

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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THURSDAY  
FEBRUARY 24, 2022

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The Advisory Committee met via  
Videoconference, at 10:00 a.m. EST, Arthur E.  
Keiser, Chair, presiding.

ADVISORY COMMITTEE MEMBERS PRESENT

ARTHUR E. KEISER, Chair  
CLAUDE PRESSNELL, Vice Chair  
KATHLEEN SULLIVAN ALIOTO  
JENNIFER L. BLUM, ESQ.  
RONNIE L. BOOTH  
WALLACE E. BOSTON  
ROSLYN CLARK ARTIS  
JILL DERBY  
DAVID EUBANKS  
MOLLY HALL MARTIN  
D. MICHAEL LINDSAY  
ROBERT MAYES  
MARY ELLEN PETRISKO  
MICHAEL POLIAKOFF

ROBERT SHIREMAN

STEVEN VAN AUDDLE

DEPARTMENT OF EDUCATION STAFF PRESENT  
GEORGE ALAN SMITH, NACIQI Executive Director,  
Designated Federal Official  
HERMAN BOUNDS, Director, Accreditation Group  
LACO CORDER  
ELIZABETH DAGGETT  
PAUL FLOREK  
NICOLE S. HARRIS  
CHARITY HELTON  
REHA MALLORY SHACKLEFORD  
DONNA MANGOLD  
STEPHANIE MCKISSIC  
ANGELA SIERRA  
KARON SIMMS-COATES  
MICHAEL STEIN

JOINT REVIEW COMMITTEE ON EDUCATION IN RADIOLOGIC  
TECHNOLOGY (JRCERT)  
JULIE LASLEY, Ph.D., R.T.(R)(T), Chair  
LESLIE WINTER, M.S., R.T.(R), CEO

PUBLIC COMMENTERS  
MATTHEW FEEHAN, Feehan, Inc.  
RACHEL FISHMAN, New America  
BERNARD FRYSHMAN, Association of Advanced  
Rabbinical and Talmudic Schools  
DAVID HALPERIN, Attorney  
JAMES HAYNES, Veterans Education Success  
TIARA MOULTRIE, The Century Foundation  
  
BETH STEIN, The Institute for College Access and  
Success

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### NACIQI Primary Readers

Robert Mayes  
Mary Ellen Petrisko

### Department Staff

Charity Helton

### Agency Representatives

Julie Lasley, PhD, RT(R)  
Chair, JRCERT

Chad Henley, PhD, RT(R)(MR),  
Secretary/Treasurer, JRCERT

Leslie Winter, MS, RT(R),  
JRCERT Staff

Traci Lang, MSRS, RT(R),  
Executive Associate Director,  
JRCERT Staff

Jennifer Michael, EdD RT(R),  
Assistant Director, JRCERT

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

2 10:05 a.m.

3 G.A. SMITH: This is the meeting of  
4 the National Advisory Committee on Institutional  
5 Quality and Integrity Office, also known as  
6 NACIQI. I'm George Alan Smith. I'm the  
7 Executive Director and Designated Federal  
8 Official of NACIQI, that from Section 113 of the  
9 Higher Education Act of 1959, as amended. And  
10 it's also governed by the Federal Advisory  
11 Committee Act as amended which sets forth  
12 standards for the formation and use of advisory  
13 committees.

14 Sections 113 and 4473-4 of the HEA in  
15 Section 8016 of the Public Health Service Act, 42  
16 USC Section 2966 requires a secretary to publish  
17 the list of state approval agency, nationally  
18 recognized accrediting agencies, and state  
19 approval and accrediting agencies for the  
20 programs of nurse education that the secretary  
21 determines to be reliable authorities and to the  
22 quality of education provided by the institutions

1 and programs that are accredited.

2 Eligibility of the educational  
3 institutions and programs for participating in  
4 various federal programs requires accreditation  
5 by an agency listed by the secretary as provided  
6 in HEA Section 114, NACIQI advises the secretary  
7 in the discharge of these functions and it is  
8 also authorized to provide advice regarding the  
9 process of eligibility and certification of  
10 institutions of higher education for  
11 participating in the federal student aid programs  
12 authorized under Title IV of the HEA.

13 In addition to these charges, NACIQI  
14 authorizes academic graduate degrees of federal  
15 agencies and institutions. This authorization  
16 was provided by letter by the Office of  
17 Measurement and Budget in 1954. And the letter  
18 is available on the NACIQI website along with all  
19 records related to NACIQI's deliberations.

20 So, at this moment, I'll turn it over  
21 to our Chairperson, Arthur Keiser. Thank you.

22 CHAIR KEISER: Well, thank you,

1 everyone, and welcome to our Day 2 of our winter  
2 meeting for the National Advisory Committee.

3 It's my pleasure to chair this meeting  
4 and what I would like at this point is first to  
5 introduce the members of the Committee and then  
6 have George and Herman introduce the members of  
7 the staff.

8 We'll start with Mary Ellen.

9 M.E. PETRISKO: Mary Ellen Petrisko,  
10 previous president of Washington College and  
11 University Commission.

12 CHAIR KEISER: Wally?

13 W. BOSTON: Wally Boston, president  
14 emeritus to American Public University System.

15 CHAIR KEISER: Ronnie?

16 R. BOOTH: Ronnie Booth, president of  
17 American Tri-County Technical College in South  
18 Carolina.

19 CHAIR KEISER: Jill? You're muted,  
20 Jill.

21 J. DERBY: Sorry, Jill Derby, Senior  
22 Fellow with the Association of Governing Boards

1 of Universities and Colleges.

2 CHAIR KEISER: David?

3 D. EUBANKS: David Eubanks, Assistant  
4 Vice President at Furman University.

5 CHAIR KEISER: Molly?

6 M. HALL MARTIN: Molly Hall Martin,  
7 PhD Candidate at the University of Iowa.

8 CHAIR KEISER: Roslyn? We can't hear  
9 you, Roslyn. Roslyn, yes, I think you're still  
10 muted but it doesn't -- something wrong with your  
11 microphone? Well, I'll come back to you.

12 Steve?

13 S. VAN AUDSLE: Steve Van Ausdle,  
14 President Emeritus, Walla Walla Community College  
15 out in Washington State.

16 CHAIR KEISER: Claude?

17 VICE CHAIR PRESSNELL: Claude  
18 Pressnell, the president of the Tennessee  
19 Independent Colleges and Universities  
20 Association.

21 CHAIR KEISER: Robert?

22 R. MAYES: Robert Mayes, CEO of



1 Columbia Southern Education Group.

2 CHAIR KEISER: Michael Poliakoff?

3 M. POLIAKOFF: Michael Poliakoff,  
4 President, American Council of Trustees and  
5 Alumni.

6 CHAIR KEISER: Kathleen?

7 K. ALIOTO: Kathleen Alioto, advocate  
8 for early childhood education.

9 CHAIR KEISER: Bob Shireman?

10 R. SHIREMAN: Bob Shireman, Director  
11 of Higher Education program at the Century  
12 Foundation.

13 CHAIR KEISER: Great, George, could  
14 you introduce your team, please?

15 G.A. SMITH: Sure, joining me is  
16 Monica Freeman and also my colleagues from OGC,  
17 Donna Mangold, Angela Sierra, and Soren LeGuard.  
18 Thank you.

19 CHAIR KEISER: Herman?

20 H. BOUNDS: Thank you.

21 My name's Herman Bounds, I'm Director  
22 of Accreditation Group.

1                   Beth, would you introduce yourself,  
2                   please?

3                   E. DAGGETT:   Sure, Elizabeth Daggett,  
4                   analyst with the Accreditation Group.

5                   H. BOUNDS:   Reha?

6                   R. MALLORY:   Reha Mallory, accreditor,  
7                   sorry, analyst review, Accreditation Group.

8                   H. BOUNDS:   All right, thanks, Reha.  
9                   Nicole?

10                  VICE CHAIR PRESSNELL:   You're muted,  
11                  Nicole.

12                  N. HARRIS:   I'm sorry, I didn't push  
13                  the button properly.   I have, or if you -- of  
14                  yesterday.   Good morning, everyone, and good to  
15                  see you again.   Again, Dr. Nicole Harris with the  
16                  Accreditation Group at the United States  
17                  Department of Education.   Thanks.

18                  H. BOUNDS:   Stephanie?

19                  S. MCKISSIC:   Good morning.   This is  
20                  Dr. Stephanie McKissic with the Accreditation  
21                  Group.

22                  H. BOUNDS:   Thanks.

1 Charity?

2 C. HELTON: Good morning, I am Charity  
3 Helton and I am an analyst with the Department of  
4 Education.

5 H. BOUNDS: Karmon?

6 K. SIMMS-COATES: Good morning, I'm  
7 Karmon Simms-Coates with the Accreditation Group.

8 H. BOUNDS: Okay, Mike?

9 M. STEIN: Good morning, everyone,  
10 Mike Stein, analyst with the Accreditation Group.

11 H. BOUNDS: Thanks, Mike. L.G.?

12 L. CORDER: Good morning, L.G. Corder,  
13 analyst, Accreditation Group.

14 H. BOUNDS: And, Paul?

15 P. FLOREK: Good morning, Paul Florek,  
16 analyst, Accreditation Group.

17 H. BOUNDS: All right, thanks, Art,  
18 that's it for us.

19 CHAIR KEISER: Okay. We have one  
20 agency that's --

21 R. CLARK ARTIS: Sorry, Roslyn Artis,  
22 President of Benedict College, Columbia, South

1 Carolina. I think I'm finally unmuted.

2 CHAIR KEISER: There you are, Roslyn,  
3 thank you.

4 We have one agency this morning and  
5 then we will enter into a policy discussion.

6 Let me go over the standard review  
7 procedures. The first is primary readers  
8 introduce agency applications.

9 And then, the department staff will  
10 provide a briefing regarding the agency, that the  
11 agency representatives provide comments, then  
12 questions by the National Advisory Committee  
13 followed by a response and comment from the  
14 agency.

