really, I  
19 feel uncomfortable with that, so that's my  
20 opinion.

21 DR. PRESSNELL: Yeah, Mr. Chairman, I  
22 have a comment to that. This is Claude. I

1 understand your concern about 602.1 --  
2 602.15(a)(1), but they were clearly, my position,  
3 they're clearly out of compliance on the  
4 monitoring fees. I mean, I think Reagan  
5 National, VIU indicated that they are -- they  
6 don't have the capacity to do effective  
7 monitoring.

8 So just wanted to make that clear as to  
9 why I'm voting the way I am and why (audio  
10 interference).

11 CHAIR KEISER: But they are -- do you  
12 feel they are out of compliance financially?

13 DR. PRESSNELL: I think that the  
14 (Simultaneous speaking.) Apples and oranges  
15 comparison over the last few days between them.  
16 I think that they are in a fiscal spiral,  
17 downward spiral that is unsustainable.

18 When we look at some of the other  
19 agencies, even though the resources may have been  
20 slimmer, significantly slimmer even, their  
21 operations were, and they weren't showing that  
22 they were in kind of a death spiral, they were

1 showing that they had stability in the resources.

2 And we were looking at programmatic  
3 versus institution, we looked at institutional.  
4 So there were -- it was a lot of different  
5 comparisons. I think the concern is is the rapid  
6 decline of their assets in a short period of time  
7 and whether or not they'd be sustainable over,  
8 you know -- I think it raises concern for sure.  
9 But I'm mostly in agreement that the -- that they  
10 are out of compliance on the monitoring fees.

11 CHAIR KEISER: Mary Ellen.

12 DR. PETRISKO: Maybe it was noticed when  
13 I was talking with the agency, I asked no  
14 questions about the finances and I didn't raise  
15 any issues about the finances in the statement  
16 that I made this morning. I would second what  
17 Claude said, or I agree with what Claude. And my  
18 position here is on the monitoring report and the  
19 seriousness (audio interference) of the  
20 monitoring issues.

21 So I'm agnostic about the finances,  
22 although I understand the arguments that are



1       being made, I'm agnostic about that. (Audio  
2       interference).

3               CHAIR KEISER:   Okay, any further  
4       discussion?   I see no hands.

5               DR. BOSTON:   Yeah, Art.

6               CHAIR KEISER:   Oh, Wally, yes, please.  
7       You're at the bottom.

8               DR. BOSTON:   Yeah, so I tend to concur  
9       with you about the audit report.   And I would  
10      also note that there have been a number of  
11      articles not just talking about accrediting  
12      bodies in general and the reporting of finances,  
13      but even the department's own fiscal ratios for  
14      Title IV approval that there's such a delay on  
15      that that if you have a tuition-dependent  
16      institution, it's almost impossible to forecast  
17      exactly when it's going to go under.

18              So I'm curious about this one, let's put  
19      it that way.   Or doubtful.

20              CHAIR KEISER:   Any other conversations?  
21      (Simultaneous speaking.)

22              MR. MAYES:   So you have the financial

1 situation, which we kind of talked about, and  
2 (audio interference) things very subjective and  
3 good points have been made both ways. So if a  
4 person -- or if lean toward, okay, the audit  
5 doesn't show a growing concern, but this -- you  
6 take the longest section in this report, which is  
7 about basically about RNU and VIU.

8 And while there's, it seems there should  
9 have been or could have been a better job dealing  
10 with RNU mainly up front, you know, if more  
11 front-loading in process and making it a little  
12 bit more difficult for a school with such -- many  
13 compliance findings to get through it and go to  
14 deferrals.

15 I'm not so sure did they not meet the  
16 standard in what they did, though. And of course  
17 if the school ends up closing that's problematic,  
18 I don't like that situation at all how the whole  
19 went. But it's kind of questionable, okay, but  
20 did they still meet the standard in how they did.  
21 And it's just a bad circumstance and happens.

22 And the VIU situation seems to also be

1 very subjective on should they have found more or  
2 not. And even the training part, you know, we  
3 just hit earlier. You know, they have training,  
4 they show they have training. And were those  
5 issues really related to training, or is there  
6 more of it's a process problem.

7 So all that said to come down to if you  
8 find, yeah, there's one, there's a concern for  
9 maybe one of these, or maybe you're not so sure,  
10 or the others are way subjective and -- or maybe  
11 you feel that they did come into compliance on  
12 finance and your recommendation is wrong. Is it  
13 all or none or what with this report?

14 CHAIR KEISER: Robert, is that a  
15 question to the (audio interference)?

16 MR. MAYES: Yeah, it's a question.

17 CHAIR KEISER: I assume Donna probably  
18 best to answer that. We're back to the same  
19 question. Is this individual or should we look  
20 at it in totality. That's still the question.  
21 Does somebody from staff want to talk about that  
22 again? And then --

1 MS. MANGOLD: I think that the -- there  
2 is no prohibition of looking at it one way or the  
3 other. Whatever (audio interference) the  
4 Committee thinks they're going to the best, the  
5 most articulated motion is probably the best way  
6 to do it. I don't think that there's any --  
7 there's nothing in the rules that would require  
8 you to do it one way or the other.

9 MR. MAYES: Okay, that's an estimated  
10 five-year from me.

11 CHAIR KEISER: Elizabeth, how do you  
12 respond to that, because the rules don't say  
13 which way. That if they did it one way (audio  
14 interference) were, then there's no prescription  
15 on how to respond to those oversights? Is that  
16 what Donna just said?

17 MS. DAGGETT: No, I think she was  
18 answering the (audio interference) question of  
19 whether or not you have to find out of compliance  
20 out of the whole report, or whether you could go  
21 criteria by criteria, I believe. Yes.

22 MS. MANGOLD: Right, to preserve, if you

1 wanted to preserve findings of particular  
2 criteria, I think you could draft a motion that  
3 does deal with it more specifically. (Audio  
4 interference) in that there are lots of different  
5 moving parts in each of these reports.

6 I don't mean to drag down the process  
7 longer, but it would be up to the Committee if  
8 they wanted to articulate out some of the  
9 criteria if this one is, you know, causing  
10 problems to try to deal with together.

11 DR. PRESSNELL: Mr. Chairman, so we  
12 could -- I would be fine, as the person making  
13 the motion of course, I don't remember who  
14 seconded it -- whoever seconded it would have to  
15 agree -- to withdraw the motion and take two  
16 votes on this report, one related to the finance  
17 and one related to the monitoring capacity.

18 I would be fine with that. So, what,  
19 602.15(a)(1) and 602.19(b). So if that's what we  
20 would like to do, I would be happy to entertain  
21 that. Is that (Simultaneous speaking.) I  
22 withdraw my motion. Did whoever made the second

1 needs to withdraw --

2 CHAIR KEISER: You don't need to, you  
3 can just have the second agree to the amendment.

4 DR. PRESSNELL: I don't want to amend  
5 it, I think just --

6 CHAIR KEISER: No, just go ahead and  
7 make a motion on report two that --

8 DR. PRESSNELL: But there is a motion  
9 and a second on the floor. You'd have to vote on  
10 -- it's just as easy to accept it as a amendment.

11 CHAIR KEISER: All right, we'll split  
12 (audio interference) the motion. Go ahead and  
13 make your amendment.

14 DR. PRESSNELL: We made it. System  
15 capacity and monitoring, it's on the screen.  
16 Does the second approve that? That was Mary  
17 Ellen?

18 DR. PETRISKO: It wasn't me. I would  
19 note that (audio interference) --

20 DR. PRESSNELL: It was Kathleen.

21 DR. ALIOTO: Yes.

22 CHAIR KEISER: Do you approve the

1 amendment -- okay. So all in favor of the  
2 amendment -- well, we'll just go by signifying  
3 with aye.

4 MS. BLUM: But Art, I have my -- this is  
5 Jennifer, I've had my hand up to ask a question  
6 about this motion, either, whichever motion. Can  
7 I ask it? Or make a -- not, I'm sorry, not ask a  
8 question, but (Simultaneous speaking.)

9 CHAIR KEISER: We have a motion and a  
10 second to amend the motion. And it's a friendly  
11 amendment, so we can move on and Jennifer, you  
12 can ask a question.

13 MS. BLUM: I just want to say the  
14 monitoring piece of this, though, distinctly  
15 relates to -- I actually think we should keep  
16 them together, because the monitoring piece of  
17 this relates pretty directly to actually another  
18 report which is, I think, because the monitoring  
19 questions arise from the other -- from the three  
20 institutions.

21 So I feel like by separating them, we're  
22 going to be voting -- I'm just a little confused

1 about the findings of the monitoring report. Are  
2 the findings on the monitoring out of compliance  
3 that aren't related to the three institutions  
4 that?

5 MS. DAGGETT: Well, the monitoring  
6 report was related to the VIU review, but also  
7 more broadly in that they provided their at-risk  
8 institutions group report. But it still did not  
9 demonstrate that they uncovered the serious areas  
10 of noncompliance.

11 It was financial capability or  
12 educational quality standards that were  
13 identified by other accrediting or approval  
14 agencies. So it's not totally limited to an  
15 institutional review.

16 MS. BLUM: Okay, thank you.

17 CHAIR KEISER: Mary Ellen, you have your  
18 hand up?

19 DR. PETRISKO: I just want to note that  
20 15(a)(1) is administrative capacity, so it's not  
21 just fiscal, it's administrative as well. So in  
22 checking them both that you're voting on both of



1       those things. Thank you.

2               CHAIR KEISER: Okay, any other questions  
3       or comments?

4               DR. PETRISKO: Are they two separate  
5       motions? I'm not clear what we're talking about.

6               CHAIR KEISER: Yeah, two separate  
7       motions. We do separate votes is what -- and so  
8       just to be clear, we're going to vote -- the  
9       motion is that we find, we agree with staff  
10      recommendation that they are out of compliance  
11      with both 602.15(a)(1), and then there will be a  
12      separate vote.

13              Just to be clear, we are saying they are  
14      out of compliance with 602.19(b). So (audio  
15      interference) two votes. Those are the motions.  
16      Any other questions? I don't know, Jennifer, is  
17      your hand up or has it been up? It's down.

18              MS. BLUM: Sorry.

19              CHAIR KEISER: We'll move the motion,  
20      we'll move the first motion about administrative  
21      and fiscal capacity. Anne.

22              MS. NEAL: No.

1 CHAIR KEISER: Claude.  
2 DR. PRESSNELL: Yes.  
3 CHAIR KEISER: David.  
4 DR. EUBANKS: No.  
5 CHAIR KEISER: Jennifer.  
6 MS. BLUM: No.  
7 CHAIR KEISER: Jill.  
8 DR. DERBY: Yes.  
9 CHAIR KEISER: Kathleen.  
10 DR. ALIOTO: Yes.  
11 CHAIR KEISER: Mary Ellen.  
12 DR. PETRISKO: Yes.  
13 CHAIR KEISER: Paul.  
14 DR. LeBLANC: Yes.  
15 CHAIR KEISER: Rick.  
16 MR. O'DONNELL: No.  
17 CHAIR KEISER: Robert.  
18 MR. MAYES: No.  
19 CHAIR KEISER: Ronnie -- no. Roslyn's  
20 not -- Steven.  
21 DR. VanAUSDLE: Yes.  
22 CHAIR KEISER: Wally. Wally.

1 DR. BOSTON: No.

2 CHAIR KEISER: What's the number?

3 (Simultaneous speaking.)

4 CHAIR KEISER: What's the tally?

5 DR. SMITH: It's six yes, six no, can  
6 you verify that, Valerie?

7 CHAIR KEISER: I get to vote. That's  
8 amazing. I'll vote no, so that fails.

9 Okay, we move to the next one, the  
10 motion about the monitoring and the monitoring  
11 report. Anne.

12 MS. NEAL: Yes.

13 CHAIR KEISER: Can we move down,  
14 Valerie? Claude.

15 DR. PRESSNELL: Yes.

16 CHAIR KEISER: David.

17 DR. EUBANKS: Yes.

18 CHAIR KEISER: Jennifer.

19 MS. BLUM: No.

20 CHAIR KEISER: Jill.

21 DR. DERBY: Yes.

22 CHAIR KEISER: Kathleen.

1 DR. ALIOTO: Yes.

2 CHAIR KEISER: Mary Ellen.

3 DR. PETRISKO: Yes.

4 CHAIR KEISER: Paul.

5 DR. LeBLANC: Yes.

6 CHAIR KEISER: Rick.

7 MR. O'DONNELL: Yes.

8 CHAIR KEISER: Robert.

9 MR. MAYES: No.

10 CHAIR KEISER: Steven.

11 DR. VanAUSDLE: Yes.

12 CHAIR KEISER: Wally.

13 DR. BOSTON: No.

14 CHAIR KEISER: It looks like that  
15 passed.

16 Claude, do you have another motion to  
17 (audio interference)?

18 DR. PRESSNELL: Yes, Mr. Chairman. I  
19 move that NACIQI accept the staff recommendation  
20 that ACICS be found out of compliance with  
21 criteria cited in the final staff report on the  
22 capacity inquiry.

1 (Simultaneous speaking.)

2 CHAIR KEISER: Is there a second?

3 DR. ALIOTO: Second.

4 CHAIR KEISER: Kathleen, second.

5 Elizabeth, specifically.

6 MS. DAGGETT: So the capacity increase,  
7 ACICS failed to demonstrate compliance with four  
8 sections, Sections 602.15(a)(1), Section  
9 602.16(c), Section 602.16 -- 17(c), I'm sorry,  
10 .17(c), and 602.17(e).