15 Then, you have third-party comments  
16 and then you have agency response to the third-  
17 party comments, then the department staff  
18 responds both to the agency and the third-party  
19 commenters and then finally, the Committee has  
20 discussion and vote.

21 The first agency for renewal of  
22 recognition is the Joint Review Committee on

1 Education and Radiological Technology. I will  
2 ask, are there any recusals?

3 And I ask partly because there's  
4 confusion as to what would -- what is a  
5 requirement for a recusal? I'd ask the counsel  
6 prior to the meeting because my institution is  
7 accredited by the agency that is involved. And,  
8 historically, our agency, the Committee has asked  
9 for recusals on institutional accreditors but not  
10 programmatic accreditors unless there was a  
11 problem between the institution and the  
12 programmatic accreditor.

13 However, somebody yesterday sent a  
14 tweet regarding one of my -- the advertisements  
15 or hosts Facebook posts about one of my graduates  
16 who successfully became a chiropractor and that  
17 has called into question the ethics issue.

18 So, I am, out of the abundance of  
19 caution, even though I don't believe I have to, I  
20 will recuse myself from this particular agency.

21 I will turn the meeting over to Claude  
22 and George will call me when this particular

1 agency is -- has been reviewed.

2 Thank you.

3 G.A. SMITH: I sure will, thank you,  
4 Art.

5 VICE CHAIR PRESSNELL: Yes, thank you,  
6 Art, appreciate it very much.

7 So, I'm Claude Pressnell, serve as the  
8 Vice Chair of the Committee. And, again, as Art  
9 noted, this is a review of the Joint Review  
10 Committee on Education and Radiological  
11 Technology. And so, to introduce the agency, we  
12 have Robert Mayes and Mary Ellen Petrisko. So,  
13 which of the two of you are going to introduce  
14 the committee?

15 M.E. PETRISKO: I will do it, I'll  
16 take the first round.

17 VICE CHAIR PRESSNELL: Thanks, Mary  
18 Ellen.

19 M.E. PETRISKO: Thank you, thank you,  
20 Claude. And good morning, everyone. I'm pleased  
21 to provide the introduction to the Joint Review  
22 Committee on Education and Radiological

1 Technology, also referred to as JRCERT.

2 JRCERT is both a programmatic and an  
3 institutional accrediting agency for radiography,  
4 magnet resonance, radiation therapy, and medical  
5 dosimetry.

6 The agency was established as a joint  
7 effort of the American Society of Radiologic  
8 Technologists and the American Medical  
9 Association's Council on Medical Education and  
10 Hospitals.

11 The agency accredits programs of  
12 higher education that are based in hospitals and  
13 medical centers and accreditation of those  
14 programs is a required element to establishing  
15 eligibility to participate in programs under  
16 Title IV of the Higher Education Act as amended.

17 JRCERT certainly -- currently  
18 accredits over 700 programs throughout the United  
19 States and its territories. Of these programs,  
20 approximately 100 are housed in institutions not  
21 accredited by other national accrediting agencies  
22 recognized by the secretary.

1                   Approximately 25 of these programs  
2 participate in Title IV funding programs.

3                   The U.S. Commissioner of Education  
4 first recognized JRCERT in 1957. The agency was  
5 last renewed for -- sorry, reviewed for renewal  
6 of recognition in 2017.

7                   That ends my introduction, thank you.

8                   VICE CHAIR PRESSNELL: All right,  
9 thank you very much.

10                  So, now we call up Charity Helton for  
11 staff review. Charity?

12                  C. HELTON: Good morning, Mr. Vice  
13 Chair and members of the Committee. My name is  
14 Charity Helton and I am providing the summary of  
15 the review of the petition for renewal of  
16 recognition for the agency, Joint Review  
17 Committee on Education and Radiological  
18 Technology, which will also be referred to as  
19 JRCERT or the agency.

20                  The staff recommendation to the senior  
21 department officials for this agency is to review  
22 the agency's recognition for a period of five



1 years. This recommendation is based on our  
2 review of the agency's petition and its  
3 supporting documentation as well as review of the  
4 agency's files and in observation of the site and  
5 the board meeting in winter and spring of 2021.

6 A review of the agency's petition  
7 found that the agency is in compliance with the  
8 secretary's criteria for recognition.

9 The department received no complaints  
10 regarding this agency during the recognition  
11 period and received no third-party comments from  
12 this review.

13 Therefore, the staff is recommending  
14 to the senior department official to review the  
15 agency's recognition for a period of five years.

16 There are representatives of the  
17 agency here today to answer your questions.

18 Thank you.

19 VICE CHAIR PRESSNELL: Thank you. And  
20 we're honored to be able to invite the agency  
21 representatives to do presentation. I've got on  
22 my list, Julia Lasley, the Chair, Chad Henley,

1 Leslie Winter, Traci Lang, and Jennifer Michaels.

2 So, Julie, are you on?

3 J. LASLEY: I am. Can you hear me?

4 VICE CHAIR PRESSNELL: We can.

5 J. LASLEY: Okay.

6 VICE CHAIR PRESSNELL: Thank you very  
7 much. So, we'll let you lead the discussion,  
8 thank you.

9 J. LASLEY: Thank you.

10 Well, good morning, Mr. Vice Chair,  
11 and members of the Committee. We would like to  
12 thank you for this opportunity to speak on behalf  
13 of the Joint Review Committee on Education and  
14 Radiological Technology, or the JRCERT.

15 My name is Dr. Julie Lasley and I am  
16 the current Chair for the JRCERT Board of  
17 Directors and the Program Director for the  
18 Radiation Therapy Program at Northern Kentucky  
19 University.

20 I have been a registered radiological  
21 technologist, specifically a radiation therapist,  
22 for 43 years, and an educator for over 20.

1 I would like to take this opportunity  
2 to introduce my colleagues as well, Dr. Chad  
3 Henley, who is the Secretary/Treasurer of the  
4 JRCERT Board of Directors and has been a  
5 registered radiological technologist in both  
6 radiography as well as magnetic resonance. He is  
7 the Program Director at the University of Nevada,  
8 Las Vegas.

9 Also joining us are the JRCERT  
10 executive staff, Ms. Leslie Winter is the Chief  
11 Executive Officer of the JRCERT and has been with  
12 the JRCERT for over 25 years, and a registered  
13 radiological technologist for 40 years.

14 Ms. Tracie Lang is the Executive  
15 Associate Director and is a radiation therapist.  
16 She has been a radiological technologist for over  
17 24 years and employed at the JRCERT for 10 years.

18 Dr. Jennifer Michael is the Assistant  
19 Director and has been a registered radiological  
20 technologist for 14 years as well as serving as  
21 an assistant professor, clinical coordinator, and  
22 quality enhancement representative.

1                   We would also like to express our  
2                   appreciation to Ms. Charity Helton for her  
3                   assistance in developing the petition. Her  
4                   knowledge of the regulations was clearly evident  
5                   and her guidance proved invaluable during this  
6                   process.

7                   We are extremely proud of our  
8                   organization and committed to our vision of  
9                   excellence in education in radiological sciences  
10                  and we believe that educational quality and  
11                  integrity cannot be compromised.

12                  The JRCERT accreditation process is  
13                  designed to ensure that there are appropriate  
14                  radiation safety and magnetic resonance practices  
15                  in place to safeguard students, patients, and the  
16                  public.

17                  Also, as a result of our accreditation  
18                  process, patients and the public are assured of  
19                  high quality healthcare services.

20                  An additional strength to our  
21                  organization is that, with the exception of the  
22                  public member, the board of directors and all

1 executive staff are credentialed in the  
2 radiological sciences. The board's  
3 qualifications and knowledge of the issues facing  
4 the radiological sciences provides the foundation  
5 for sound accreditation decisions.

6 Furthermore, the professional staff's  
7 credentials and accumulated years of experience  
8 in the profession enhance our organization's  
9 ability to serve as consultants to programs  
10 during the accreditation process.

11 Knowing that our site visitors are an  
12 integral component in the accreditation process,  
13 we ensure that they are fully educated and  
14 prepared before conducting a peer review  
15 evaluation.

16 The JRCERT policies and procedures  
17 have specific requirements for appointment and  
18 subsequent reappointment. Additionally, policy  
19 also requires site visitors to maintain the  
20 knowledge of the standards and the accreditation  
21 process by participating in professional  
22 development activities at a maximum of every

1 three years.

2 To assure a quite site visit, the team  
3 composition nears the type of program in  
4 sponsoring institution. So, for example, an  
5 accommodation is required to be a team member or  
6 a distance education expert would be assigned to  
7 a program utilizing distance education delivery.

8 And, finally, the programs and the  
9 site visit team all complete a conflict of  
10 interest form prior to that final assignment.

11 These measures assure a quality site  
12 visit and best practices in the accreditation  
13 process.

14 We would like to provide some general  
15 information regarding performance data, decision  
16 activities, and student achievement.

17 First, we will address the general  
18 performance and outcomes of the institutions that  
19 we accredit.

20 As mentioned earlier, the JRCERT  
21 accredits over 700 programs, the number of  
22 accredited programs has remained constant since

1       2016.