11 For 602.16(c), ACICS did not demonstrate  
12 that a standard effectively addressed the quality  
13 of an institution's distance education in the  
14 review of VIU. For 602.17(c), ACICS did not  
15 demonstrate that it obtained specific information  
16 to determine compliance during an onsite review  
17 with respect to the review of VIU.

18 For Section 602.17(e), ACICS failed to  
19 demonstrate that it conducts its own analysis of  
20 the institutional information and documentation  
21 to determine compliance with the standards in the  
22 review of the SDUIS.

1           And the 602.15(a)(1) was in relation to  
2           the oversight failures revealed in reviews of VIU  
3           and SDUIS do not demonstrate that the  
4           accreditation review and monitoring processes  
5           used by ACICS are adequate to identify compliance  
6           concerns and calls into the question the  
7           agencies' administrative and/or fiscal  
8           capabilities.

9           DR. KEISER: Are there questions or  
10          comments? I certainly have one. How do we  
11          include SDI -- the San Diego school when in fact  
12          they were never accredited?

13          MS. DAGGETT: Because we're looking at  
14          the accrediting agencies' processes and  
15          procedures and whether they're implementing them.  
16          And so those would be in effect whether or not  
17          the school is seeking initial accreditation or  
18          renewal of accreditation.

19          CHAIR KEISER: And what process was that  
20          specifically at the San Diego school?

21          MS. DAGGETT: It was - I'm sorry, I'm  
22          sorry. It was at -- it was that ACICS received

1 public comments and 400 pages of response from  
2 SDUIS but failed to demonstrate that they  
3 reviewed the comments (audio interference) a  
4 required by their policies and procedures.

5 They didn't provide any examples to  
6 demonstrate that they conducted their own  
7 analysis of the information and documentation as  
8 required by their policies and procedures.

9 CHAIR KEISER: Okay, thank you. Mary  
10 Ellen, do you have a comment?

11 DR. PETRISKO: There is also the issue  
12 of the responsibility to verify other accrediting  
13 bodies actions that are probationary or denial of  
14 accreditation. So there was the question of how  
15 they handled the asset, withdrawal or denial of  
16 accreditation of the part of that institution.

17 MS. DAGGETT: That's (audio  
18 interference), sorry, thank you.

19 (Whereupon, the above-entitled matter  
20 went off the record at 11:59 a.m.)

21 CHAIR KEISER: Robert.

22 DR. PETRISKO: On the regulation what do

1 they do with other agencies?

2 CHAIR KEISER: Robert.

3 MR. MAYES: Okay. I just want to walk  
4 through these for a minute and ask some questions  
5 because this is all very important matters.

6 So, let's take the first one, that was  
7 adequate administrative staff and financial  
8 resources. And we're really all about the VIU  
9 versus SCHEV review for the most case. And ACICS  
10 also came up in that one.

11 For the SDUIS, the San Diego school we  
12 know didn't, didn't really get very far in the  
13 process. So I kind of washed that one out. So,  
14 I don't see that as problematic as I do maybe  
15 other ones could be.

16 On the VIU review that ACICS did versus  
17 the SCHEV review, the question was, you know,  
18 ACICS must have missed some things that SCHEV  
19 found. And the vote between ACICS and the  
20 department seem to mean ACICS said that, well,  
21 ours tended to differ and they didn't overlap.  
22 And (unintelligible) that they did.



1           Because do you think (unintelligible)  
2           the possible, what, what standard did overlap?  
3           What did SCHEV say did not meet (unintelligible)  
4           because they were very close to direct overlaps?

5           MS. DAGGETT: Well, I mean, the specific  
6           areas that were cited in the SCHEV audit was that  
7           they found significant areas of concern regarding  
8           faculty/student interaction, peer-to-peer  
9           interaction, academic rigor at the graduate  
10          level, and the comparability of distance  
11          education per residential offering.

12          And those are the areas where there  
13          should be or there seems to be at least concerns  
14          dealing with educational quality, that there  
15          would be overlap in the review between ACICS and  
16          SCHEV.

17          MR. MAYES: Okay, peer-to-peer I don't  
18          (unintelligible) requirement we have to have  
19          peer-to-peer (unintelligible).

20          Was this a Title IV program?

21          MS. DAGGETT: Yeah, it was, it was a  
22          Title IV. It is a Title IV position, or I

1 believe they were at the time.

2 MR. MAYES: Well, in even Title IV I  
3 think it is more about interaction between  
4 faculty and student. I'm not sure peer-to-peer  
5 is actually a requirement, is it, for an  
6 institution that's accredited?

7 MS. DAGGETT: I'm not an expert on FSA  
8 regulations. I'm an expert on accreditation  
9 regulations. And I do know usually accrediting  
10 agencies require expectations in these particular  
11 areas and on those particular areas. And if they  
12 were to see that another agency were to have  
13 issues, then they would, I think, also have  
14 concern and would investigate those issues.

15 MR. MAYES: Okay. Can you list those  
16 ones again? Apologies, I don't have that  
17 document in front of me.

18 MS. DAGGETT: It is specific --  
19 significant areas of faculty/student interaction,  
20 peer-to-peer interaction, academic rigor at the  
21 graduate level, and comparability of the distance  
22 education to residential offerings.

1           MR. MAYES: Okay. And the ACICS review  
2           that was done didn't find any issues with any of  
3           that; is that correct?

4           MS. DAGGETT: No. The only issues that  
5           were found in the team report that was done, it  
6           was done in January of 2018, and the SCHEV review  
7           was done in August of 2018, the only issue  
8           regarding distance education was that the  
9           distance education plan was not included in that  
10          sample's effectiveness plan.

11          I'd have to pull out other doc -- Let me  
12          see. I have too many folders.

13          MR. MAYES: I understand.

14          (Pause.)

15          MR. BOUNDS: I'm looking, too, Beth.  
16          Maybe you might find it before I do, though.

17          MS. DAGGETT: I'm trying to find the  
18          specific paper that I'm looking for.

19          MR. MAYES: Yeah.

20          MS. DAGGETT: And I don't -- I'd have to,  
21          I'd have to pull it up in the system. Sorry.

22          DR. PETRISKO: I have a copy of the SCHEV

1 report here, if that's helpful.

2 MS. DAGGETT: I was actually looking for  
3 it in, I believe it's in, it's either in Exhibit  
4 11 or 12. And it's the sheet, the summary sheet  
5 of the VIU report. I believe it's Exhibit 11.  
6 And it gives the summary of what the ACICS team  
7 found.

8 I believe it was the -- their educate --  
9 their distance education plan was insufficient.

10 DR. PRESSNELL: Robert, do you happen to  
11 have another question to direct while they're  
12 looking that up?

13 MR. MAYES: Sure.

14 So, the next part after 17(c), which is  
15 about they have to conduct at least one onsite  
16 review of the institution. And that, I believe,  
17 really hit on the same issue that the VIU review  
18 wasn't adequate. Is that correct?

19 MS. DAGGETT: I'm sorry, could you please  
20 repeat the question? I just found the other  
21 paper by the way, so.

22 MR. MAYES: Okay. Well, go ahead and

1 wrap up that up if you can.

2 MS. DAGGETT: Okay. So, the only issue  
3 they found was that the distance education plan  
4 is not appropriately integrated into the campus  
5 effectiveness plan. Anything else related to in  
6 a classroom, such as the things that I talked  
7 about in SCHEV.

8 The other item about distance education  
9 was that it doesn't have a distance education  
10 plan that includes the rationale, resources,  
11 source program and different content or student  
12 assessments.

13 And then they have that there is just  
14 not a separate section for graduate admissions  
15 procedures in the catalog.

16 And they were the only things related  
17 to, like, the areas that we talked about.

18 MR. MAYES: Okay. The next part, 17, dot  
19 17(c), it's about conducting at least one onsite  
20 review of the institution. In that the narrative  
21 talks about he reviewed about the same VIU review  
22 issue not being adequate. Is that right?

1 MS. DAGGETT: That's correct.

2 MR. MAYES: Okay. And then the last,  
3 well, I guess it's not last, is the 17(e),  
4 conducts its own analysis of the SCHEV study.  
5 So, this one referenced the SDUIS reviews. In my  
6 notes at least I mentioned that. But I may have  
7 got that wrong.

8 But this, well yeah, this one was about  
9 lack of reviewing the third party comments  
10 related to this English language center and  
11 amnesty (unintelligible). They didn't look at  
12 that, it showed that they didn't create a  
13 document, they looked at that information as part  
14 of their initial application process.

15 And, again, but that school didn't get  
16 very far either in that process.

17 And then 602.28, dot 28, that we're back  
18 to you have to have regard to the decision of  
19 states or agencies back to the VIU and SCHEV  
20 matter.

21 MS. DAGGETT: Right. But we actually did  
22 not find a lot of (unintelligible) with that

1 section.

2 MR. MAYES: Okay. It appears they --  
3 Okay.

4 MS. DAGGETT: It was only on a  
5 technicality. It's only because that particular  
6 section doesn't say state agency. Otherwise we  
7 would have.

8 MR. MAYES: Okay, gotcha.

9 And on this one, you know, they did, I  
10 guess this goes back up to 602.16, they did do a  
11 show cause where they -- if I remember correctly,  
12 they did do a show cause and they did have the  
13 schools before them, and answered questions, and  
14 looked at the areas of non-compliance. So, I  
15 don't know that we can say they didn't do  
16 anything as far as their own review, they just  
17 they waited until after SCHEV's board or  
18 commission made a decision. Correct?

19 MS. DAGGETT: Well, if you look at the  
20 show cause order and the continued show cause  
21 order, they actually only reference the SCHEV  
22 actions and whether or not whatever the action is

1       there to either terminate their licensure, or  
2       whatever the agreement would be.

3               There wasn't actually any, any  
4       description that they were actually looking at  
5       the educational quality issues that were raised,  
6       that were raised in the SCHEV audit.

7               MR. MAYES: Okay. Good point.

8               Okay. I think, I think that's all for  
9       me, Chairman. Thank you.

10              CHAIR KEISER: I think I have Mary Ellen,  
11       and then Jennifer, and then Anne.

12              DR. PETRISKO: Thank you very much.

13              I think it's important to note that also  
14       included in the SCHEV review was that the  
15       institution was not collecting all items  
16       justifying admission. And it noted that VIU was  
17       not collecting relevant and proper documentation  
18       to prove that students are meeting its admissions  
19       policy. The following students also were deemed  
20       found to be missing documents.

21              And what they cited is in three  
22       students, no proof of English proficiency.



1           And on one, two, three, four, five, six  
2 foreign country not evaluated for equivalency.  
3 Which are issues that have come up elsewhere also  
4 for the (unintelligible).

5           So, an unqualified registrar, which  
6 could contribute to the problems with records.

7           And then there are other things with  
8 regard to academic quality I won't even go into.  
9 But some of the ones, really obvious things with  
10 regard to standards of accreditation that should  
11 be checked by an accreditor: admissions, whether  
12 students have appropriate documentation, whether  
13 they (unintelligible) to participate in English,  
14 and whether their foreign degree has actually  
15 been checked. Those are substantial issues. And  
16 they do not show up in the VIU report that had  
17 happened in January, when this audit happened in  
18 August.

19           CHAIR KEISER: Jennifer.

20           MS. BLUM: Yeah. I just want to say  
21 that, so, on this, this one's a hard one to be  
22 honest, in my view. And, again, it's partially

1 process and bundling of the different types of  
2 issues.

3 I just, I guess I will just say I really  
4 feel like with the entirety of the record with a  
5 full petition, this would be much more  
6 transparent and much more clear as a basis to  
7 handle.

8 With regard to VIU, you know, I'm  
9 struggling with this relationship. And also, the  
10 department's reliance in some of the steps. I,  
11 there's a purpose for the triad. It's not  
12 actually to duplicate, it's, you know, -- it is  
13 possible to have similar standards on how one  
14 regulator will find one way and to have another  
15 regulator find another way.

16 So, I'm a little bit -- and I'm not new  
17 to the procedure. I'm actually struggling with  
18 that. Where would that be, you know, on the SDU  
19 piece -- and I'm glad Mary Ellen reminded me just  
20 now, or us of the asset piece, because to me  
21 that's quite troubling, irrelevant.

22 So, I just, I just feel like the

1 compiling and putting all these together in this  
2 way is -- it makes it difficult, honestly,  
3 because it just makes it more difficult than I  
4 think if we had the entirety of a record that's  
5 coming, or would have been coming I guess, in six  
6 months, until we look at that.

7 CHAIR KEISER: Thank you, Jennifer.

8 Anne.

9 MS. NEAL: My only question was whether  
10 or not we were going to break it out. But I see  
11 now that we're breaking it out by rule. So, that  
12 was my only request.

13 I don't know that that's what you said,  
14 Claude, but I'd like a requirement to do that.

15 DR. PRESSNELL: Yeah, that would need an  
16 amendment to do it. And I'm fine with that. She  
17 was just simply listing the different sections,  
18 not necessarily that we would vote on them  
19 separately.

20 But you're making an amendment that we  
21 vote on each criteria separately?

22 MS. NEAL: Yes, please.

1 DR. PRESSNELL: I'd consider that a  
2 friendly amendment that we do that.

3 MS. NEAL: Thank you.

4 MS. BLUM: Can I ask a question. This is  
5 Jennifer. I know I'm jumping in, but can I just  
6 ask a technical question?