2                   In 2020, there were 14,314 enrollments  
3       and over 11,000 graduates from these programs.  
4       Twenty-six of these programs participate in the  
5       Title IV funding of which the JRCERT is the  
6       gatekeeper.

7                   Data collected from our Title IV  
8       annual survey administered to our 26 programs for  
9       which we are the gatekeeper demonstrates an  
10      average of 16 students per program participating  
11      in Title IV federal funding, utilizing  
12      approximately \$7,000 annually with a default rate  
13      of only 1.28 percent.

14                  Comparing this to the average annual  
15      tuition costs of just over \$6,500 for in-state  
16      residents, graduates can expect to be gainfully  
17      employed earning an average salary of \$69,000 as  
18      based on survey data compiled by the American  
19      Society of Radiological technologists in 2019.

20                  For 2020, the five-year job placement  
21      rate for all programs is just over 98 percent.

22                  In a traditional program in the

1 radiological sciences, students progress through  
2 the program in cohorts. Therefore, program  
3 completion rate and graduation rates are  
4 synonymous. Based on the data collected from our  
5 program annual reports, program completion and  
6 graduation rates for our programs in which we are  
7 the gatekeeper is 91.34 percent for 2021.

8 In comparison to program completion  
9 rates for all programs, Title IV programs are in  
10 accordance with exemplary data. Radiography  
11 students complete at an average of 88 percent.  
12 Radiation therapy is at 93 percent, magnetic  
13 resonance is at 95 percent, and 97 percent of  
14 medical dosimetry students complete their  
15 program.

16 JRCERT continues to monitor Title IV  
17 funding via our Title IV annual survey and our  
18 program annual reports.

19 Next, we will address the decision  
20 activities and the data gathered by the JRCERT.

21 The JRCERT requires programs to submit  
22 data annually in relation to national



1 certification pass rates, job placement rates,  
2 and program completion rates. This requirement  
3 for outcome data is clearly reflected in our  
4 accreditation standards and is continuously  
5 monitored via the program's annual report and  
6 interim report in the continuing accreditation  
7 process.

8 Failure to comply with these  
9 standards, consistent with the USDE regulations  
10 and the JRCERT policy, initiates a compliance  
11 timeframe for those programs. The board reviews  
12 all programs that have been placed on a  
13 compliance timeframe.

14 For 2021, there were 283 accreditation  
15 actions taken. Since our last petition in 2017,  
16 the JRCERT Board of Directors placed 15 programs  
17 on probation and involuntarily withdrew  
18 accreditation from 5 programs.

19 The programs that were involuntarily  
20 withdrawn were due to having credentialing  
21 examination pass rates below the benchmark of 75  
22 percent.

1           The third area we will address is the  
2 standards and practice in regard to student  
3 achievement.

4           The JRCERT has established the  
5 following numerical benchmarks for student  
6 achievement. The benchmarks are 5-year average  
7 credentialing examination pass rate of not less  
8 than 75 percent at first attempt within 6 months  
9 of graduation for radiography, radiation therapy,  
10 and magnetic resonance.

11           Five-year average credentialing  
12 examination pass rate of not less than 75 percent  
13 at first attempt within 12 months of graduation  
14 for medical dosimetry, and a 5-year average job  
15 placement rate of not less than 75 percent within  
16 12 months of graduation.

17           So, programs have the flexibility to  
18 establish their own benchmarks for this metric.

19           Input for these metrics was provided  
20 by our programs and communities of interest  
21 during the process of developing and implementing  
22 the 2021 standards.

1                   The JRCERT also analyzed credentialing  
2 examination results data made available from the  
3 national credentialing agencies and we have  
4 established what we believe to be a reasonable  
5 benchmark of a 5-year average of 75 percent. The  
6 5-year average is more representative of student  
7 achievement compared to a benchmark based on the  
8 results from a single year that could fluctuate  
9 considerably from one graduating cohort to the  
10 next.

11                   Additionally, the JRCERT's analysis of  
12 credentialing examination data clearly indicated  
13 that scores deteriorated rapidly if students  
14 waiting for extended periods to take the  
15 examination. And this led us to establish the  
16 timeframes for collection of data as within 6 or  
17 12 months.

18                   In the most recent 5-year  
19 credentialing examination pass rate for our  
20 programs is based on data received from the 2020  
21 annual reports, radiography is at 91 percent,  
22 radiation therapy is at 89 percent, magnetic

1 resonance is 95 percent, and medical dosimetry is  
2 at 97 percent.

3 Again, these are based off the first  
4 attempts on the credentialing examination.

5 Job placement rate is defined as the  
6 number of graduates employed in the radiological  
7 sciences compared to the number of graduates  
8 actively seeking employment in the radiological  
9 sciences.

10 The JRCERT analyzed job placement rate  
11 historical data as reported by our programs on  
12 the appropriate annual report to establish what  
13 we believe to be a reasonable benchmark of a 5-  
14 year average of 75 percent.

15 Averaging job placement data over a 5-  
16 year period takes into consideration fluctuations  
17 in the job market.

18 Additionally, the 12-month post-  
19 graduation timeframe for collection of job  
20 placement data allows sufficient time for  
21 graduates to obtain employment, especially during  
22 periods of reduced hiring.

1                   Programs are also permitted to exclude  
2                   these graduates not actively seeking employment  
3                   for a variety of reasons in their reporting.

4                   Program completion rate is defined as  
5                   the number of students who complete the program  
6                   within that stated program length. The program  
7                   must establish a benchmark for its program  
8                   completion rate. The program specifies the entry  
9                   point such as the required orientation date or  
10                  final drop/add date used in calculating the  
11                  program completion rate.

12                  Completion rate is recorded each year  
13                  on the program annual report. The JRCERT  
14                  provides programs and flexibility to establish  
15                  their own benchmarks for program completion rate  
16                  as there exists several variations in admission  
17                  criteria ranging from open admission to stringent  
18                  criteria for selective admission that  
19                  significantly impact completion rates.

20                  Additionally, the program is required  
21                  to follow the policies of a sponsoring  
22                  institution when calculating the entry point date

1 into the program which, again, impacts the  
2 completion rate calculations.

3 The JRCERT applies a concerted effort  
4 to evaluate student achievement measures.  
5 Program effectiveness data must be reported  
6 annually to us as part of the program annual  
7 report. And if the program fails to meet any of  
8 these benchmarks of student and achievement, we  
9 require them to provide a detailed action plan  
10 regarding how they intend to achieve the unmet  
11 benchmark.

12 We then review the program's progress  
13 towards meeting any unmet benchmarks at a minimum  
14 annually. Programs not meeting the established  
15 benchmarks are placed on a compliance timeframe  
16 as required by the USDE and the JRCERT policy and  
17 monitored by the Board of Directors.

18 To assure reliable and valid program  
19 effectiveness, we require programs to describe  
20 their documentation process and submit externally  
21 verified data. Programs must submit a  
22 representative sample of their documentation.

1 And, additionally, site visitors verify all data  
2 during onsite visits.

3 Then the Board continuously listens to  
4 its communities of interest and discusses  
5 concerns that may have possible implications for  
6 our programs and established benchmarks. We are  
7 currently waiting for the 2021 data from the  
8 annual reports to determine that impact the  
9 pandemic may have had on our programs and their  
10 effectiveness measures.

11 And, finally, we will address the  
12 JRC's activities in improving program and  
13 institutional quality.

14 Programs under a compliance timeframe,  
15 for accreditation history or with receipt of last  
16 set of maximum accreditation award are defined as  
17 at risk programs by the JRCERT. At risk programs  
18 are monitored via annually through the inner  
19 reports, progress reports, and a continuing  
20 education process.

21 The JRC offers multiple resources to  
22 assist programs and document in full compliance

1 and to promote program improvement. For example,  
2 we offer assessment and accreditation and site  
3 visitor workshops throughout the year. The  
4 professional staff is available for individual  
5 consulting, and learning modules are on the  
6 website in the Learning Management System to  
7 provide programs with best practices in areas  
8 such as assessment processes, completing the  
9 self-study or interim report, to calculating  
10 program effectiveness data.

11 Additionally, the JRCERT newsletter  
12 and the town hall meetings are offered  
13 periodically and provide programs with the depth  
14 of information in relation to accreditation and  
15 the opportunity to pose questions to the Chief  
16 Executive Officer.

17 The vast majority of at risk programs  
18 maintain accreditation; therefore, we believe  
19 that the resources provided to these programs  
20 significantly assist the programs to be  
21 successful.

22 We continue to monitor the



1 effectiveness of these learning resources.

2 The JRC is constantly monitoring the  
3 COVID-19 pandemic and we continue to provide  
4 support and guidance to our programs. One  
5 example utilized to support our programs was  
6 offered in accordance with the USDE allowance to  
7 provide distance education delivery, hybrid or  
8 fully online without requiring JRCERT approval.

9 Additionally, the JRCERT developed a  
10 resource titled Best Practices for Distance  
11 Education Practices for our programs to assist in  
12 rapid transition to online learning.

13 We also offered professional  
14 development activities for our programs remotely  
15 as well as via Zoom webinars and e-learning  
16 courses in our learning management system.

17 This concludes our remarks. And, once  
18 again, on behalf of the JRCERT Board and staff,  
19 we would like to thank the Department and the  
20 Committee for the opportunity to present  
21 additional information in support of our petition  
22 of recognition and we're happy to answer any

1 questions you may have.

2 VICE CHAIR PRESSNELL: All right,  
3 thank you very much, Dr. Lasley.

4 So, Mary Ellen, Robert, questions?

5 M.E. PETRISKO: I'll kick it off.

6 First of all, thank you so much for  
7 that really excellent and informative  
8 introduction. It was very useful to get really  
9 up to date with regard to what has been happening  
10 with JRCERT. Because you know the application  
11 was filed a while ago, so this really brought us  
12 up to date.

13 Just for clarification purposes, can  
14 you say -- can you explain to us the hospitals  
15 and medical centers that your programs are housed  
16 in?

17 The introductory material that I read  
18 noted that approximately 100 of your programs are  
19 housed in institutions that are not accredited by  
20 the national accrediting agencies recognized by  
21 the secretary. I know that a lot of your  
22 programs are housed -- are also recognized by

1 CHIA.

2 Are there other accrediting bodies  
3 that oversee those hospitals and medical centers  
4 that your accreditation also sort of goes  
5 together with?

6 J. LASLEY: Thank you for that  
7 question.

8 Les, can you answer this, please?

9 M.E. PETRISKO: You're on mute.

10 L. WINTER: My favorite words of the  
11 pandemic.

12 Thank you, yes, I'd be more than happy  
13 to answer that question.

14 Currently, we do have about 100  
15 programs that are housed in a hospital. They  
16 aware a certificate and, as Julie said earlier,  
17 26 of those we're a gatekeeper for.

18 There's no other accrediting agency  
19 for those programs. The remaining of our  
20 programs are either in universities and community  
21 colleges where we don't serve as a gatekeeper.

22 M.E. PETRISKO: Okay, thank you.

1       That's very helpful.

2               So, I have a few questions that I'd  
3       like to ask. And I guess I'll start with student  
4       achievement.

5               I noted, of course, I read the  
6       materials that the benchmarks that you have, the  
7       bright lines that you had for the completion and  
8       the certification were at 75 percent.

9               And I noted even with the samples that  
10      we had in the application that the success rates  
11      were actually quite a bit higher than that, it  
12      seemed, across the board.

13              And the most recent credentialing exam  
14      rates that you noted, Dr. Lasley, 91 percent, 89  
15      percent, 95 percent, and 97 percent, way above  
16      the 75 percent.

17              So, I was thinking, why is the  
18      benchmark at 75 percent?

19              And then, you noted that, I guess  
20      since the last accreditation period, you had  
21      withdrawn accreditation from five programs  
22      because they did not meet that 75 percent

1 benchmark.

2 And I also noted that 15 programs were  
3 on probation. I didn't catch whether the  
4 probation was also because of the completion  
5 rates and the credentialing rates.

6 But I'd like to understand a little  
7 bit more about the program. How many programs,  
8 you know, bump against that that have to do the  
9 action plans? And how successful are they in  
10 remediating?

11 And the last question with regard to  
12 that is, the programs that were withdrawn, they  
13 had their action plans clearly marked successful.  
14 How long of a period was it before you finally  
15 withdrew that accreditation after they've had the  
16 problems with meeting the benchmarks?

17 J. LASLEY: Okay, so to answer --  
18 thank you for that question, those three  
19 questions.

20 The first question really reflects  
21 small cohorts. Some of our programs have really,  
22 really small programs. Meaning they're maybe

1 five students in the program. So, right there,  
2 if some -- if one student fails, we're right at  
3 80 percent.

4 So, by setting that benchmark at 75  
5 percent for a five year average helps a lot of  
6 those smaller programs move forward and be  
7 successful on that benchmark.

8 The second question, Les, can we  
9 entertain some information regarding that,  
10 please?

11 L. WINTER: Sure. The current number  
12 that we have on a compliance timeframe due to  
13 pass rates today, there are probably about  
14 approximately about ten programs.

15 The success of them coming off the  
16 compliance timeframe, like Julie said, it just  
17 depends on the size of the cohort and what that -  
18 - what the pass rate average is.

19 M.E. PETRISKO: Okay, thank you.  
20 Thank you for that. My next question is with  
21 regard to staffing and how your staff, educated  
22 professional staff, interact with your

1 evaluators?

2 And if I understand it correctly, what  
3 happens with, let's say with the site visitors  
4 that's with the reviews is that the materials  
5 from the program would be reviewed by the staff.  
6 The staff will write a letter, well, sort of an  
7 evaluation -- staff evaluation of what has been  
8 reviewed. And send that to the program head,  
9 head of the program, you know, representatives.

10 And the responses to those comments  
11 and questions are then sent directly site  
12 visitors, to the team, the team that evaluates  
13 what those responses are, et cetera.

14 So, the staff role is pretty important  
15 in that in sort of taking that first cut at what  
16 the program -- how the program is doing. And  
17 when I review -- maybe you could just tell us a  
18 little bit more about the professional staff  
19 versus the other administrative staff? And, in  
20 particular, there was two staff members who I  
21 think were deemed to be professional staff, I  
22 think they were named assistant directors, who do

1 not have the radiologic background. They were  
2 both math teachers actually.

3 And I just wondered what their -- did  
4 I read that right, are those professional staff  
5 members, or whether they're still there or not, I  
6 don't know, and how, if that is the case, if they  
7 were deemed to be professional staff members, how  
8 were they involved in doing a review of this  
9 where they didn't have that background?

10 J. LASLEY: Thank you for your  
11 question. Les, can you address this?

12 L. WINTER: Sure. So, all of our --  
13 you're correct. We do have two staff members  
14 that are not credentialed and they're not really  
15 referred to as our professional staff. Our  
16 professional staff are credentialed in the  
17 radiological sciences.

18 They've had extensive training in the  
19 accreditation process and all of their work is  
20 reviewed by one of the professional staff  
21 members. So, if they're reviewing a self-study  
22 or whatever, their work is always reviewed by one



1 of the professional staff members.

2 M.E. PETRISKO: Thank you, that  
3 answered my question very well, thank you very  
4 much.

5 Let's see, I think I only have a  
6 couple more little questions here. One was about  
7 the 75 percent which the small cohort really  
8 answered that very well.

9 Talk a little bit more about -- you  
10 did address this Dr. Lasley, about distance  
11 education and assisting institution, assisting  
12 programs in turning to distance education,  
13 whether they had in the past.

14 Clearly a lot of the work that  
15 credentialed radiologists and others do is very  
16 hands on work. So, how did -- how were those  
17 aspects of the program handled and how are they  
18 being handled now while the pandemic is still  
19 going on?

20 And can you also tell us about how  
21 your reviews have happened since onsite visits,  
22 at least to a great extent, have not been

1       happening during the last couple years?

2               J. LASLEY: Be happy to answer that  
3       question.

4               So, for example, many programs  
5       extended their clinical rotations and worked with  
6       their clinical sites to accommodate students in,  
7       for example, in radiation therapy, many clinic  
8       sites chose to not only do the N-95 fit tests for  
9       the students coming in at no charge to programs,  
10      but they also scheduled any patient diagnosed  
11      with COVID at the end of the day.

12              So, those therapists worked extra  
13      hours to treat those patients so students could  
14      continue their clinical practical courses.

15              M.E. PETRISKO: Thank you.

16              Did that extend the length of the  
17      program for any of the students?

18              J. LASLEY: It did not.

19              M.E. PETRISKO: Okay, thank you.

20              J. LASLEY: And your second question,  
21      I'm sorry, Mary Ellen, what was that?

22              M.E. PETRISKO: I'm sorry, about the

1 onsite reviews, about how --

2 J. LASLEY: Oh yes, onsite reviews.

3 So, we were able to establish online and hybrid  
4 reviews. So, where a site visitor went into the  
5 clinic site and basically followed and abided by  
6 that university or hospital institution's  
7 policies, as things got a little bit more depth  
8 with omicron and if that was happening, they were  
9 asked to bring their vaccination cards in and so  
10 they couldn't get to the hospitals or inside to  
11 evaluate students until they had their  
12 vaccination card with them.

13 M.E. PETRISKO: Okay.

14 J. LASLEY: And then, one site visitor  
15 conducted the site visit via online.

16 M.E. PETRISKO: Right, thank you very  
17 much.

18 That's the end of my questions, thank  
19 you very much for your detail and responses.

20 VICE CHAIR PRESSNELL: Thank you, Mary  
21 Ellen. Robert, you got some questions?

22 R. MAYES: Yes, I'll just ask a few.

1                   Julie, you mentioned early on in your  
2 talk about how the programs had stayed out 2017,  
3 you know, and I noticed in your report on your  
4 site kind of the big drop from 2011 to 2016, I  
5 guess it is, of, you know, 30-some odd programs.

6                   And, just earlier, I believe,  
7 actually, Mary Ellen, you mentioned I think y'all  
8 had removed some of the accreditation for part of  
9 that.

10                  Is there another reason for that 30-  
11 something programs dropped beyond the removal of  
12 some of them?

13                  J. LASLEY: Thank you for your  
14 question, Robert. Les, can you answer that?

15                  L. WINTER: Sure, sure. You're  
16 referring to our hospital certificate programs,  
17 sir?

18                  R. MAYES: Yes. It's in your annual  
19 -- the radiography annual.

20                  L. WINTER: Right, right, okay. A lot  
21 of our hospital -- first of all, our national  
22 credentialing examination body requires and

1 Associate's degree to sit for the exams. So, I  
2 think some of our hospital based certificate  
3 programs found it difficult to meet that  
4 requirement.

5 They either changed their admission to  
6 only accept people that had higher degrees or  
7 they articulate with the community college to  
8 afford those students to achieve an Associate  
9 degree and the certificate at the same time.

10 So, a lot of our hospital based  
11 programs didn't find it in their mission to  
12 support an educational program and withdraw it --  
13 withdrew from the accreditation process or they  
14 transferred their sponsorship to a community  
15 college.