7 CHAIR KEISER: Before you do that,  
8 Jennifer. Kathleen, do you approve to the  
9 friendly amendment? Kathleen?

10 DR. ALIOTO: Yes.

11 CHAIR KEISER: Kathleen?

12 DR. ALIOTO: Yes.

13 CHAIR KEISER: Okay, thank you.

14 The amendment's been accepted.

15 Okay, now you can go, Jennifer.

16 MS. BLUM: Can I just ask on that same  
17 schedule, or maybe just staff, for each of these  
18 can we do a, can we do, like, a parenthetical of  
19 which school, like, what's the underlying, like  
20 literally could we say, like, VIU, or VIU and  
21 SDU, just to help keep -- I mean, I don't know  
22 about everybody else -- but it definitely helps

1 keep my head straight about what the problems  
2 were with each, under each of the regulatory  
3 measures?

4 MS. DAGGETT: I'm sorry, so you want me  
5 to go under each of these regulations and let you  
6 know if there was any of the institutions'  
7 involvement in these determinations?

8 MS. BLUM: Well, they were; right? I  
9 mean, not if it's not accurate. But for each of  
10 these criteria where there were violations, they  
11 were called on, at least inquired on VIU or SDU;  
12 right?

13 MS. DAGGETT: That's correct.

14 MS. BLUM: Okay. So that's, yes, what  
15 I'm asking for because I just need to know we're  
16 -- especially if we're breaking it out into  
17 however many different breakdowns there were.

18 MS. DAGGETT: Okay. So, section  
19 602.15(a)(1) it's specifically the reason that  
20 these -- that we had issues with and found them  
21 non-compliant with that section relates to  
22 administrative and/or fiscal suitability is due

1 to the oversight failures that were revealed in  
2 their reviews of VIU and SDUIS, and that they  
3 don't demonstrate if there's adequate  
4 accreditation review and monitoring processes to  
5 identify compliance issues. It's speaks to their  
6 capability.

7 CHAIR KEISER: So, what you're doing is  
8 you say based on VIU and SD, whatever it is, this  
9 would-be -- just put that in parentheses on the  
10 motion for the first one. Right? Is that what  
11 you're saying, Elizabeth?

12 MS. DAGGETT: Well, I was trying to  
13 answer Jennifer's question. And so I don't know  
14 if she wants that added there or not. I think  
15 she just wanted a recap of how (unintelligible).  
16 But, correct me if I'm wrong.

17 MS. BLUM: Either way. It would just be  
18 helpful for each one. It could be you could say  
19 it. I don't care whether it's in --

20 CHAIR KEISER: Well, I would prefer not  
21 to have it in there. But that's okay, if that's  
22 okay with you, Jennifer?

1 MS. BLUM: Yeah. I think it would be  
2 helpful to hear it one more time.

3 MS. DAGGETT: 602.16, 602.16(c) was  
4 related to the failure to uncover the significant  
5 areas of non-compliance by VIU regarding its  
6 distance education which was revealed by the  
7 SCHEV audit, which we've gone over those in  
8 detail.

9 And then 602.17(c) was that ACICS didn't  
10 demonstrate that it had obtained sufficient  
11 information to determine compliance for an onsite  
12 review with the review of VIU.

13 And then 17(e) was that they failed to  
14 demonstrate that they conduct their own analysis  
15 of institutional information and documentation to  
16 determine compliance with the standards in the  
17 review of SDUIS, based on their own policies and  
18 procedures in that area.

19 CHAIR KEISER: Thank you, Elizabeth.

20 Okay. Any other discussion? Anne, your  
21 hand is up. Is that?

22 MS. NEAL: Left over. Sorry.

1 CHAIR KEISER: Okay. We'll move on the  
2 first motion which is the 602.15(a)(1).

3 Anne?

4 MS. NEAL: No.

5 CHAIR KEISER: Claude?

6 DR. PRESSNELL: Yes.

7 CHAIR KEISER: David.

8 DR. EUBANKS: Yes.

9 CHAIR KEISER: Please mute yourself if  
10 you're not up.

11 Jennifer?

12 MS. BLUM: Yeah. Can I just ask if the  
13 event producer could somehow mute all of us and  
14 then just unmute each of us when we vote or  
15 something?

16 PARTICIPANT: People have come in and  
17 out.

18 MS. BLUM: Okay. I'm going to vote no.

19 CHAIR KEISER: Jennifer?

20 MS. BLUM: Yeah, I'm voting no. Can you  
21 hear me?

22 CHAIR KEISER: Jill?



1 DR. DERBY: Yes.

2 CHAIR KEISER: Kathleen?

3 DR. ALIOTO: Yes.

4 CHAIR KEISER: Mary Ellen?

5 DR. PETRISKO: Yes.

6 CHAIR KEISER: Paul.

7 DR. LeBLANC: Yes.

8 CHAIR KEISER: Rick?

9 MR. O'DONNELL: No.

10 CHAIR KEISER: Robert?

11 MR. MAYES: No.

12 CHAIR KEISER: Steven?

13 DR. VanAUSDLE: Yes.

14 CHAIR KEISER: Wally?

15 DR. BOSTON: Yes.

16 CHAIR KEISER: Okay. It looks like the  
17 motion passes.

18 We move to the second motion. Is there  
19 any discussion on that? I hope not.

20 (No response.)

21 CHAIR KEISER: Okay. This is in regards  
22 to 602.16(c).

1 Anne.  
2 MS. NEAL: Yes.  
3 CHAIR KEISER: Claude?  
4 DR. PRESSNELL: Yes.  
5 CHAIR KEISER: David.  
6 DR. EUBANKS: Yes.  
7 CHAIR KEISER: Jennifer?  
8 MS. BLUM: Yeah.  
9 CHAIR KEISER: Jill?  
10 DR. DERBY: Yes.  
11 CHAIR KEISER: Kathleen?  
12 DR. ALIOTO: Yes.  
13 CHAIR KEISER: Mary Ellen?  
14 DR. PETRISKO: Yes.  
15 CHAIR KEISER: Paul.  
16 DR. LeBLANC: Yes.  
17 CHAIR KEISER: Rich, Rick?  
18 MR. O'DONNELL: Yep.  
19 CHAIR KEISER: Robert?  
20 MR. MAYES: Yes.  
21 CHAIR KEISER: Steven?  
22 DR. VanAUSDLE: Yes.

1 CHAIR KEISER: Wally?

2 DR. BOSTON: Yes.

3 CHAIR KEISER: That motion passes.

4 The third one -- thank you -- the third  
5 one has to do with 602.17(c). Any discussion?

6 Wally, you have your hand up?

7 DR. BOSTON: Yes. What is 602.17(c)? I  
8 just want to make sure I know.

9 CHAIR KEISER: Elizabeth?

10 MS. DAGGETT: (No audible response.)

11 CHAIR KEISER: Elizabeth?

12 MS. DAGGETT: Sorry. I was, I got muted.  
13 What was the question? I'm sorry.

14 I'm sorry, what was the question?

15 CHAIR KEISER: 601.17(c), what does that  
16 specifically refer to?

17 MS. DAGGETT: That's providing the  
18 failure of ACICS did not demonstrate that it  
19 obtained sufficient information to determine  
20 compliance with the onsite review with respect to  
21 the review of VIU.

22 DR. BOSTON: Thank you.

1 CHAIR KEISER: Does that answer your  
2 question, Wally?

3 DR. BOSTON: It did. Thank you.

4 CHAIR KEISER: Okay. Any other  
5 discussion?

6 (No response.)

7 CHAIR KEISER: I'm sensing none. Don't  
8 see any hands.

9 Anne?

10 MS. NEAL: Yes.

11 CHAIR KEISER: Claude?

12 DR. PRESSNELL: Yes.

13 CHAIR KEISER: David.

14 DR. EUBANKS: Yes.

15 CHAIR KEISER: Jennifer?

16 MS. BLUM: No.

17 CHAIR KEISER: Jennifer?

18 MS. BLUM: I think I said no. Did you  
19 hear me?

20 CHAIR KEISER: I hear it now.

21 Jill?

22 DR. DERBY: Yes.

1 CHAIR KEISER: Kathleen?

2 DR. ALIOTO: Yeah.

3 CHAIR KEISER: Mary Ellen?

4 DR. PETRISKO: Yes.

5 CHAIR KEISER: Paul.

6 DR. LeBLANC: Yes.

7 CHAIR KEISER: Rick?

8 MR. O'DONNELL: Yes.

9 CHAIR KEISER: Robert?

10 MR. MAYES: Yes.

11 CHAIR KEISER: Steve?

12 DR. VanAUSDLE: Yes.

13 CHAIR KEISER: Wally?

14 DR. BOSTON: Yes.

15 CHAIR KEISER: That motion passes.

16 We'll go to the fourth one, 602.17(e).

17 Just, Elizabeth, what is that specifically, to  
18 just make sure everybody knows.

19 MS. DAGGETT: That was the failure to  
20 demonstrate that they conduct their own analysis  
21 of institutional information and documentation to  
22 determine compliance with the standards of review

1 of SDUIS.

2 CHAIR KEISER: Okay. No hands.

3 Anne.

4 MS. DAGGETT: I'm sorry. Just really  
5 quickly, that also includes the review of the  
6 assets accreditation.

7 CHAIR KEISER: Okay. Anne.

8 MS. NEAL: No.

9 CHAIR KEISER: Claude?

10 DR. PRESSNELL: Yes.

11 CHAIR KEISER: Claude.

12 David?

13 DR. EUBANKS: Yes.

14 CHAIR KEISER: Jennifer?

15 MS. BLUM: Yes.

16 CHAIR KEISER: Jill?

17 DR. DERBY: Yes.

18 CHAIR KEISER: Kathleen?

19 DR. ALIOTO: Yes.

20 CHAIR KEISER: Mary Ellen?

21 DR. PETRISKO: Yes.

22 CHAIR KEISER: Paul.

1 DR. LeBLANC: Yes.

2 CHAIR KEISER: Rick?

3 MR. O'DONNELL: Yes.

4 CHAIR KEISER: Robert?

5 MR. MAYES: Yes.

6 CHAIR KEISER: Steven?

7 DR. VanAUSDLE: Yes.

8 CHAIR KEISER: And Wally?

9 DR. BOSTON: Yes.

10 CHAIR KEISER: Thank you. That passes,  
11 too. We move to the next one.

12 I know everybody needs to take a  
13 bathroom break. We're going to try to get  
14 through this next one, and then we'll wait for  
15 the last one, at which point we will then have us  
16 finalize this thing. Okay?

17 Is there a motion, Claude?

18 DR. PRESSNELL: There is a motion.

19 I move that NACIQI accepts the staff  
20 recommendation (unintelligible) --

21 (Simultaneous conversation.)

22 CHAIR KEISER: Please mute yourselves.

1           Okay, Claude, go ahead.

2           DR. PRESSNELL: Thank you. I guarantee  
3 this only one motion, not multiple repeats.

4           Anyway, I move that NACIQI accepts the  
5 staff's recommendation that ACICS be found out of  
6 compliance with the criterion cited in the final  
7 staff report of the Reagan National University  
8 inquiry.

9           And if we could get a second, we'll have  
10 Elizabeth come up and explain that one.

11          CHAIR KEISER: Is there a second?

12          DR. LeBLANC: I second. Paul. I second.  
13 It's Paul.

14          CHAIR KEISER: Paul seconds it.

15          Elizabeth, explain it.

16          MS. DAGGETT: Yes. So, this one is  
17 particular to five areas that ACICS failed to  
18 demonstrate compliance with section 602.15(a)(1),  
19 602.15(a)(2), 602.17(c), 602.18(c), and  
20 602.19(b).

21          And I'm going to start at 602.15(a)(2)  
22 is that they failed to demonstrate that they have



1 competent and knowledgeable individuals trained  
2 for their roles as site visitors, members of the  
3 decision-making body, or other agency  
4 representatives in their review of RNU.

5 They also did not provide information or  
6 documentation regarding the training of those  
7 agency representatives.

8 For 602.17(c), ACICS failed to  
9 demonstrate that it had obtained sufficient  
10 information to determine compliance with the  
11 standards during its onsite review of -- it's  
12 onsite reviews of RNU.

13 602.18(c) is that ACICS failed to  
14 demonstrate that it based its accreditation  
15 decisions on published standards in its review of  
16 RNU.

17 Section 602.19(b) is that ACICS failed  
18 to demonstrate that it has effective monitoring  
19 and evaluation approaches in the review of the  
20 RNU.

21 And then 602.15(a)(1) is related to the  
22 administrative and capabil -- administrative

1 and/or fiscal capabilities and that the numerous  
2 worker site failure or the review of RNU did not  
3 demonstrate that they had the accreditation  
4 review and monitoring processes that are adequate  
5 to identify compliance issues.

6 CHAIR KEISER: There's a motion and a  
7 second.

8 Is there any further discussion?

9 MR. MAYES: I have a question. I also  
10 would like to go back, did we miss 602.2(h) of  
11 the capacity report that has to -- Gosh, where  
12 did it go? I had it up there.