16 So, we continue to see our hospital-  
17 based numbers drop.

18 R. MAYES: Okay, that answers that,  
19 thank you.

20 So, from -- I also kind of understand  
21 that it's important these -- the students of  
22 these programs and that one, too, in particular,

1 finish in that, you know, go take their tests in  
2 that first six months, otherwise it tends to drop  
3 off I believe is what y'all have indicated.

4 What have you found is a best practice  
5 that's reasonable and appropriate to get students  
6 to, you know, once they complete the program to  
7 get their credentialing exam done in a timely  
8 manner so, you know, there's a high rate of  
9 success?

10 J. LASLEY: So, thank you for that  
11 question.

12 That is a great question because what  
13 we tend to do is tell students if they need to  
14 apply for a job which all of them need to get  
15 employed, we tell them at the top right hand  
16 corner of most applications, they need that  
17 certification number. And, you know, it's to  
18 their benefit to study extremely hard right after  
19 graduation and take that exam within three  
20 months.

21 I encourage three months for my  
22 students and always have done that. And they've

1       been quite successful because then they'll past  
2       the boards and they put that certification number  
3       on their application and secure employment.

4               R. MAYES:   Okay, I understand.

5               Do most do a second attempt?

6               J. LASLEY:   Well --

7               R. MAYES:   When aided, do you know?

8               J. LASLEY:   Sadly, there are some that  
9       do a second attempt and we're not able to count  
10      that.   And what that does, sometimes we also  
11      explain that that exam costs \$250 and it's,  
12      again, to their benefit to study extremely hard  
13      the first time so they don't have to repeat that.

14              But every once in a while, you have  
15      students that have extreme test anxiety.   And I  
16      think, for the most part, it could have been the  
17      reason maybe why 89 percent examination pass rate  
18      for radiation therapy alone was reflected in 2020  
19      because there was a delay in getting those  
20      students scheduled for exams at testing centers.

21              R. MAYES:   I see.   Do you expect the  
22      numbers to kind of vary due to the pandemic in

1 future years once that data comes in?

2 J. LASLEY: Yes, I prefer not for that  
3 number to vary, but I think we're living in a new  
4 world and we're just going to have to make some  
5 adjustments moving forward.

6 R. MAYES: Agreed. Well, thank you  
7 for all you do and your service.

8 J. LASLEY: Thank you.

9 R. MAYES: It's a very worthy field  
10 and your work is very appreciated. That's all I  
11 have.

12 J. LASLEY: Thank you.

13 VICE CHAIR PRESSNELL: Thanks, Robert.

14 Questions from other committee  
15 members? Yes, David Eubanks?

16 D. EUBANKS: Thank you, took me a  
17 minute to get off mute there.

18 I'd like to add my thank you, Dr.  
19 Lasley, for your overview that described the  
20 scope of the program, number of students  
21 involved, and a raft of student achievement  
22 statistics that paint really, frankly, a glowing



1 picture of the agency's work.

2 A 91 percent graduation rate would be  
3 kind of elite in my world.

4 I've got a question about the student  
5 recruiting standard for accreditation. You  
6 mentioned in your introduction that there were a  
7 range of admissions policies, if I picked up on  
8 this correctly, that some programs or  
9 institutions had open admissions and some had  
10 more stringent ones.

11 And when I looked at the recruiting  
12 standards in -- that are used for accreditation,  
13 it seemed like there were two types, if I got it  
14 right, one is that things -- that the policies  
15 have to be published and available to people,  
16 that's completely understandable. And they can't  
17 be discriminatory.

18 I did not see one that explicitly  
19 links the admissions policies to sort of what we  
20 might consider a fair chance of success for the  
21 student. That's not a requirement, but I just  
22 would like to invite you to talk about that trade

1 off.

2 J. LASLEY: So, thank you for that  
3 question.

4 I think what you're asking is, are we  
5 posting standards related to fair processes?

6 D. EUBANKS: Let me try to make it  
7 clearer. I'm sorry, that wasn't 100 percent  
8 clear.

9 What I'm asking is, does the  
10 institution or program, is there an expectation  
11 by the accreditor that their admissions policies  
12 attempt to ensure that students who are admitted  
13 have a reasonable chance to succeed? Is that an  
14 expectation of the accreditor?

15 J. LASLEY: Yes, I really think that  
16 is an expectation and my colleague, Ms. Winter  
17 can address that further.

18 L. WINTER: Its' our expectation that  
19 admission practices are fair and equitably  
20 applied and the practices that they publish are  
21 the practices that they're utilizing. So, it is  
22 a concern of the JRCERT.

1                   D. EUBANKS: Right. I think, in  
2                   general, and this is not really too much about  
3                   your program, you have obviously really good  
4                   outputs. So, it seems like the inputs, the  
5                   admission process must be pretty stringent in  
6                   order to select the students who are going to  
7                   succeed.

8                   But if all we do is publish policies,  
9                   it's a little bit like a buyer beware. You know,  
10                  here's the information, it's up to you, student  
11                  or applicant, to make the best decision.

12                  Whereas, my question is more about the  
13                  agency that the program or institution has in  
14                  selecting the student.

15                  We heard yesterday that programs and  
16                  institutions often see this selection process as  
17                  a balance between revenue and student  
18                  achievement, rightly or wrongly. So, maybe I  
19                  could just conclude with the question, these  
20                  institutions or programs that they have open  
21                  access, you mentioned that they have lower  
22                  graduation rates. Is there a role that the --

1       that you play as an agency in negotiating that  
2       student achievement?

3                   J. LASLEY: No, I don't believe that  
4       we do play a role in that. I do know from being  
5       a program chair in general that we try to allow  
6       as much -- some programs offer an opportunity to  
7       interview students. Some programs go strictly by  
8       GPA. And some programs require students to  
9       shadow into the profession to make sure this  
10      something they would like to do.

11                   And that varies across all our  
12      programs whether or not they shadow four hours or  
13      two weeks. But that does help with the admission  
14      process.

15                   Ms. Winter, do you have anything to  
16      add to that?

17                   L. WINTER: I think we see less and  
18      less open door admission because it's a difficult  
19      curriculum and there's a lot of math, there's a  
20      lot of science. So, to be successful, you need  
21      to be strong in those categories. So, we see  
22      less open door policy admissions.

1 D. EUBANKS: Great, thank you.

2 VICE CHAIR PRESSNELL: Thank you,  
3 David. And if you could turn off your hand,  
4 raised hand, that'd be helpful. I got Ronnie and  
5 then Kathleen. So, Ronnie?

6 R. BOOTH: Thanks, Claude.

7 Thanks, Dr. Lasley, for an excellent  
8 intro. Sometimes a committee has to pull data  
9 out of folk, but you gave us a lot of good  
10 information up front and I appreciate that.

11 J. LASLEY: Thank you.

12 R. BOOTH: I would just point to  
13 David's question. Personally, I do think  
14 accrediting bodies have a bit of a responsibility  
15 to help institutions understand cause and effect,  
16 inputs and outputs and how that impacts how  
17 student prep impacts student success. And all  
18 programs are not created equal, either. They're  
19 just not, in terms of resource.

20 And, particularly, I wonder if  
21 hospital based programs have all the staff they  
22 need to help understand how to get students

1 appropriately prepared for programs?

2 So, I would just say at our  
3 institution, we look hard at the data and we  
4 changed the way we recruited and put students in  
5 programs to better ensure their success and the  
6 help we gave them along the way. So, that's just  
7 a thought.

8 I do believe we have some  
9 responsibilities to understand that all  
10 institutions don't have the same resources and we  
11 might have to help them understand what they can  
12 do to improve their success.

13 But having said that, many of the  
14 hospital based programs or the hospital based  
15 programs are not often in general education, so  
16 you're going to have to get that, help students  
17 get that elsewhere. So, how does that impact how  
18 you look at those institutions, at those programs  
19 that are hospital based, meaning, do you take a  
20 look at the gen ed and the quality of that? Talk  
21 to us about that a little bit.

22 J. LASLEY: Okay, thank you. That's

1 a great question.

2 We post a suggested curriculum in all  
3 programs that want to be accredited must follow  
4 that curriculum.

5 Ms. Winter, do you have anything to  
6 add?

7 L. WINTER: So, our hospital based  
8 programs are relatively small in nature, also.  
9 You know, we're looking at, you know, some five  
10 to ten students possibly. They either have to  
11 articulate with a community college to achieve  
12 that Associate degree where they are attaining  
13 their general ed or they must come into the  
14 program with the degree already.

15 So, I think the board looks at a  
16 hospital based program the same way they look at  
17 a community college. They have to meet the  
18 standards. They have to have that gen ed  
19 component either through an articulation  
20 agreement or admitting students with a degree  
21 already.

22 R. BOOTH: So, kind of another

1 question about the -- one more. Many  
2 institutions, of course, get an appropriate  
3 assessment and appropriate documentation by  
4 professionals, offer accommodations to students  
5 and testing. It's not just a ragtag students who  
6 suffer with that. I have a friend who's, quite  
7 honestly, locked up on a certified financial  
8 planners exam and we did a lot of talking and  
9 he's getting some help to get over his test  
10 anxiety.

11 So, in general, I think this is a  
12 question we have to address a lot of places  
13 because we give students accommodations or  
14 appropriate documentation for testing. But then  
15 when it comes times for licensing, what happens  
16 to those students is a legitimate question to  
17 ask? Have you had any experience in that area  
18 where you're able to provide those accommodations  
19 or help those students who may have serious test  
20 anxiety? I know it's real, I know people who  
21 suffer from that.