13 Had to do with regards to a decision to  
14 state whether -- were we supposed to break that  
15 one out, too?

16 MS. DAGGETT: That, that was not found as  
17 a non-compliance issue in the final staff report.

18 MR. MAYES: Because of technicality.  
19 Okay. My question's answered. Thank you.

20 CHAIR KEISER: Okay. We'll call the  
21 question.

22 Anne.

1 MS. NEAL: Just a question on this. So  
2 this was not a Title IV decision. Correct?

3 MS. DAGGETT: No, it was not.

4 CHAIR KEISER: Anne? Yes, no?

5 MS. NEAL: Yes.

6 CHAIR KEISER: Claude?

7 DR. PRESSNELL: Yes.

8 CHAIR KEISER: David.

9 DR. EUBANKS: Yes.

10 CHAIR KEISER: Jennifer?

11 MS. BLUM: Yes.

12 CHAIR KEISER: Jill?

13 DR. DERBY: Yes.

14 CHAIR KEISER: Kathleen?

15 DR. ALIOTO: Yeah.

16 CHAIR KEISER: Mary Ellen?

17 DR. PETRISKO: Yes.

18 CHAIR KEISER: Paul.

19 DR. LeBLANC: Yes.

20 CHAIR KEISER: Rick?

21 MR. O'DONNELL: Yes.

22 CHAIR KEISER: Robert?

1 MR. MAYES: Yes.

2 CHAIR KEISER: Steve?

3 DR. VanAUSDLE: Yes.

4 CHAIR KEISER: Wally?

5 DR. BOSTON: Yes.

6 CHAIR KEISER: Okay. We go to the last  
7 one. This one's a different, different motion.

8 Claude?

9 DR. PRESSNELL: Yes.

10 Mr. Chairman, in light of the reports  
11 received and in light of the actions on the first  
12 one, the compliance report, the monitoring  
13 report, the capacity report, and the RNU inquiry,  
14 I hereby move that NACIQI recommend that ACICS'  
15 recognition be terminated on the grounds that  
16 ACICS did not comply with the criteria for  
17 recognition identified in, again, the compliance  
18 report, in 601.19(b) of the monitoring report,  
19 and the capacity report, and of the Reagan  
20 National inquiry. And there is sufficient  
21 evidence that the agency did not bring itself  
22 into compliance in a timely manner.

1 CHAIR KEISER: Okay. There is a motion.

2 Is there a second?

3 DR. ALIOTO: Second.

4 CHAIR KEISER: Kathleen?

5 DR. ALIOTO: Second.

6 CHAIR KEISER: Thank you again.

7 Is there discussion? Anne?

8 MS. NEAL: Again I just want to make sure

9 I understand. Is this the final that we're

10 looking at now?

11 CHAIR KEISER: Yes.

12 DR. PRESSNELL: It is. It's the final

13 motion on the agency.

14 MS. NEAL: So this is the terminate or

15 not?

16 CHAIR KEISER: Yes.

17 DR. PRESSNELL: That's correct.

18 CHAIR KEISER: Jennifer?

19 MS. BLUM: I have two things, one's a

20 technical.

21 I think we voted down one of them.

22 Didn't we vote something down?

1 DR. PRESSNELL: We did. And I did not  
2 include it in the motion.

3 MS. BLUM: Oh, okay. So, I'm missing  
4 that.

5 DR. PRESSNELL: Yes. On the second, on  
6 the monitoring report, that's where I cited the  
7 602.19(b).

8 MS. BLUM: Got it.

9 DR. PRESSNELL: Only I did not -- Yeah,  
10 thank you.

11 MS. BLUM: Got it. Sorry. I just needed  
12 to make sure I understood that.

13 And then I guess I want to, I guess I  
14 just want to say that -- I just won't say it. I  
15 was going to say that I really respect the  
16 department on what they've been having to deal  
17 with. I wish there weren't so many concerns  
18 about the process. I'll just leave it at that.

19 CHAIR KEISER: Any further discussion?  
20 I'm glad I'm not voting.

21 Anne.

22 MS. NEAL: I'm going to vote yes because

1 I have spent many years demanding that  
2 accreditors do a fantastic job of ensuring  
3 educational quality to protect students and  
4 taxpayers, and have found almost all of them  
5 wanting.

6 I am concerned that there have been some  
7 process issues here which have been less than  
8 fair. But having said that, I think we need to  
9 hold our accreditors to a high standard.

10 But I'm also, in voting yes, calling on  
11 all of this body, and Congress for that matter,  
12 to insist that we apply the same standards of  
13 rigor that we are applying to ACICS, that we do  
14 to everyone else that comes before us.

15 And since 90 percent of our schools are  
16 accredited by other bodies which have been given  
17 an easy run in the past, I'm hoping that this is  
18 the start of a new, more rigorous application of  
19 standards to all of the accrediting bodies.

20 And I'm hoping it's also a start of  
21 Congress taking a look at what seems to be a  
22 system that does not do a very good job of

1 protecting students and taxpayers.

2 CHAIR KEISER: Claude?

3 DR. PRESSNELL: Yes.

4 CHAIR KEISER: David.

5 DR. EUBANKS: Yes.

6 CHAIR KEISER: Jennifer?

7 MS. BLUM: I'm going to vote yes. But I  
8 also want to a little bit echo Anne. I really  
9 hope that this is a decision that is a final  
10 decision, because I really am concerned that the  
11 students are once again going to be in a yo-yo  
12 situation. And I want to echo Anne about that.

13 But I am going to vote yes because there  
14 is a long history of concerns there, and so I am  
15 voting yes.

16 CHAIR KEISER: Kathleen?

17 I'm sorry. Jill?

18 DR. DERBY: Yes.

19 CHAIR KEISER: Kathleen?

20 DR. ALIOTO: My eyes filled up with tears  
21 when Anne was speaking. And I hope that we not  
22 only look for this kind of action with others,



1 but also with ourselves as a body. And I think  
2 we are doing that today.

3 Yes.

4 CHAIR KEISER: Mary Ellen?

5 DR. PETRISKO: Yes.

6 CHAIR KEISER: Paul.

7 DR. LeBLANC: Yes.

8 CHAIR KEISER: Rick?

9 MR. O'DONNELL: I am voting yes.

10 And to echo some of the other comments,  
11 I also hope that what I believe is a double-  
12 standard that certain institutions and their  
13 creditors are treated differently based on their  
14 tax status or ownership structure ends, and that  
15 double-standard, the whole process is gone, all  
16 institutions, including publics, and private non-  
17 profits and their creditors, are held to the same  
18 rigorous standard.

19 CHAIR KEISER: Robert?

20 MR. MAYES: This is a tough one. We had  
21 the, we had the Obama administration denial, the  
22 one that was in first. The OIG report just came

1 out, and ultimately what's considered the DeVos  
2 decision was correct. And the items that have  
3 come up in this compliance report, others are  
4 somewhat subjective.

5 There are some definite areas that are  
6 issues that we have just voted yes on here in the  
7 past. In the context of all of it, and the fact  
8 that there is a review will be coming up mid-year  
9 that can look at the whole thing, I have a little  
10 hard time today voting no and from the  
11 recommendation based off these reports and the  
12 totality of the whole situation.

13 So, I'm going to vote no.

14 CHAIR KEISER: Steven?

15 DR. VanAUSDLE: I just want to say, Anne,  
16 I appreciate your statement. And I agree with  
17 you.

18 And I vote yes.

19 CHAIR KEISER: Wally?

20 DR. BOSTON: I concur --

21 CHAIR KEISER: Wally?

22 DR. BOSTON: I concur with Anne and

1 Rick's statement, and I vote yes.

2 CHAIR KEISER: Okay. The motion carries.

3 We are at 12:31. If you don't mind, I'm  
4 going to give you a half hour for lunch. And we  
5 will convene at 1:01, if that's okay with you.

6 Thank you very much. We'll be back at  
7 1:01.

8 (Whereupon, at 12:35 p.m., the above-  
9 entitled matter went off the record, and  
10 reconvened at 1:05 p.m.)  
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(1:05 p.m.)

CHAIR KEISER: Well, welcome back from lunch, everybody. We have one more recognition to do. The recognition is for the renewal of recognition by the National Accrediting Commission of Career Arts and Sciences Inc., NACCAS.

The primary readers are Wally Boston and Jill Derby, and the department staff is Karmon Simms-Coates.

Jill, I understand you are going to be  
the one leading off?

DR. DERBY: Yes. So, let me introduce the agency. We are going to be reviewing the National Accreditation Commission of Career Arts and Sciences which is the acronym is NACCAS, for brevity.

And it is the national accreditor. So, the scope of recognition is the accreditation throughout the United States of post-secondary schools and departments of cosmetology arts and

1 sciences, and massage therapy.

2 The agency reports that it currently  
3 accredits 1,210 institutions, offering programs  
4 in the cosmetology arts and science and/or  
5 massage therapy. Several of the schools which  
6 are accredited by NACCAS use the agency's  
7 accreditation to establish eligibility to  
8 participate in the department's Title IV  
9 programs.

10 And just a word of history. The  
11 department has been accrediting NACCAS since  
12 1970. And most recently in 2015, the NACIQI and  
13 the ED staff recommended continuing the agency's  
14 recommendation for five years. And that was  
15 approved by the SDO as well.

16 So, I welcome Karmon to give us the  
17 staff review.

18 MS. SIMMS-COATES: Good afternoon, Mr.  
19 Chair, and members of the committee. My name  
20 again is Karmon Simms-Coates, and I have a  
21 summary of the review of a petition for renewal  
22 of recognition for the National Accrediting

1 Commission of Career Arts and Sciences, or  
2 NACCAS.

3 The staff recommendation for the senior  
4 department officials for NACCAS is to renew the  
5 agency's recognition for a period of five years.  
6 This recommendation is based on our review of the  
7 agency's petition and its supporting  
8 documentation, as well as two observations, which  
9 were a site visit and a virtual board meeting in  
10 2020.

11 The department received one complaint  
12 from a petition during the recognition period  
13 regarding the agency's decision to withdraw an  
14 institution's accreditation. After conducting a  
15 thorough investigation, the department determined  
16 the agency's (unintelligible) were consistent  
17 with the secretary's recognition criteria.

18 There were no third-party comments  
19 submitted to the department during this review.

20 There are representatives from the  
21 agency that are here today to respond to your  
22 questions.

1 CHAIR KEISER: Any questions for Karmon?

2 DR. DERBY: Karmon, let me ask you this:

3 I know in the draft report I read there  
4 were many, many, 18 or 19 citations. And I  
5 wondered, given now you're recommending quite a  
6 clean report, do you feel satisfied that they met  
7 all those citations?

8 MS. SIMMS-COATES: Yes. In the draft  
9 report it was mostly information that needed to  
10 be clarified or missing documentation. There was  
11 no (unintelligible) --

12 (Telephone interference.)

13 DR. DERBY: Okay. Thank you.

14 CHAIR KEISER: Please mute your phone.  
15 Please mute your phone if you're not speaking.

16 Are there any other questions for  
17 Karmon?

18 (No response.)

19 CHAIR KEISER: Sensing none, I'd like to  
20 invite the agency representatives to come  
21 forward, Dr. Tony Mirando and Darin Wallace.

22 DR. MIRANDO: Thank you, Mr. Chairman and



1 NACIQI committee members.

2 Good morn -- or good afternoon now. On  
3 behalf of NACCAS' chairwoman Commissioner  
4 Stimmer, the other members of our Board of  
5 Commissioners, and myself, I want to thank every  
6 member of the NACIQI, Executive Director Dr.  
7 Smith, and the Department of Education officials  
8 for the work you do, especially during these  
9 complex times.

10 I would also like to offer a special  
11 thank you to our analyst, Karmon Simms-Coates,  
12 who was just so amazing during this process.  
13 Karmon was effective and available whenever we  
14 had any questions and/or concerns that required  
15 clarification.

16 And a special thank you as well to  
17 Herman Bounds, the director of the accreditation  
18 group, for his assistance throughout our whole  
19 petition process.

20 It was a tough process, but as many of  
21 you know, also rewarding and insightful process.

22 As you know, I am Tony Mirando. I have

1       been the executive director for the National  
2       Accrediting Commission of Career Arts and  
3       Sciences for the past 13 years, and began my 14th  
4       year just yesterday.

5               On the call with me today are Darin  
6       Wallace, who is NACCAS' Director of Government  
7       Affairs and Legal, and from our Re-recognition  
8       Committee we have Therese Vogel and Louis  
9       Starita, both whom are former NACCAS  
10      commissioners. Ms. Vogel is a former chairwoman  
11      of the commissioner.

12             I would also like to knowledge Mike  
13      Bouman, another former commission chair, and  
14      current chair of the NACCAS Re-recognition  
15      Committee . Unfortunately, he was unable to be  
16      here today due to a personal matter.

17             These are trying times, and I appreciate  
18      your willingness to meet virtually. Many of you  
19      don't know me well, but I am generally an  
20      optimistic individual. But it has been a hectic  
21      12 months. And I am sure you will agree with me  
22      when I say that I am looking forward to the day

1 when we can all meet in person again and resume  
2 some form of normalcy in everything that we do.

3 As I just mentioned, I am in my 14th  
4 year now with NACCAS. And I know many of you  
5 either from a prior re-recognition process or  
6 from my service as a primary, non-federal  
7 negotiator in two previous negotiated rulemaking  
8 meetings, one back in 2009 and '10 on program  
9 integrity, and then again in 2017-'18 on gainful  
10 employment.

11 For those of you who I have not met  
12 before, it is my pleasure and honor to do so  
13 today.

14 I am a non-nonsense leader, with  
15 effective day-to-day processes in place to ensure  
16 NACCAS' success as an accreditor, and for the  
17 success of the students enrolled in the schools  
18 we accredit. I am known by the schools we  
19 accredit, the different regional Department of  
20 Education offices, and the licensing boards  
21 across the country as a very tough but fair  
22 individual. I have a professional and personal

1 belief that right is right, and wrong is wrong.

2 I also believe that there is no better  
3 gift to give another human being than the gift of  
4 knowledge.

5 Providing for an environment which  
6 enables students to enroll at NACCAS accredited  
7 schools, to obtain the knowledge and the skills  
8 they need to pass their state boards so that they  
9 may go out and earn a living as a trade  
10 professional, is essential. There is no better  
11 career. I am a very lucky individual to work for  
12 an agency in a leadership position that embraces  
13 those tenets.

14 To have a job that ultimately helps over  
15 100,000 students annually change their lives by  
16 the education they receive is truly a humbling  
17 experience.

18 I also have a strong commitment to  
19 building and maintaining crucial relationships  
20 with the Department of Education officials  
21 throughout the different regions of the U.S., and  
22 in Washington, D.C., and with state regulatory

1 agencies. NACCAS takes this responsibility as  
2 one of the legs on a three-legged stool very  
3 seriously.

4 I once again believe this is a win/win  
5 for the students we serve and protect.

6 This has been a very long few days for  
7 all of you. And I'm sure you are looking forward  
8 to completing the important work here this week.  
9 With that said, I have been listening to your  
10 deliberations over the last two days, and it is  
11 clear to me that many of you have questions  
12 concerning two important topics: public members  
13 and student outcomes.

14 So, to save some time, I am going to  
15 address those issues now.

16 NACCAS' Board of Commissioners has 13  
17 members, of which two are public members. Both  
18 of our current public members have a bachelor's  
19 degree and a master's degree. Both truly  
20 understand their crucial role of representing  
21 Jane and John Doe.

22 I say this because at every meeting one

1 or both of our public members is singled out and  
2 asked: As a public member, what do you think?

3 The commission believes that keeping our  
4 public members' perspectives as representatives  
5 of the public is a vital component of the  
6 commission's decision-making process.

7 One of our public members has over 32  
8 years of experience in secondary education, and  
9 provides vital perspective to the commission, in  
10 addition to being outsider representing the  
11 public.

12 Our other public member also has  
13 experience in education as a teacher. However,  
14 he also brings experience to the commission as a  
15 trade professional, specifically as a  
16 professional bartender. These two commissioners  
17 are true public members and they take their  
18 positions on the commission very seriously, as  
19 they should.

20 As many of you know, NACCAS is a very  
21 busy accreditor. On average, our commissioners,  
22 including our public members, spend a minimum of

1 45 to 50 days a year on NACCAS business.

2 Their time commitment ranges from 3-hour  
3 monthly commission calls, to multiple monthly  
4 committee calls of similar length, to full-day,  
5 multi-day participation in NACCAS workshops, the  
6 commission's quarterly face-to-face meetings, and  
7 service on its final review committee. And that  
8 does not count the endless hours spent reviewing  
9 files and agendas in preparation for all of those  
10 meetings.

11 Our commissioners are volunteers. None  
12 of them are compensated as employees.

13 With that said, NACCAS does provide all  
14 commissioners, including our public members, when  
15 they put in a full day of deliberation, with a  
16 modest \$250 honorarium to compensate them for  
17 their time and potential loss of earnings.

18 In addition, if any of those 8-hour days  
19 takes place in a face-to-face environment,  
20 meaning away from their home, NACCAS provides  
21 them with an additional \$100 per diem for meals  
22 and similar away-from-home expenses. Both the

1        honorarium and per diem policies are reasonable  
2        and in compliance with applicable IRS regulation  
3        governing the operations of a non-profit agency,  
4        and the department's regulations governing  
5        recognized accrediting agencies.

6                With respect to NACCAS' student  
7        achievement outcome rates requirements and how  
8        they were developed, I have been asked this  
9        question before, but unfortunately had the same  
10       answer: those rates were first adopted by the  
11       commission long before I joined NACCAS, and I  
12       have no insight into how they were originally  
13       developed.

14               However, I can say that over the past 13  
15       years NACCAS, as required from the department,  
16       has had frequent and many more informal meetings,  
17       discussions, and evaluations pertaining to those  
18       standards and rates. Those thresholds have been  
19       considered in light of how our institutions are  
20       faring in relation to their mission of providing  
21       new students the tools they need to obtain a  
22       license to practice their new profession.



1           Obtaining this license gives their  
2           students the confidence, the power, and the  
3           opportunity to launch into an exciting new  
4           career, the career they signed up for. I can say  
5           our institutions are doing a great job in  
6           achieving that goal.

7           In the past three years, NACCAS'  
8           Advisory Committee on Standards has twice  
9           reviewed this issue and concluded that NACCAS's  
10          current minimum required rate of 50 percent for  
11          graduation, 70 percent for licensure, and 60  
12          percent for placement are appropriate for the  
13          schools we accredit in light of the programs they  
14          offer and the student populations they serve, and  
15          are consistent with the requirements of  
16          accreditors serving comparable schools, taking  
17          into account differences in the calculation  
18          methodologies.

19          Notwithstanding those conclusions,  
20          NACCAS' commission had planned a comprehension  
21          evaluation discussion of these issues during its  
22          summer 2020 meeting. But because of COVID, that

1 was put on hold to deal wit more pressing issues.  
2 That discussion is now planned for the  
3 commission's summer 2021 meeting.

4 I would like to add that, as you know,  
5 NACCAS is a specialized national accreditor,  
6 accrediting for the most part institutions'  
7 working programs in the study, in the field of  
8 cosmetology and barbering. Most of you might say  
9 this seems very straightforward. Actually, the  
10 population of students who attend NACCAS  
11 accredited schools is made up of a very diverse  
12 set of cohorts, with complex student living  
13 environments, and for whom an array of personal  
14 and socio-economic factors play a huge role in  
15 their ability to succeed.

16 All of these factors in turn have been,  
17 and will continue to be, important in the  
18 commission's evaluation of whether its current  
19 threshold rate remains appropriate.

20 We all need cosmetologists and barbers.  
21 These important fields are a part and feature of  
22 our lives. NACCAS plays an important role in the

1 success of these students.

2 In closing, NACCAS continues to strive  
3 towards being the best it can, taking every day's  
4 challenges as a vehicle for growth and  
5 improvement. I can personally say everyone at  
6 NACCAS works as hard as they do in order to make  
7 a difference to every student who is in one of  
8 our accredited institutions.

9 It was a very challenging year for  
10 NACCAS to go through both the re-recognition  
11 process and COVID. So, when we received the  
12 department's notification stating that the staff  
13 recommendation for the senior department official  
14 was to renew the agency's recognition for five  
15 years, we were happy to see that our hard work  
16 did not go unnoticed.

17 Thank you again for allowing us to  
18 present today. We are available for those of you  
19 who have further questions.

20 Thank you, Mr. Chairman.

21 CHAIR KEISER: Thank you, Mr. Mirando --  
22 Dr. Mirando.

1           Would you turn your camera on if you  
2           can, sir.

3           DR. MIRANDO: Sure. There we go. Thank  
4           you.

5           CHAIR KEISER: Jill or Wally, do you have  
6           particular questions of the agency?

7           DR. DERBY: Yeah. Let me start off.

8           I was struck by your 50 percent  
9           graduation rates. And pleased to hear you are  
10          planning for this next summer an intense kind of  
11          discussion about student success standards that  
12          you have.

13          But I wanted to ask particularly because  
14          there's been a lot of concern about student debt  
15          ratio to their earnings when they get out. You  
16          know, and speaking particularly about cosmetology  
17          programs, it seems that, you know, they cost  
18          maybe 19, 20 thousand, 21 thousand, somewhere in  
19          that range. And you can correct me if I'm wrong  
20          about that.

21          But there has been some publicity about  
22          the amount of debt that students have upon

1 graduation and their inability to pay that off  
2 comfortably because they go into a marketplace of  
3 earning maybe \$9 or \$10 an hour. And,  
4 eventually, over years can work up to much higher  
5 salaries.

6 But, there are too many accounts of  
7 students that struggle after graduation. And I  
8 wonder, your 50 percent graduation rate concerns  
9 me, I'm wondering about those students that have  
10 taken out loans and then do not graduate, and can  
11 imagine their situation.

12 But I want to ask, zero in on one  
13 particular issue. And this relates particularly  
14 to the cosmetology schools.

15 And that is about their standards  
16 required that the students spend so many hours in  
17 their salon with chair time. And during that  
18 period it's part of their training, the students  
19 aren't paid but the salon's charge their  
20 customers who come in for lesser rates, and so  
21 make a good profit on that.

22 Because of some questionable practices

1 stretching the hours required for these students  
2 to work in the salons, quite a few members, quite  
3 a few states, actually, have introduced  
4 legislation to lower the number of hours required  
5 for the certificate in cosmetology.

6 Understandably, the salons do well, and  
7 it is part of students' training, but there's  
8 quite a variation with some salons requiring  
9 maybe, say, 1,000 hours of floor time -- this is  
10 separate from the rest of the instructional time  
11 they have -- is adequate.

12 And then some schools, I know Iowa has  
13 been noted as having excessive requirements of  
14 over 2,000 hours.

15 And I wondered if you could speak to  
16 that. Is that something you look at?

17 And, generally, I'm curious about your,  
18 the whole issue of debt to earnings and the loan  
19 debt that students have upon graduation. Is that  
20 something that you look at?

21 DR. MIRANDO: Okay. Well, I'll start  
22 with the first one and then you might have to

1 remind me again of the other, the other question.

2 So, yeah, so this is, as I was  
3 mentioning in my report, the student graduation  
4 rate and student placement is a very complex  
5 process. And I wish that it was, as Member Blum  
6 had said, was a little bit more scientific. We,  
7 too, would love for it to be a bit more  
8 scientific.

9 Unfortunately, there are lots of  
10 extenuating circumstances that are way beyond the  
11 schools' control that create a process of keeping  
12 students in their programs. And, unfortunately,  
13 there's not much anyone can do about it,  
14 including students.

15 We receive, you know, complaints from  
16 students. They love to complain to their  
17 accreditor. And we address them all the time.  
18 And I've got to say, that's at the bottom of the  
19 list.

20 It typically isn't that they are not  
21 receiving the education they want, and so, you  
22 know, when I speak to, when I speak to my schools

1 -- because I teach a class in how to improve  
2 student outcomes. And it's a pretty aggressive  
3 class, and we hold it all the time and our  
4 schools really enjoy it. But what I hear a lot  
5 is exactly that, is that, you know, students come  
6 in, they can't afford to stay there. They're  
7 single moms. They don't have anybody to watch  
8 the kids. They have transportation problems.  
9 And they just can't finish the program.

10 They want to. They beg all kinds of  
11 ways can we figure out. They just can't get  
12 through the program.

13 The good news is our schools do very  
14 well when they get them through the program in  
15 passing their boards, so, their mission to get  
16 those who can go through the program out to the  
17 world and working. And we find that the most  
18 important factor.

19 And so, if you look at the 50 percent  
20 graduation rate and, you know, you compare it to  
21 others, you know, we have very few exemptions.  
22 You know, some institutions through other



1 accreditors are given, you know, other exemptions  
2 to take out of the number. We don't. It's  
3 pretty straightforward.

4 And we have a couple, you know, one of  
5 who which, unfortunately, the student died.  
6 Nobody wants to hear that but, you know, again,  
7 can't hold the institution responsible for that.

8 We have a 50 percent. And, again, we're  
9 going to be looking at this again this summer.  
10 And we hope to get some kind of a rubric that's a  
11 little bit more scientific. But what we're  
12 hearing is, again, you know, you look at some of  
13 these institutions and if you raise that bar too  
14 high, then you're really preventing many students  
15 from being able to attend their institution. You  
16 know, the institution then won't be in compliance  
17 to meet their accreditation. These students  
18 won't have those opportunities.

19 And it's an important opportunity to  
20 give these students a way to find alternative  
21 ways to make a living for their families. It's a  
22 very complex process. And I wish there was an

1 easier solution.

2 Again, we're going to look into this.

3 And I hope that we will be able to come up with  
4 something a little bit more scientific. I wish  
5 there was a better metrics, and I think we have a  
6 problem with that metrics.

7 I think your second question had to do  
8 with on the rounds of gainful employment. You  
9 know, they come to school. Our institutions  
10 charge anywhere in the, you know, \$11,000,  
11 \$12,000. We have some that are, you know,  
12 \$16,000, \$17,000. And then some are in the 20s.  
13 And the reason for, I believe -- and again very  
14 anecdotal -- is because we have a variety of  
15 different number of hours.

16 You know, in New York, New York state  
17 law for cosmetology and sit for the exam is 1,000  
18 hours.

19 Where we then look at, you know, Utah or  
20 Oregon and it's up closer to 2,000 hours.

21 And I say, hey, what's the difference  
22 between the two? We're an institutional

1       accreditor, we're not a programmatic accreditor.  
2       We don't set those hours. That's set by state  
3       law.

4               And so our job is to ensure that the  
5       institution is providing the education in  
6       accordance with their state law. We look at the  
7       institution to say, hey, these are NACCAS'  
8       standards, these are our criteria, these are our  
9       outcomes. And we absolutely expect you to adhere  
10      to not only NACCAS' standards and criteria, but  
11      we absolutely require you to follow your state  
12      law.

13             And so there's that variation. But when  
14      you look at the student outcomes with respect to  
15      the debt and the gainful employment situation, as  
16      I just mentioned, I was on the negotiated  
17      rulemaking on gainful employment, and so I'm very  
18      familiar with that. And I was very, very vocal  
19      at the time. And probably, you know, there's  
20      probably very few people who don't agree that,  
21      you know, gainful employment is an important  
22      issue.