22 J. LASLEY: Yes, so, thank you for



1       that question.

2                   It is a real issue with many students  
3       and students that have high test anxiety are  
4       referred to each individual has -- each  
5       university probably has a testing center of some  
6       type where they help students get over their  
7       anxiety.

8                   And, as far as the board examination  
9       goes, they can apply for accommodations, but I'm  
10      not sure at this point how much longer they get  
11      on the Board exam to take.

12                  So, for our students, they get 3 hours  
13      and 20 minutes. And I'm not sure how much beyond  
14      that is extended. That's with the ARRT, the  
15      American Registry of Radiological Technologists.

16                  Ms. Winter, do you have anything to  
17      add to that?

18                  L. WINTER: I don't, Julie.

19                  R. BOOTH: Okay. Thanks, it just  
20      occurred to me, that's not just students at your  
21      level, it is everything from the law, the -- you  
22      name it, CPA, CFT, nursing, whatever. So, I've

1 just over the years wondered if we do enough for  
2 our students to help them understand, well, we've  
3 taken care of you, but what's the next step? How  
4 do we help you get to the next step?

5 Thank you.

6 J. LASLEY: Thank you.

7 VICE CHAIR PRESSNELL: Thank you,  
8 Ronnie. And, Ronnie, if you'd drop your hand,  
9 that's be great. And Kathleen's next. And then  
10 real quick, Wally, are you still wanting to ask a  
11 question?

12 W. BOSTON: No, mine got answered, so  
13 thanks.

14 VICE CHAIR PRESSNELL: Okay, thanks.

15 Kathleen, it's all yours.

16 K. ALIOTO: I just want to thank you,  
17 Dr. Lasley, and Ms. Winter, and Charity for  
18 putting together the kind of presentation and  
19 report that I think is just a model for other  
20 agencies. You give the numbers, you give --  
21 well, I won't go over all of the wonderful things  
22 that you came up with. I just found it dazzling

1 and I want to thank you for your work on behalf  
2 of millions of people whose lives are changed and  
3 altered by your work. So, thank you very much.

4 J. LASLEY: Well, thank you.

5 VICE CHAIR PRESSNELL: All right,  
6 thank you, Kathleen.

7 Any other questions from the  
8 committee?

9 (Pause.)

10 VICE CHAIR PRESSNELL: I'm not seeing  
11 any. And, Kathleen, if you would drop your hand,  
12 your raised hand, that would help, that helps me.

13 So, Charity, I invite you back to see  
14 if you have any final comments or if the  
15 committee has any questions for the Department  
16 staff. I'm not aware of any third-party  
17 comments.

18 G.A. SMITH: There aren't any, thank  
19 you, Claude.

20 VICE CHAIR PRESSNELL: Thank you,  
21 George.

22 Charity, do you have any closing

1       comments?

2                   C. HELTON: I have no additional  
3       comments, thank you.

4                   VICE CHAIR PRESSNELL: Okay. Do you  
5       have a question?

6                   D. EUBANKS: Yes, just a quick follow  
7       up. Is there a connection when the review of the  
8       recruiting and advertising standard is done? Is  
9       there a connection between that and student  
10      achievement that would somehow permit a link  
11      between the absolute importance of admission  
12      standards and the outcomes we see in student  
13      achievement?

14                  C. HELTON: That's a good question.

15                  In our regulations, they are in --  
16      contained in two separate criteria. So, we  
17      typically, you know, write a short essay and do  
18      an analysis for each of those areas separately.  
19      But as you say, there is a strong link generally  
20      between the two.

21                  In this case, most of the agency's  
22      programs are housed in institutions and colleges

1 or universities that have a broader admissions  
2 policy and their programs become subject to the  
3 institution's policies for admissions.

4 But, yes, we generally evaluate those  
5 separate as they do appear as two separate  
6 criteria.

7 D. EUBANKS: Thank you. That's what  
8 I thought. And my question's really general not  
9 so much about this particular agency, but let me  
10 -- suppose that the accrediting standard actually  
11 was explicit in saying that institutions, let's  
12 say, are only supposed to -- or they supposed to  
13 take into account the success likelihood of  
14 students when they admit them, if they say that  
15 in the standard, would that then trigger a link  
16 to the student achievement numbers?

17 C. HELTON: Absolutely, if you have an  
18 agency or a set of schools that are having  
19 consistent issues with their student outcomes, I  
20 think absolutely that the first thing to do would  
21 be to look at the admissions of the students and  
22 whether or not they are taking seriously their

1 responsibility to admit people capable of  
2 succeeding in that program.

3 And I think that when you see -- not  
4 just speaking about agencies, when you see  
5 schools that have strong issues with student  
6 outcomes, what you'll find is that there's also a  
7 lot of other problems typically found at those  
8 schools as well and there, you know, seems to be  
9 a strong correlation between looking closely at  
10 their admission practices and those cases as  
11 well.

12 I think maybe Herman has something  
13 additional to add to that.

14 VICE CHAIR PRESSNELL: Yes, Herman?

15 H. BOUNDS: Yes, I was just going to  
16 say in general, you know, Charity kind of summed  
17 it up, but when it comes to, you know, like when  
18 you kind of make a compliance determination,  
19 you're going to make those independently. You  
20 know, there may be other things that affect the  
21 specific area, but you really have to needle down  
22 to that specific area and then whatever the

1 agency's requirements are.

2 You know, in this case, what we're  
3 talking about is student achievement, I guess,  
4 related to student achievement, unless we see  
5 something in both areas, student achievement and  
6 admission practices that we can make a link to.

7 D. EUBANKS: Right, thank you for  
8 that. And this is really under the  
9 undersecretary's remarks about effective use of  
10 data and because the admissions process collects  
11 usually lots of data and it's linked by student  
12 IDs to the achievement data that there are pretty  
13 straightforward ways to assess what the  
14 admissions policies are actually doing regardless  
15 of what an institution's maybe saying or  
16 intentions are.

17 So, thank you.

18 VICE CHAIR PRESSNELL: Thank you,  
19 David.

20 Any other questions for the agency or  
21 for Charity?

22 (Pause.)

1 VICE CHAIR PRESSNELL: All right,  
2 seeing none, thank you very much to the agency  
3 representative. We appreciate it.

4 And, at this point, I would entertain  
5 a motion. Mary Ellen, are you making or --

6 M.E. PETRISKO: Yes, I'm happy to make  
7 a motion. I move that we recommend that the  
8 senior department official grant the Joint Review  
9 Committee on Education and Radiologic Technology  
10 continued recognition with -- I'm sorry,  
11 continued recognition for a period of five years.

12 VICE CHAIR PRESSNELL: All right.

13 R. MAYES: Second.

14 VICE CHAIR PRESSNELL: Robert seconds  
15 the motion. Is there any discussion about the  
16 motion?

17 (Pause.)

18 VICE CHAIR PRESSNELL: All right,  
19 seeing none, let's take the vote.

20 So, Kathleen?

21 K. ALIOTO: Yes.

22 VICE CHAIR PRESSNELL: Roslyn?



1 Roslyn? I know she's on here. Roslyn, can you  
2 unmute yourself? You're showing muted. There  
3 you go. Do a thumbs up or a thumbs down. She's  
4 got thumbs up, the Chair recognizes the thumbs  
5 up, that'd be a yes.

6 And I believe Jennifer's not with us  
7 today, is that correct?

8 G.A. SMITH: That's correct.

9 VICE CHAIR PRESSNELL: Okay, thank  
10 you.

11 Ronnie Booth?

12 R. BOOTH: Yes.

13 VICE CHAIR PRESSNELL: Wally Boston?

14 W. BOSTON: Yes.

15 VICE CHAIR PRESSNELL: Jill Derby?

16 J. DERBY: Yes.

17 VICE CHAIR PRESSNELL: David Eubanks?

18 D. EUBANKS: Yes.

19 VICE CHAIR PRESSNELL: Michael

20 Lindsay?

21 M. LINDSAY: Yes.

22 VICE CHAIR PRESSNELL: Molly Hall

1 Martin?

2 M. HALL MARTIN: Yes.

3 VICE CHAIR PRESSNELL: Robert Mayes?

4 R. MAYES: Yes.

5 VICE CHAIR PRESSNELL: Mary Ellen

6 Petrisko?

7 M.E. PETRISKO: Yes.

8 VICE CHAIR PRESSNELL: Michael

9 Poliakoff?

10 M. POLIAKOFF: Yes.

11 VICE CHAIR PRESSNELL: Bob Shireman?

12 R. SHIREMAN: Yes.

13 VICE CHAIR PRESSNELL: And Steven Van

14 Ausdle?

15 S. VAN AUDSLE: Yes.

16 VICE CHAIR PRESSNELL: All right,  
17 motion carries. Congratulations to the agency.

18 J. LASLEY: Thank you.

19 VICE CHAIR PRESSNELL: I would  
20 recommend we take a ten minute break so that  
21 George can get our Chairman back on. So, I have  
22 got 11 minutes after the hour, so 21 minutes

1 after the hour, we'll begin again. Does that  
2 sound all right, George?

3 G.A. SMITH: Thank you, Claude, that's  
4 perfect. Thanks so much.

5 VICE CHAIR PRESSNELL: Thank you.  
6 Thank you all.

7 (Whereupon, the above-entitled matter  
8 went off the record at 11:11 a.m. and resumed at  
9 11:21 a.m.)

10 CHAIR KEISER: Well, good afternoon  
11 everyone. And we're not yet, we're close to it,  
12 we're going to have a policy discussion. This is  
13 a little different than what we normally do.