1           You now, nobody wants to see a student,  
2       especially me, especially my commission, I can  
3       tell you that, go through a program, put  
4       themselves in debt, and then get out into the  
5       real world and not be able to afford to live and  
6       pay off their debt. Can't have the problem. We  
7       still have the same thing, it's a very complex  
8       problem. And the accreditor is not going to  
9       solve this. I'm not even so sure that the  
10      Department of ED can solve this, take gainful  
11      employment off the table.

12           And, of course, we all know there is  
13      lots of politics in this, and there's lots of  
14      reasons why this happens. But I want to believe  
15      that the members at the last negotiated  
16      rulemaking made a point, and that is the metrics  
17      that they were using, right, which basically goes  
18      by the BLS numbers of what the students claim on  
19      their income taxes, right. And, again, I said  
20      this more than once, right is right, and wrong is  
21      wrong. And if the metrics sets that were being  
22      used, which is based on what an individual

1 actually claims on their income taxes is what is  
2 going to be used to determine an institution's,  
3 you know, ability to show that this outcome is an  
4 issue.

5 Well, if the student isn't claiming  
6 their income, and, you know, there's a lot of  
7 underground problems going to students working,  
8 and booth rentals, not claiming their tips, there  
9 is a lot of problems. And so, you know, I was  
10 very vocal in saying, hey, gainful employment is  
11 important, but you're going to have to come up  
12 with a scientific metric, just like everything  
13 else we do, right? I mean, that's what  
14 accreditation should be about and, you know,  
15 setting a standard, being able to validate it.

16 But if you can't validate the metrics  
17 you're using, then we have a problem.

18 I hope that answers your question.

19 DR. DERBY: Thank you. I appreciate it.  
20 I'll invite my -- Wally, do you have any follow-  
21 ups? And from there, any other of my colleagues?

22 DR. BOSTON: Yes, I do, Jill.

1           So, I noticed in the report that your  
2           agency accredits over 1,200 institutions, and  
3           actually 18 of them offer programs using distance  
4           education. And I clearly understand why those  
5           programs don't comprise more than 50 percent of  
6           the clock hours offered.

7           But I'm a little curious. I, you know,  
8           tried to find the qualifications that were cited  
9           for the expertise of your members. And I just  
10          I'm curious if you have data that separates the  
11          outcomes for the graduates of those programs  
12          offering distance education?

13          By outcomes, you know, are they similar  
14          or greater in terms of pass rates, in terms of  
15          licensure rates, and in terms of employment,  
16          placement, so?

17          DR. MIRANDO: So that's a really good  
18          question, a very excellent question as a matter  
19          of fact. And I would say again, my answer is  
20          going to be somewhat anecdotal, because yes, we  
21          are actually collecting that data. But it has  
22          not yet been, it's actually in this year.

1           We really had very limited schools doing  
2           the distance ed. And it literally was just a  
3           minimal amount of hours, because state boards  
4           don't allow or didn't, you know, things have  
5           changed, right, did not allow for distance  
6           education.

7           So yes, when we visited the schools, we  
8           did actually request and require them to follow  
9           our policy on distance education which included  
10          making sure teachers understood and they were  
11          trained to do so.

12          But I could say right now, in those few  
13          schools, we did not notice any difference in the  
14          student outcome rates and, of course, the  
15          performance that these students did on their  
16          licensure.

17          We have a very high licensure rate with  
18          our graduates which, again, leads us to believe  
19          that not only the institution is going well but,  
20          of course, we want to pat ourselves on the back.  
21          Because we require the students to adhere and the  
22          institutions to adhere to our standards and our

1 criteria.

2 CHAIR KEISER: Wally --

3 DR. BOSTON: In other words, those  
4 schools have the same standards, they meet the  
5 same standards as everybody else and, at the same  
6 time, you haven't collected, as yet, and  
7 aggregated the rates for those institutions that  
8 offer distance education programs.

9 DR. MIRANDO: I can say to you, yes, in  
10 the past that was the case. But during 2020, the  
11 Commission had a comprehensive review of our  
12 distance education and we have begun a separation  
13 of that.

14 We're also going to be, and we've  
15 implemented this already, where institutions will  
16 now have to separate out their programs via  
17 distance education from that of brick and mortar.  
18 So we will have that information, but we just  
19 don't have it as of right now.

20 DR. BOSTON: Then lastly, do you have  
21 qualifications for people on your staff with  
22 distance education experience?



1           So on our staff, I would say we have  
2           some people here who have, you know, personally  
3           themselves, including myself, have taken  
4           education, via distance education. But I can say  
5           to you on the individuals who make the decisions,  
6           which includes our Commission, yes, we have quite  
7           a few of our commissioners who have extensive  
8           experience in distance education.

9           In 2020, all of our commissioners were  
10          required to be present during a week-long  
11          distance education training. And so, yes, we  
12          feel very confident that we have the training  
13          necessary to make the appropriate decisions on  
14          distance education.

15          DR. BOSTON: One last question, who  
16          provided that training for distance education to  
17          your commissioners?

18          DR. MIRANDO: So we had two individuals  
19          from DEAC who, as you know, was an accreditor on  
20          distance education. One of them is the current  
21          executive director, and the other one was a past  
22          board member and is well respected throughout the

1 country in distance education qualifications.

2 DR. BOSTON: Okay, thank you.

3 CHAIR KEISER: Okay, Anne Neal, then Bob  
4 Shireman. Anne?

5 MS. NEAL: I don't have any questions.

6 No questions.

7 CHAIR KEISER: Bob? Bob Shireman?

8 MR. SHIREMAN: Yes, thank you, Tommy.

9 Do you have a lobbyist, or do you hire a lobbying  
10 firm?

11 DR. MIRANDO: No, we do not.

12 MR. SHIREMAN: Okay, thank you. I  
13 wanted to suggest that, in response to Jill's  
14 questioning, you said that there was nothing you  
15 could do about some of the excessive hours that  
16 some states have, seat time, that add to the  
17 amount of student debt that they take on and then  
18 have trouble repaying their loans.

19 One step that you could take, and there  
20 are things that you could do, one step you could  
21 take would be to lobby. And you don't need to  
22 hire a lobbyist to do that. You can write a

1 letter or have the Commission take an action in  
2 support of some of the efforts to reform those  
3 numbers of hours.

4 Have you tried to take on those kinds of  
5 actions to kind of try to address the excessive  
6 debt that students are taking on in relation so  
7 the amount that they earn?

8 DR. MIRANDO: That, again, is also a  
9 very excellent question. I would say, Bob, that  
10 again NACCAS, you know, we try to stay out of the  
11 politics.

12 As an institutional creditor, our job is  
13 to ensure institutions, as you know, and it's  
14 probably not the answer you want to hear, that  
15 they receive the education that they signed up  
16 for, that they are in compliance with the state  
17 laws, that they are afforded the opportunity to  
18 go before the state boards for their  
19 opportunities to get the licensure and get out  
20 there in the real world.

21 Again, I'm not hearing a lot of  
22 complaints about students who put themselves into

1 debt, \$15,000 over, you know, whether it be a  
2 one year program or whether it's an 18 month  
3 program, or whether it's a two year program. And  
4 then they get out into the real world making  
5 decent money.

6 Again, a lot of what people are hearing  
7 is what the BLS is being published. And that  
8 isn't necessarily what we're hearing and seeing  
9 based on our conversations with salon owners, and  
10 some of the salon chains out there, and so on,  
11 and so forth.

12 MR. SHIREMAN: Could you track, in  
13 regard to that, you know, one indication would be  
14 default rates, but not just default rates,  
15 because a lot of schools game those rates by  
16 putting people on forbearance. Do you track  
17 forbearance rates along with default rates on  
18 student loans for your institutions?

19 DR. MIRANDO: I don't feel like I know  
20 that answer. I don't know. Mr. Wallace, you  
21 might actually have a little bit more to say. I  
22 don't think we do. I think we really just follow

1 the cohort default rates. But, Mr. Wallace do  
2 you want to say something on that?

3 MR. WALLACE: I'd be happy to. And the  
4 answer is pretty simple. No, we don't. We  
5 obtain cohort default rate information directly  
6 from the U.S. Department of Education every year  
7 when they announce their rate.

8 I don't believe we have the capacity to  
9 track that information, because it relates to  
10 payments being made by students on their federal  
11 loans. That's not documentation we have. We  
12 can't require students to provide us with that  
13 information. And U.S. Department of Education is  
14 not about to do that for privacy reasons. So we  
15 can't really track that.

16 What we do do is monitor whether or not  
17 the Department has determined that an institution  
18 has unacceptably high cohort default rates, in  
19 which case we then have a process for monitoring  
20 what they are doing to come back into compliance  
21 with the Department's requirements.

22 MR. SHIREMAN: Okay. So rates of

1 delinquency and forbearance are available. So I  
2 do recommend that that's something that you  
3 should take a look at.

4 I gather, Tony, you said that you teach  
5 a class on student outcomes. And you said your  
6 focus is on education. Do you not consider the  
7 ability to repay loans, and earning a good  
8 living, and tracking that in your students, do  
9 you not consider that to be an outcome? Is that  
10 part of your class or not?

11 DR. MIRANDO: No, not really. But, you  
12 know, again, I'm a teacher at heart. And so I do  
13 think it's an important aspect. And when I am  
14 given the opportunity to get on my soapbox, I  
15 actually tell our schools that, that they need to  
16 balance out what they're charging their students,  
17 and they need to balance out what they know  
18 they're going to make when they get out there in  
19 the real world.

20 Again, I think you all would be  
21 surprised, and there are probably many of you  
22 there who go to a cosmetologist, you get your

1 hair done, you give them a great tip, even the  
2 barbers, you know, I go get my hair cut. I pay  
3 20 bucks for a hair cut, and then I give them an  
4 extra \$5 that goes right into their pocket. I  
5 mean, it's just a reality.

6 MR. SHIREMAN: So a few minutes ago on  
7 your soapbox, you said that students love to  
8 complain to their accreditor. I realize you may  
9 have been kidding a little bit, but I have to say  
10 that my experience with students, by the time  
11 they complain, two things are true.

12 One is the number who actually complain  
13 is a very low percentage of the number who are  
14 struggling and having problems, that many, many  
15 more never figured out who to complain to. They  
16 don't know what an accreditor is. They don't  
17 know who to complain to.

18 And anyone in that situation actually,  
19 if they even have gotten to complain to an  
20 accreditor, they're in a tough situation. They  
21 are struggling. Their lives, in any case, they  
22 feel have been messed up by a school.

1           And I am concerned that you would joke  
2           about students complaining to their accreditor in  
3           the context of the kind of students who are, as  
4           you said, trying to improve their lives, and the  
5           importance of helping them to do that and being,  
6           you know, vigorous in our efforts.

7           I wonder, you know, it made me wonder if  
8           you've been there too long and have become  
9           insensitized to what students are actually  
10          facing.

11          DR. MIRANDO: So, again, these are very  
12          important topics. And I apologize if you took my  
13          smile about students complaining. I was meaning  
14          we get quite a few complaints about institutions.  
15          And we handle every one of them very, very  
16          seriously. I mean, we literally have a full time  
17          person. That's all they do.

18          And I could tell you that, no, I don't  
19          think I've gotten desensitized to it. Because if  
20          you call our institutions and you have them tell  
21          you, they'll tell you I'm very tough on them. I  
22          pick up the phone myself, literally myself, and I



1 will get the student on the line on another  
2 phone, and the institution, and I definitely  
3 bring everybody to the carpet.

4 And no, I think that's not a fair  
5 representation of who I am as a person. I think  
6 my reputation, for those who know me, and I know  
7 that you don't really know me very well, Bob, I  
8 hope one day you will get to know me, you'll know  
9 that I am definitely a student-centered type  
10 individual, that I go to bat for students all the  
11 time, every day, all day long.

12 MR. SHIREMAN: Thank you. So thank you  
13 for predicting the other question I was going to  
14 ask about. So your financials indicate that you  
15 pay all of your board members upwards of \$15,000  
16 a year which is far, far, far out of proportion  
17 to anything paid by, as far as I'm aware, any  
18 other accrediting agencies, and that includes  
19 your public members.

20 I am not alleging that such is a  
21 violation of any particular law. But I think it  
22 does raise questions about whether your board

1 members are really, in the case of public board  
2 members, whether they can serve as  
3 representatives of the public raising the kind of  
4 questions that Jill, and I, and others perhaps,  
5 raised today as opposed to seeing their positions  
6 as a bit of extra income.

7 Especially given that, at least in the  
8 case of the public board member who, by his own  
9 claims, is a full-time bartender, the \$15,000-  
10 plus is, I'm guessing, a pretty large proportion  
11 of his total income.

12 Do you feel, so you provided resumes  
13 that are available to us as members, resumes of  
14 your board members. The resume of the board  
15 member who is a full-time bartender says  
16 educator, educator, educator, educator. It  
17 mentions licensed bartender somewhere in there.  
18 Do you feel that the resume that you provided us  
19 was an accurate depiction of the person who  
20 serves as your public board member?

21 DR. MIRANDO: Yes. So again, I would  
22 like to first address the money that we pay them.

1 I can tell you, I belong to a group of  
2 accreditors, and we get together all the time.  
3 Everybody on the phone, everybody when we get  
4 together realizes NACCAS is one of the most  
5 active accrediting agencies in the country. Our  
6 board members meet very, very often.

7 There's been more time, you know,  
8 working with NACCAS and doing the work of NACCAS  
9 far beyond, I think, most of the other  
10 accreditors that you may be alluding to spend  
11 with their boards.

12 And so again, for the amount of hours  
13 that they put in, we're very, very picky. Trust  
14 me, I have a reputation of being very, very picky  
15 on giving out money, because that's our  
16 institutions. And for the amount of time that  
17 they're putting in, we do not feel like that is  
18 exorbitant and well beyond what they deserve.

19 With respect to our board members, the  
20 public members, yes, I believe that what they told  
21 us is the truth. I have no reason to think  
22 differently. The gentleman that's a bartender,

1 or that said that he was a professional  
2 bartender, no longer is a bartender. He's now  
3 retired. He's an older gentleman.

4 And we appreciate his effectiveness on  
5 the Commission. He asks the greatest questions,  
6 representing, like I said, John and Jane Doe,  
7 asking good, solid questions, why NACCAS does  
8 this, and why did NACCAS do that? And is this  
9 really effective? So no, I actually stand by our  
10 public members. I think they do an awesome job.  
11 And I am very proud of them.

12 And I'm proud of NACCAS for the way we  
13 do our work. You know, we do a lot for what we  
14 take in. We have a very, very active visit  
15 schedule. We have very, very active board  
16 meetings. I mean, they meet every month. Very  
17 few accreditors meet every month.

18 And, you know, if you talk with our  
19 analyst from the Department who is there for our  
20 board meetings, she could tell you we're very  
21 efficient. We're very, very fluid in what we do.  
22 And I feel confident and comfortable with our

1       stance on that policy.

2               MR. SHIREMAN: Thank you.

3               CHAIR KEISER: Bob, is that it?

4               MR. SHIREMAN: That's it.

5               CHAIR KEISER: Okay. Then we have  
6 Jennifer, Kathleen and, Ann, I don't know if your  
7 hand's still up or it's, you would be the third.  
8 Jennifer?

9               MS. BLUM: Thanks, Art. Hi, Tony.

10              DR. MIRANDO: Hi, Jen.

11              MS. BLUM: So I'll follow-up just real  
12 fast. Well, I'm going to follow-up on a lot of  
13 what Bob said, but I want to follow-up very  
14 immediately.

15              In addition to the fact that you all  
16 meet monthly which is actually pretty impressive,  
17 and I think most, if I remember, a lot of the  
18 institutionals, I'm calling them purposely all  
19 now institutional and not regional or national,  
20 all institutional, are more like, you know, a few  
21 times a year, three to four times a year.

22              So I just wanted to -- but I also had

1 another question that related. What's your  
2 maximum renewal period for one of your schools?  
3 Like, what's the best renewal period that one of  
4 your school's could get?

5 DR. MIRANDO: Six years.

6 MS. BLUM: Okay. So, I mean, that's one  
7 of the reasons that you're meeting monthly is  
8 that you have a turnover, I mean, not turnover  
9 but you're constantly reviewing, right. Okay. I  
10 just want to, so there is more work involved. I  
11 just wanted to mention that.

12 And then I wanted to go back to the  
13 questions that Jill and Bob, I don't want to go  
14 too far down this rabbit hole but, Bob, are you  
15 talking -- well, let me just start, Tony, am I  
16 correct that NACCAS is non-profit?

17 DR. MIRANDO: Of course.

18 MS. BLUM: Yes. So asking them whether  
19 they have lobbyists is probably not a great  
20 question. Because they are very restrictive on  
21 what they can do in terms of advocacy. So I just  
22 wanted to --

1 DR. MIRANDO: I sign a quarterly report

2 --

3 (Simultaneous speaking.)

4 DR. MIRANDO: -- I just wanted to --

5 MR. SHIREMAN: I am very familiar with  
6 the lobbying rules. And non-profits are allowed  
7 to lobby, and they do lobby. But in any case  
8 it's not really --

9 MS. BLUM: It's not to lobby, but this  
10 will take me to my next point which is the issue  
11 that I think Tony was talking about in terms of  
12 clock hours and the licensure issue which I'm  
13 really, really actually very sympathetic to. And  
14 I'll tell you why in a minute.

15 It's very much the school's issue more  
16 than it is an accrediting agency issue and is not  
17 just a cosmetology or clock hours problem. I  
18 just know from a lot of experience on this that  
19 at graduate level, you know, you could take  
20 psychology, you could take any number of  
21 professions at the graduate level. And you will  
22 find the same exact problem where, even at the

1 course level, licensure boards require a certain  
2 number of credit hours and a certain type of  
3 courses.

4 And then you go to the next state. And  
5 the next state says, oh yes, we don't need that  
6 course, we need a different course. Oh, and we  
7 don't need so many credit hours.

8 So this is a systemic, I won't call it  
9 a problem necessarily. It's sort of a state's  
10 rights thing. But it's a systemic issue that's  
11 not just, A, at the clock hour level, or the  
12 cosmetology level. And B, in my view, even  
13 though I went down this rabbit hole, not really  
14 questions for accrediting agencies but much more  
15 of a policy-related question as to how the  
16 Department deals with issues around debt, you  
17 know, with regard to sort of the institution.

18 I will say, and ask the question, on the  
19 issue of cost to your students, to the students  
20 that attend your institution, when you're looking  
21 at the financial capacity and administrative  
22 capacity of your school, so when you're doing



1       that, do you look at sort of, you know, not  
2       really the cost, because I know that's not really  
3       academic, but do you kind of try to put it all  
4       together in terms of making sure that, you know,  
5       that they're thoughtful about what their costs  
6       are and how they're managing themselves at  
7       institutions?

8               DR. MIRANDO:  So that's basically a two-  
9       part question.  The first part is do we look at  
10      how much institutions charge the student.  No, we  
11      do not.  We're, again, as an institutional  
12      accreditor, our focus is not on how much they  
13      charge their students.  I think that the fair  
14      market on that is it will play itself out.  If  
15      they're overcharging, they'll have a hard time  
16      getting students.  I believe that.

17             But with respect to do we look at how  
18      institutions do, with respect to the amount of  
19      money they make, absolutely.  I mean, it's one of  
20      our standards, standards that are in Criterion 1.

21             There's multiple aspects to that.  And  
22      we're very picky.  Those of you who are business

1 people know, the number one reason why schools  
2 and businesses go out of business is cash flow.  
3 And we're very sensitive to that.

4 And we not only are sensitive to that,  
5 but we actually have our director of finance, who  
6 happens to be an ex-auditor, who's very, very  
7 picky, and we have a finance committee. And we  
8 actually do look at all of our schools with  
9 respect to money. And if there's an issue, you  
10 know, then they have to respond to that problem.

11 MS. BLUM: And my one other comment is,  
12 just as it relates to things like cohort default  
13 rates and forbearance, I mean, I'm a real  
14 believer in the triad, and I definitely think  
15 that that's the Department's responsibility.

16 I appreciated your colleague's answer  
17 which was that you track what the Department does  
18 with regard to those items. And I hope you do  
19 that really, you know, carefully and closely.  
20 Because that is, I share Bob's view on cohort  
21 default rates and forbearance issues and  
22 problems.

1           But I do also believe that those are  
2           primarily, and if you look the triad  
3           responsibility, it's primarily the responsibility  
4           of the Department. And the accrediting agency is  
5           only to pick up after the Department has dealt  
6           with the problem.

7           CHAIR KEISER: Kathleen? You're muted,  
8           Kathleen.

9           DR. ALIOTO: She just finally unmuted  
10          me. My question is about distance education  
11          which you referred to earlier. But it's not  
12          clear to me how you teach somebody to cut hair.

13          And also, one of my colleagues earlier  
14          talked about the difficult distance education  
15          period that he and I both find it difficult to  
16          learn online. And I know thousands of students  
17          in America, they don't have any other choice now.

18          But are you doing anything with all of  
19          your schools to help them, whether it's hair or  
20          whatever it is, so that they can get through it  
21          and get their certificate or degrees?

22          DR. MIRANDO: Yes. That's, again, an

1 awesome question. And I have to tell you, 2020  
2 was a very difficult year, not only for NACCAS  
3 but it's difficult for our schools and  
4 unbelievably difficult for our students.

5 And as a result of the Department of  
6 Education giving the accreditors some  
7 flexibility, you know, we dealt with, you know,  
8 allowing our schools to utilize the temporary  
9 distance education. And we learned a lot.

10 I mean, prior to COVID, very, very few  
11 schools used distance education, because most  
12 state laws don't allow for it. As you just said,  
13 how do you give a, you know, provide an education  
14 to students about cutting hair when that's very  
15 tactile, right. You've got to learn how to do  
16 things and work on people. And it was very  
17 difficult.

18 What the Commission decided, because we  
19 don't really have distance ed in our scope, and I  
20 don't want to get into that. The Department  
21 allows you, at least they did, allows accreditors  
22 who don't have it in their scope to allow up to

1       50 percent of the program.

2               You know, we have ourselves, in our  
3 policies, cannot do practical work via distance  
4 ed. And that's right now. I mean, there are  
5 some experts in the distance ed world who would  
6 say no, come on, you got to be more contemporary.  
7 There are logistical ways to allow that.

8               And yes, we have to be open to it. You  
9 know, I pride myself in the ability to learn and  
10 grow. And I have grown a lot in this past year.  
11 If my board was here, they would be telling you  
12 that Tony did a good job in learning. Because  
13 I'm an in-person, collaborative individual that  
14 likes to be in groups. And this whole virtual  
15 thing that we're doing even right now, a year ago  
16 I would have said there's no way this could work.  
17 But I'm watching it. It's working. It's working  
18 well.

19              But I still personally but, you know, I  
20 don't make these final decisions. That's what we  
21 have a Commission for, who have experts on them,  
22 on distance education. Right now the Commission

1 doesn't believe that allowing for practical work  
2 in a distance education environment is to the  
3 best interest of the students right now.

4 DR. ALIOTO: Okay, finished. I'm done.

5 CHAIR KEISER: Okay. Anne, do you have  
6 your hand up? Anne, do you have your hand up?

7 MS. NEAL: Obviously out of control.

8 CHAIR KEISER: You're out of control?

9 (Simultaneous speaking.)

10 CHAIR KEISER: Okay, we do have a third  
11 party presenter, Mr. Fred Jones. Are you on the  
12 line?

13 OPERATOR: Please go ahead, sir.

14 MR. JONES: I am, Chairman Keiser.

15 CHAIR KEISER: Okay, you have three  
16 minutes, Mr. Jones.

17 MR. JONES: Very well. Thank you for  
18 this opportunity. My name is Fred Jones. I  
19 serve as legal counsel for the Professional  
20 Beauty Federation of California. We try to give  
21 voice to our over 615,000 licensed individuals,  
22 over 53,000 licensed establishments, and a couple

1 of hundred beauty colleges and barber colleges.  
2 So we are a huge industry here in our state.

3 But we've been hearing some  
4 disconcerting things about NACCAS and their  
5 treatment of some of our schools. And so we  
6 actually did a couple of mailings nationwide to  
7 the well over 1,200 NACCAS accredited beauty  
8 colleges in the nation.

9 And we've come up with some issues that  
10 we would have preferred to provide in writing,  
11 but there was an abbreviated written testimony  
12 window back in May during the height of the COVID  
13 lockdowns. And so it wouldn't surprise me that  
14 you did not receive any full written comments for  
15 this round of hearings.

16 Over the last five years, NACCAS has  
17 published 126 proposed changes to their rules,  
18 and practices, and procedures since 2016. Fifty-  
19 two of those, or 41 percent, were published under  
20 emergency action, meaning they were taking effect  
21 immediately without any real notice to schools.

22 Two percent of those were actually back

1       dated, so retroactively applied. And then the  
2       remaining 59 percent, or 74 changes, the final  
3       changes actually went into effect anywhere from  
4       25 days to only one day in advance of the public  
5       notice. So from a procedural vantage point, that  
6       has been very difficult for some schools to deal  
7       with.

8               Now we are dealing with virtual  
9       resubmittal visits. And for some strange reason,  
10      NACCAS only provides up to 30 minutes per student  
11      file to pull the files of NACCAS chosen students  
12      and record and upload those in NACCAS chosen  
13      formats by these very tight arbitrary deadlines  
14      during the actual visits.

15             And if a school doesn't meet that  
16      arbitrary deadline --

17             CHAIR KEISER: One minute.

18             MR. JONES: -- NACCAS will reject all of  
19      the work and will send a new set of student files  
20      they have to pull, and the process repeats  
21      itself. So this is requiring schools to actually  
22      reformat all of their student files so that they



1 will be ready for these snap audit requests and  
2 be able to get them in on time.

3 Again, procedurally, these convoluted  
4 time sensitive and arbitrary procedures were  
5 never vetted by schools before they were adopted  
6 by NACCAS. And they never went out for public  
7 comment.

8 There are a disturbing number of one-off  
9 applications, and each of those with  
10 corresponding fees. So rather than offer  
11 systemic reforms to address this unprecedented  
12 COVID crisis, NACCAS has created these one-off  
13 relief applications and new fees associated with  
14 each.

15 And notwithstanding Dr. Mirando's  
16 statement today that he is institutional  
17 accreditor, not a programmatic accreditor ---

18 Okay, I'd be happy to provide the  
19 committee more information if given an  
20 opportunity from our communications with over  
21 1,200 schools nationwide. Thank you.

22 CHAIR KEISER: Thank you. I'd like to

1 have the Agency respond to the concerns.

2 DR. MIRANDO: Yes, thank you, Mr.

3 Chairman. Yes, I've had some communication with  
4 Mr. Jones. And his communication to NACCAS  
5 originally was sponsored by himself and four or  
6 five other state associations where they  
7 requested us to submit answers to a number of  
8 questions with respect to how we're handling  
9 things through the COVID process.