14 But I'm going to open the floor, if  
15 you want to raise your hand to bring up policy  
16 issues that you would like to discuss. We do not  
17 have a specific agenda.

18 If anyone from the members would like  
19 -- after we have our policy discussion, we would  
20 then invite the third-party commenters to have  
21 their three minutes.

22 Oh, Bob, you have your hand up?

1 R. SHIREMAN: Thanks, Art. So, I have  
2 three topic areas that I wanted to discuss. One  
3 is about the information that is made publically  
4 available and when it is made available. The  
5 second is about the NACIQI charter as it relates  
6 to conflicts of interest. And the third is about  
7 our voting process, kind of related to the NACIQI  
8 charter issue.

9 Art, I don't know if you want to sort  
10 of get from people a list of things that they  
11 want to discuss and then sort of, you know,  
12 manage it in that way or do you want me to go  
13 ahead and talk about all three of those issues  
14 right now?

15 CHAIR KEISER: That's a good question.  
16 Okay, I'll put them all on the agenda.

17 Kathleen, what are your issues?  
18 You're muted, Kathleen.

19 K. ALIOTO: Jennifer's suggestion  
20 yesterday that the Department had a liaison that  
21 can connect what's in the accreditation scorecard  
22 with what the Department is required to do.

1                   And, along that same way, is including  
2                   having the kind of presentation and helping if  
3                   the Department could help agencies to follow the  
4                   outline that we just experienced with this  
5                   accreditor because it gave the numbers, it gave  
6                   the results, it gave -- it was honest about the  
7                   number of problem areas, 283.

8                   In other words, just that as what can  
9                   be presented by the Department to NACIQI, I think  
10                  that would be helpful with that.

11                  The third-party thing I mentioned  
12                  before, perhaps have two months that people could  
13                  have, not that we want to have a 100 people, but  
14                  it's so weird to have no third-party comments.  
15                  It just makes you think that the process is being  
16                  rooked or something.

17                  I'd also like to -- I don't know if  
18                  this is -- it's not a policy question, but that  
19                  we -- that the way that everything is formatted,  
20                  it's very difficult for old people like me, and  
21                  I'm -- let's not be prejudiced against older  
22                  people, but to pull up the files and to balance

1       these files, it's not done in an efficient way.  
2       So, I'd like to have some attention paid to that.  
3       It's not a policy question.

4               CHAIR KEISER: Well, Kathleen, just to  
5       let you know, in the old days, we used to get  
6       sent to us a week before, big boxes, big boxes of  
7       materials and we'd have to bring them to  
8       Washington with us so we could review them. So,  
9       there are some advantages of the electronic, but  
10      we can talk about it.

11             Anything else?

12             K. ALIOTO: Thank you.

13             CHAIR KEISER: Jill?

14             J. DERBY: No, I would just follow up  
15      and underscore what Kathleen just said. I think  
16      we were all pretty dazzled by the JRCERT report  
17      and I was just thinking as a NACIQI, long time  
18      NACIQI member, how can we encourage that kind of  
19      reporting? And I think that's pretty much a  
20      follow up to Kathleen's suggestion.

21             But it's just, I thought if we could  
22      have that every time, it would save us having to

1 really scour the files and figure out how to ask  
2 the questions to get that sort of data. I think  
3 that was very rich and provided us with the kind  
4 of real information we need to make our  
5 decisions.

6 CHAIR KEISER: Any others? David?

7 D. EUBANKS: Yes, I just want to see  
8 if we needed to have a conversation about the  
9 idea of a subcommittee that was floated on day  
10 one after the undersecretary's remark and must  
11 leave the meeting with no idea or no conclusion  
12 to that.

13 CHAIR KEISER: Okay.

14 VICE CHAIR PRESSNELL: And, just real  
15 quick, could I get -- and I missed that. Could  
16 you explain that a little bit more, David?

17 D. EUBANKS: Well, I have a goldfish  
18 brain, so I can only remember like the last three  
19 minutes of my life. But I do remember that we --  
20 the undersecretary made remarks about the  
21 importance of using data to, you know, understand  
22 and affect student achievement.

1                   And then, we had a quick informal  
2                   discussion in NACIQI about how we might better  
3                   understand that issue and the idea of a  
4                   subcommittee was floated. That's my  
5                   recollection, if somebody else wants to elaborate  
6                   or correct me on that.

7                   VICE CHAIR PRESSNELL: If I'm not  
8                   mistaken, we had consensus to create a  
9                   subcommittee and we did ask if you would submit  
10                  your names either to George or to myself and  
11                  we'll get that committee started. And I think  
12                  that was the result of that.

13                  CHAIR KEISER: Okay, any others?

14                  Bob?

15                  R. SHIREMAN: It just reminded me that  
16                  we -- in the written public comments that we got  
17                  30 days ago, whatever, that was distributed, the  
18                  letter from higher learning advocates about  
19                  accreditors and the way they contract --  
20                  overseeing accreditors and the way they contract  
21                  out which is another area where potentially a  
22                  subcommittee could be appropriate, so just



1 raising that.

2 CHAIR KEISER: Was it that the  
3 accreditors contracted out, Bob, or that  
4 institutions contracted --

5 R. SHIREMAN: Yes, sorry, yes, that's  
6 right. Institutions contracting out.

7 So, the way accreditors oversee  
8 institutions contracting out and --

9 CHAIR KEISER: And that is a -- what  
10 are the core issues that the accreditors need to  
11 be looking at in that, correct? That is a very  
12 interesting article. I kind of -- in fact, I  
13 have it right here next to me.

14 Okay, any others? It's going to be  
15 hard to get all these in but if you can, be  
16 brief.

17 We'll start with the first one which  
18 is the public transparency. Bob, would you like  
19 to discuss that?

20 R. SHIREMAN: Yes, thank you.

21 So, this relates also to Kathleen's  
22 suggestion about public comment and third-party

1        comments and the fact that frequently nothing  
2        come in.

3                I've talked to somebody who worked in  
4        other industries and showed them what happens  
5        with these Federal Register Notices a year before  
6        where it just kind of says, does anybody have any  
7        comment about and then it names the agencies.

8                And they just said, that seems very  
9        strange, very odd, like usually a Federal  
10       Register Notice is about some document to respond  
11       to or some proposal or something like that.

12               And so, we -- starting with the  
13       agencies that are coming up this July, we're now  
14       in a situation where all of the agencies are  
15       required to -- before -- when they submit things  
16       to the Department to make sure that there's no  
17       personal information, anything inappropriate for  
18       the public to see so that the documents are FOIA  
19       ready, which means that the agencies'  
20       application, at the text of its application, if  
21       not its documents should be FOIA -- should be in  
22       a form where it could be released to the public

1       so that they -- so that there would be a document  
2       where people could see, what is this agency  
3       saying about itself? And then, they could  
4       comment, they would have something to respond to  
5       there.

6               Another piece of information that the  
7       -- that could be posted at that time, you know,  
8       maybe it wouldn't be in the Federal Register, but  
9       it could be referred to in the Federal Register  
10      on the Department's website would be an updated  
11      or current version of the data, not the  
12      scorecard, but the dashboard, the accreditor  
13      dashboard data that we have so that, again,  
14      people are kind of alerted to information that  
15      they could be responding to in third-party  
16      comments at that year before point, potentially  
17      also at the 30-day point.

18             But I think the ability to provide  
19      written comments, but that the staff can then  
20      work with is really important. And that's more  
21      doable a year before than it is 30 days before.

22             Other than making this suggestion to

1 the Department and one of the reactions I've  
2 gotten is that they -- it takes an enormous  
3 amount of time for them to go through the agency  
4 documents to make sure that they can be released  
5 publically. I think that's addressed by the fact  
6 that the regulations say the agencies have to  
7 submit the documents in FOIA ready format. But  
8 also, based on the most recent documents that  
9 were released, the full staff review, I think the  
10 FOIA staff are going way too far in their  
11 redactions. I looked at the -- I compared what  
12 we have access to and then what was released a  
13 few weeks ago for the agency that I was a  
14 reviewer of and all of the redactions were things  
15 that were inappropriate or unnecessary, it was  
16 the names of the staff who have advanced degrees.

17 It was the roles, the names of the  
18 people and their different roles in the  
19 organization, the name of the law firm that they  
20 used, the name of their director of finance, the  
21 name of the schools that were provided as  
22 examples. All those were inappropriate, the

1 schools that were provided as examples were  
2 discussed during our -- so they're not things  
3 that are secret. So, I think we need to take  
4 another look at this concern that the Department  
5 has and, frankly, get over it, make more  
6 documents public so that we can have a more  
7 robust discussion of agencies.

8 Thank you.

9 CHAIR KEISER: I'm sure either Herman  
10 or Donna or George might want to respond.  
11 Because, again, that's -- your internal  
12 processes, I'm not sure that we're privy to them.

13 H. BOUNDS: I'll let -- this is  
14 Herman, I'll Donna or Angela chime in first and  
15 then I have some addition follow up comments.

16 D. MANGOLD: The FOIA issue is time  
17 consuming. One of the things that needs to be  
18 worked out is that when the agencies submit their  
19 information via the e-recognition system, that is  
20 an element that hasn't quite gotten figured out  
21 yet, if there's a way to actually designate for  
22 future redactions the narrative. So, that's

1 something we're -- we would be currently looking  
2 at to credential.

3 This is information for the documents  
4 that are submitted.

5 CHAIR KEISER: You're freezing up,  
6 Donna.

7 D. MANGOLD: -- as exhibits, but the  
8 problem is, identifying certain parts of the  
9 problems with -- sorry, can you hear me?