10 We answered those. I think our answers  
11 were very, very effective, and transparent, and  
12 true. And since then, I think that he sent out  
13 notices to all the schools. He included these  
14 other agencies. Those other agencies have  
15 contacted me and said we are not part of that.  
16 We were very satisfied with your answers.

17 And so, you know, I tried reaching out  
18 to Mr. Jones and say, hey, how can we have a  
19 conversation? Look, we're trying to deal with  
20 the COVID pandemic just like everybody else. And  
21 I think we've done a really, really good job with  
22 that.

1           The Commission, yes, has done an  
2 enormous amount of changes, but it's again to  
3 effectively help students, help institutions get  
4 through this process. All of our changes, even  
5 if they were under emergency action, went out for  
6 call for comments as required by the Code of  
7 Federal Regulations, and we responded to those  
8 opinions.

9           You know, I have a meeting actually in  
10 two weeks with a large number of state  
11 associations. I'm giving them all an opportunity  
12 to express their concerns about what institutions  
13 are going through right now. But, you know, at  
14 the end of the day, we are an accrediting agency  
15 that has a set of standards and criteria. And we  
16 know that we're going to have institutions that  
17 are not going to be happy with what we do.

18           Our Commission makes decisions based on  
19 what it believes to be the most effective methods  
20 and mechanisms in order to ensure high quality --

21           (Telephonic interference.)

22           DR. MIRANDO: Sometimes that doesn't

1 make institutions happy. But we have a very  
2 effective methodology of having webinars,  
3 conference calls, and our workshops where we try  
4 as effectively as we can to help institutions  
5 understand what it is that we're doing and why  
6 we're doing them.

7 I hope that answers, that response.

8 CHAIR KEISER: That's fine. Thank you.  
9 And if I may call Karmon back. Do you have any  
10 comments on the third party commenter or anything  
11 else you'd like to comment on from the Agency  
12 review?

13 MS. SIMMS-COATES: No, I do not have any  
14 comments at this time.

15 CHAIR KEISER: Are there any questions  
16 to Karmon from the committee or from the primary  
17 readers?

18 MR. SHIREMAN: Yes.

19 CHAIR KEISER: Bob, is that you?

20 MR. SHIREMAN: Yes, thank you. Karmon,  
21 thank you. Karmon, you reviewed the resumes of  
22 the members of the Board. Was it clear to you

1       that Mr. Roddy, that his actual career was as a  
2       bartender and not as much as an educator?

3               MS. SIMMS-COATES: He does have a  
4       bachelor's degree and a master's degree. And  
5       yes, he has been (audio interference), however he  
6       does have experience as a special needs teacher  
7       as well. So I did evaluate that (audio  
8       interference).

9               Again, it's pointed out early on during  
10      the committee meeting, I think it was the first  
11      day we had a public representative. And as you  
12      mentioned as well, there's a lot of things that  
13      are prohibited in terms of being a public member,  
14      but there's no stipulation as to what a public  
15      member should be. So there was no indication  
16      that person could not serve as, or wasn't  
17      registered (audio interference) as a public  
18      member.

19              CHAIR KEISER: Okay.

20              MR. SHIREMAN: Okay. Yes, I think on  
21      this, what I'm interested in, and this may be  
22      simply something in the future, is that it

1 appears that we're basically only doing sort of a  
2 check box on the question of whether they are not  
3 paid by a school or something like that but not  
4 asking how has an agency determined that under  
5 602.15 that they are competent and qualified for  
6 the role as a representative of the public.

7 And I recognize that that is not  
8 something that has previously been asked. But it  
9 does seems that it, that it feels to me  
10 inadequate to only ask the question about the  
11 other section of the regulations rather than also  
12 the question here about the competence and  
13 qualifications for being a representative of the  
14 public, mindful of the fact that there are a lot  
15 of ways to answer that question. Thank you very  
16 much.

17 CHAIR KEISER: Good question, Bob. Let  
18 me speak to Herman. Do you want to address that?

19 MR. BOUNDS: Yes, I do, real quickly.  
20 You know, the Department doesn't define educator,  
21 practitioner, academic, you know, or, yes,  
22 educator, academic, administrator, there's no

1 definition. And there's really not a, you know,  
2 public member can be a stand alone person. I  
3 mean, you can be a public member and then not  
4 also serve as an academic, or an administrator,  
5 or an educator, or practitioner.

6 So, you know, without a person being  
7 disqualified by our definition of public member,  
8 then there would be nothing that we would have in  
9 this case to say that this person who was a  
10 bartender could not serve in that public member  
11 role. He doesn't have to be a public  
12 member/educator, or a public member/academic, or  
13 a public member/administrator.

14 CHAIR KEISER: Okay, thank you, Herman.  
15 Jennifer, you look like you're the last one.

16 MS. BLUM: Yes, I just wanted to agree  
17 with Bob on this, not for the purposes of NACCAS,  
18 by the way, but because from a procedural  
19 standpoint, to not change policy or change  
20 interpretation on a dime.

21 But I do agree with Bob on this, that to  
22 me it's a combination of, you know, is the person

1 a public member, and that is, as Bob states,  
2 rightly or wrongly, unfortunately the definition  
3 is a negative of what it's not.

4 But then there is sort of the  
5 capabilities piece that, to me, is pretty  
6 important. And so I agree with Bob on a go  
7 forward basis about, you know, whether there's a  
8 way to further this dialogue and conversation.  
9 But I'm not going to belabor it today. I just  
10 wanted to mention that I agree with Bob on this  
11 one.

12 CHAIR KEISER: Are there any other  
13 comments, because we're starting to lose members,  
14 and we're going to lose a quorum pretty soon.  
15 Any other questions, concerns? If not, I'd ask  
16 the primary readers to make a motion if it'd be  
17 possible.

18 DR. DERBY: I move that the NACIQI  
19 recommend that NACCAS' recognition be renewed for  
20 five years.

21 CHAIR KEISER: There's a motion, is  
22 there a second?



1 DR. ALIOTO: Second.

2 PARTICIPANT: I second.

3 CHAIR KEISER: Second. My number one  
4 seconder, Kathleen. Any discussion?

5 I don't see anybody's hand up. Okay,  
6 thank you. I'll do a roll call. Ann?

7 MS. NEAL: No.

8 CHAIR KEISER: David?

9 DR. EUBANKS: Yes.

10 CHAIR KEISER: Is that a yes? Jennifer?

11 MS. BLUM: Yes.

12 CHAIR KEISER: Jill?

13 DR. DERBY: Yes.

14 CHAIR KEISER: Kathleen?

15 DR. ALIOTO: Yes.

16 CHAIR KEISER: Mary Ellen? Mary Ellen?  
17 I thought we had her. I saw her thing up.

18 Michael? Michael Lindsay?

19 DR. SMITH: Michael is out.

20 CHAIR KEISER: Okay. Paul?

21 DR. PETRISKO: Mary Ellen said, sorry,  
22 Mary Ellen said yes to (audio interference).

1 CHAIR KEISER: Okay, Paul.

2 DR. SMITH: Paul's dropped off (audio  
3 interference).

4 CHAIR KEISER: And Rick?

5 DR. SMITH: And Rick is no longer with  
6 us.

7 CHAIR KEISER: Robert Mayes?

8 MR. MAYES: Yes.

9 CHAIR KEISER: Robert Shireman?

10 MR. SHIREMAN: No.

11 CHAIR KEISER: Ronnie Booth,

12 DR. SMITH: Ronnie left early.

13 CHAIR KEISER: Roslyn?

14 (No audible response.)

15 CHAIR KEISER: Steven? Steven?

16 (No audible response.)

17 CHAIR KEISER: Wally?

18 DR. VanAUSDLE: The answer is yes.

19 CHAIR KEISER: Yes, yes for Steven.

20 Wally?

21 DR. BOSTON: Yes, for me.

22 CHAIR KEISER: Okay. How many do we

1 have? Do we have enough for a quorum?

2 DR. SMITH: Yes, that was two nos and  
3 eight yeses. Is that right, Valerie? Valerie,  
4 clarify that if you can?

5 CHAIR KEISER: So it did pass? It  
6 passed?

7 DR. SMITH: Yes.

8 CHAIR KEISER: Okay, folks. You guys  
9 did a phenomenal job. This was a tough one. I  
10 have one more item on the agenda that Bob  
11 Shireman wants to ask a question or make a  
12 comment. Bob?

13 MR. SHIREMAN: Sure. Yes, a couple of  
14 things have come up in this whole process and I  
15 really appreciate the learning that I've done  
16 with the help of staff, et cetera.

17 I wanted to suggest that we ask the  
18 Department two things. One is to restore the  
19 accreditor dashboard, and second to assess the  
20 options for making more documents available to  
21 the public earlier in the process. We saw a lot  
22 of situations where outside folks were kind of

1       having to comment in a vacuum about agencies,  
2       because they didn't have access to items.

3               So I'm not asking -- so I guess the  
4       Department could, staff could either just tell  
5       us, you know, yes, they'll do those things. Or  
6       we could, I guess they're not in their power  
7       necessarily to say they'll they restore the  
8       accreditor dashboard.

9               But I would be open to the idea of us  
10       having a resolution asking that. So would that  
11       be appropriate, Mr. Chairman? In other words, a  
12       resolution that would say the committee requests  
13       that the Department staff restore the, or the  
14       Department restore the accreditor dashboard and  
15       assess the options for making more documents  
16       available to the public earlier in the process.

17              DR. ALIOTO: Yes.

18              CHAIR KEISER: I think it's great. I'm  
19       going to just ask George or Herman. Is there any  
20       reason that the Department cancelled that? Or is  
21       there something -- because I have no problem. I  
22       think it's a good resolution with a very helpful

1 tool.

2 MR. BOUNDS: This is Herman. I think  
3 the resolution is fine. I would just like to say  
4 that, you know, currently the new regulatory  
5 process requires us to produce the draft staff  
6 analysis and all the information that was part of  
7 that analysis 30 days prior to the NACIQI  
8 meeting. It used to be, you know, it used to be  
9 seven days. So that's a big improvement there.

10 Again, with the accreditor dashboards,  
11 that would be a Department leadership problem, I  
12 mean, not a problem, a Department leadership  
13 decision.

14 CHAIR KEISER: Bob, I'd entertain a  
15 motion if you want to make one to --

16 MR. SHIREMAN: Okay, great. So my  
17 motion is to resolve that the committee request  
18 that the Department restore the accreditor  
19 dashboard and, okay, I'm seeing a third, and  
20 explore and assess making more documents  
21 available earlier to the public.

22 DR. ALIOTO: Yes, I'll second the

1 motion.

2 CHAIR KEISER: I just think, is there  
3 any opposition to that? Because I just think we  
4 can make it unanimous unless there's opposition.  
5 Hearing none, it's by acclamation, Bob.

6 MR. SHIREMAN: Beautiful, thank you.

7 CHAIR KEISER: And then ---

8 DR. ALIOTO: Bravo.

9 CHAIR KEISER: Did Herman's explanation  
10 on the 30 day, on the draft document, did that  
11 meet your needs?

12 MR. SHIREMAN: I think that's been  
13 enormously helpful. Obviously I can't imagine  
14 what it was like for you folks when you had a  
15 week instead of 30 days. So that was completely,  
16 that was crazy. So I get more of the more  
17 documents issue on more agencies earlier.

18 My thought on that is I think a lot of  
19 the documents could be made public basically when  
20 they're uploaded by the agencies and that they  
21 could take responsibility for any private  
22 information. But obviously that takes some folks

1 kind of thinking that through.

2 That's the way that the non-profit  
3 audits, for example, are handled at OMB where it  
4 doesn't require any government person having to  
5 go through them and figure things out basically.  
6 It's just goes up. And anybody can look at them.

7 So it seems to me that a lot of the  
8 documents could become public or available to the  
9 public basically when they are uploaded. But I'm  
10 not suggesting that specifically here, but that's  
11 the kind of thing I'd like for the Department to  
12 consider.

13 CHAIR KEISER: I think we could ask  
14 George or Herman to look into that and see if  
15 it's feasible. I don't know if it is.

16 MR. SHIREMAN: Yes.

17 CHAIR KEISER: But I would be, as Chair,  
18 I would be glad to ask them, which I just did, to  
19 see if it is possible. If it's not, that's fine  
20 too. It depends on staff time and the equipment  
21 that's available, technology too.

22 MR. SHIREMAN: Right.

1 CHAIR KEISER: Okay. Is there anything  
2 else, Bob?

3 MR. SHIREMAN: Nothing else for me.

4 CHAIR KEISER: Anything else (audio  
5 interference) order from anybody? Oh, Kathleen?

6 DR. ALIOTO: I just want to thank you  
7 all for your customary leadership.

8 CHAIR KEISER: This is so hard trying to  
9 figure out what's going on just using my mouse.  
10 But thank you for all being so effective and  
11 cooperative. And I felt that details that we  
12 went through this meeting were extraordinarily  
13 good.

14 And staff, thank you, thank you. And,  
15 members, have a great, I guess we won't see each  
16 other until July or August, whenever the next  
17 meeting is.

18 George, do we know when the next meeting  
19 is?

20 DR. SMITH: Not yet, but of course, I'll  
21 poll you within the next few weeks. Thank you  
22 all. Have a good weekend.



1 CHAIR KEISER: Okay, thank you, George.

2 (Whereupon, the above-entitled matter

3 went off the record at 2:23 p.m.)

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