10 CHAIR KEISER: About every 12 words.

11 D. MANGOLD: Okay.

12 G.A. SMITH: You're in and out.

13 D. MANGOLD: Well, we're working on  
14 the technical -- we are trying to work on the  
15 technical details of the designations. Maybe  
16 Angela can jump in.

17 CHAIR KEISER: Angela?

18 A. SIERRA: Sure, sure, I'm happy to.  
19 Yes, can you hear me?

20 CHAIR KEISER: Yes.

21 A. SIERRA: Yes, this is Angela Sierra  
22 from the Office of the General Counsel.

1                   And, you know, the Department still  
2                   does play a role because even though redactions  
3                   of personally identifiable information are now  
4                   required under 60231(f) Agency Submissions as  
5                   well as designations of any Exemption 4  
6                   confidential business information.

7                   The Department is really still  
8                   responsible for making sure that, you know, it  
9                   does its own checks for any PII is redacted from  
10                  the document.

11                  We might also have to review for any  
12                  other FOIA exemption that might apply. And then,  
13                  actual physical redaction of an exemption for  
14                  material that has been designated falls on us as  
15                  well as, you know, determination of whether  
16                  there's too much of a blanket designation  
17                  potentially.

18                  So, we still do play a role, but the  
19                  Department, you know, is trying to be more  
20                  proactive in terms of transparency and is now  
21                  making the final staff analysis where we did  
22                  before this meeting publically available. And

1       there is a lot of work was put in to make those  
2       redactions.

3               And, you know, I can't speak to the  
4       actual FOIA redactions, I'm not a FOIA expert,  
5       but I know this is an issue and these are sort of  
6       the challenges that we face.

7               CHAIR KEISER: This more might be more  
8       a process than a policy discussion. Do you want  
9       to continue on the discussion or do you -- I  
10      mean, I think they're trying hard. I don't know  
11      the --

12              R. SHIREMAN: Yes, I think -- I wanted  
13      to have -- I wanted to bring it out publically.  
14      I've written about it, so I don't necessarily  
15      need to have more discussion about it.

16              I think a part that the -- putting  
17      dashboard information out there a year before,  
18      some additional information, even if the  
19      Department's not going to put the application  
20      information out there, I think that would be  
21      useful as well.

22              So, I think there's a lot of different



1 options and hopefully, at least some of them can  
2 be done.

3 CHAIR KEISER: Okay, good.

4 The number two issue would be the  
5 charter issue on the conflict of interest, Bob.  
6 But I think I got involved in that today.

7 R. SHIREMAN: Yes, yes. I think most  
8 members of the committee, I've talked to a bunch  
9 of them, a bunch of you last year about kind of  
10 various things that have happened.

11 You know, one that happened with me  
12 when we were working on the subcommittee on  
13 student achievement, we were interviewing a  
14 couple of the accreditors, informational  
15 interviews that, you know, it was not part of any  
16 oversight or anything.

17 And one of the accreditors that was  
18 scheduled to be interviewed was WASC, and my late  
19 wife was teaching as a professor at the law  
20 school at U.C. Berkeley which is accredited by  
21 WASC. And it was suggested that might have an  
22 appearance, could be an issue.

1                   It went so far as, I think this was  
2                   one where I then looked at the regulations. I  
3                   mean, I just seemed excessive to me. And I  
4                   looked at the regulations and there is an option  
5                   for seeking a waiver. And I was told that, well,  
6                   since it's not an actual conflict of interest,  
7                   there is no way to waive it, which also just  
8                   seemed kind of bizarre to me.

9                   Anyway, so that got me looking more  
10                  deeply at, you know, why do we basically have a  
11                  committee that's made up of, you know, at least  
12                  half plus of industry representatives, but then  
13                  we're applying conflict of interest rules. You  
14                  know, this feels to me more like a negotiated  
15                  rule making where you have people who are, you  
16                  know, sort of representing interests which is  
17                  okay.

18                 And I discovered that, in fact, you  
19                 can -- there are two ways that you can designate  
20                 members on an advisory committee. And one  
21                 approach is to designate them as independent  
22                 experts, sort of like you think about the -- when

1 they go through the vaccine approval, like you  
2 want to make sure that the people on the advisory  
3 committee that are reviewing the Pfizer vaccine  
4 have, you know, are scientists, have absolutely  
5 no connection in any way to any pharmaceutical  
6 company, you know, all of that. You want to  
7 totally make sure that that process is completely  
8 clean in that way.

9 But on the other hand, there are  
10 situations where you have an advisory committee  
11 where the advisory committee is providing input  
12 from an industry and those people are designated  
13 as representatives.

14 The first approach is special  
15 government employees, SGEs, which all of you are  
16 familiar with because we are all SGEs on this  
17 committee. So, we kind of have been designated  
18 in this category that is kind of doesn't fit at  
19 least some of the members of the committee.

20 And we were designated by virtue of  
21 the charter that created NACIQI which was the  
22 Department of Education decision some years ago.

1 And it is something that can change. It is not  
2 that sort of SGE versus representative, it's up  
3 to the Department for what to do. It's not our  
4 choice.

5 So it's -- but if the Department  
6 wanted to change the charter so that we are  
7 representatives instead of SGEs, my understanding  
8 is that the -- this conflict of interest issues  
9 would -- maybe they wouldn't completely go away,  
10 I'm not sure, but it would not be as strict as it  
11 sometimes feels to folks in the current  
12 iteration.

13 So, I suggested that in an article  
14 that I wrote and sent that to Department  
15 officials for their consideration. It seems like  
16 it would be useful for NACIQI members to, you  
17 know, talk, to ponder, maybe discuss that. But,  
18 again, not a decision we can make.

19 CHAIR KEISER: We have Claude who has  
20 his hand raised and then Herman.

21 VICE CHAIR PRESSNELL: Yes, thank you.

22 Yes, Bob, I read your paper which I

1 think makes some really arguments about the  
2 makeup of the committee and so forth.

3 You know, my understanding on the  
4 conflict of interest piece is that those are  
5 identified by the Department and service  
6 suggestions. You know, not, you know, about  
7 recusal, it's not a mandatory recusal.

8 I think to your point on the  
9 transparency piece, I think it's -- I think the  
10 more transparency the better, you know, for sure.  
11 And so, both in terms of why the public, you  
12 know, is able to react to and what they're able  
13 to see, and how that might be put together.

14 That might be actually, I know it's a  
15 process issue, Mr. Chairman, but it still -- that  
16 may be something that a working committee might  
17 be able to work on to see what are kind of the  
18 critical components that we really want the  
19 public to react to based on the call for public  
20 comments.

21 So, I'm all about that. But, you  
22 know, my -- I guess my question is that, when I

1 read your paper, the big group that I saw left  
2 out of this is Congress.

3 So, I'm a little confused about what  
4 role -- because Congress makes two-thirds of the  
5 appointments here. And so, I'm interesting in  
6 their opinion. But and it seemed to me that  
7 we're a committee that's authorized through HEA.  
8 So, if that's true, then I don't think it's as  
9 easy as the Department can do whatever they want  
10 and change it without input from Congress. And I  
11 may be wrong on that, but I was just curious  
12 about that.

13 CHAIR KEISER: Just a comment, that  
14 was the '98 reauthorization which where it used  
15 to be the secretary making requirements, now it's  
16 requirements six by the Democrats, six by the  
17 Republicans, and six by the secretary.

18 Herman? Angela? Mary Ellen?

19 H. BOUNDS: Yes, thanks, I didn't get  
20 my comment in from Bob's previous question so  
21 that's why my hand is raised.

22 CHAIR KEISER: Sorry, I missed it.

1                   H. BOUNDS: That's okay, that's okay,  
2                   that's okay.

3                   I just wanted to remind everyone that,  
4                   you know, there are really two Federal Register  
5                   Notices that go out associated with the NACIQI  
6                   meeting.

7                   And, Bob, I think you were probably  
8                   referring to the notice that goes out 30 days  
9                   prior to the meeting which is the one that George  
10                  puts together announcing the meeting.

11                  Accreditation group staff, we put out  
12                  a Federal Register Notice announcing agencies  
13                  under review. And that, you know, that comes in  
14                  at about eight or nine months after we get  
15                  submission for the petitions in which is, you  
16                  know, well before a NACIQI meeting. And so, in  
17                  that notice we ask for comments from the public  
18                  if they know any information about the agency at  
19                  that time.

20                  So, I think those are the two  
21                  distinctions we need to make about the meeting.  
22                  And maybe on that later notice, if you want like

1 in the past when NACIQI had the prior questions,  
2 you know, they were introduced at that point in  
3 time because we use several data sets when we're  
4 doing our review. We wouldn't just relate that  
5 strictly to the dashboards.

6 CHAIR KEISER: Angela?

7 A. SIERRA: Yes, hi, this Angela  
8 Sierra from the Office of the General Counsel.

9 And I just wanted to mention something  
10 with respect to Bob's point on the special  
11 government employee versus representative  
12 designation.

13 It's true that the NACIQI charter does  
14 specify that NACIQI members are special  
15 government employees. But we believe that that  
16 is based, in part, on the authorizing legislation  
17 under the Higher Education Act.

18 And there's an impartiality  
19 requirement there that basically says, NACIQI  
20 members are appointed in part based on board  
21 impartiality. And so, we do think that there  
22 would need to be congressional intervention. We



1 think that's very likely. And also because they  
2 appoint, you know, Congress appoints 12 of the  
3 members.

4 So, I just don't think that it's  
5 entirely within the Department's control.

6 CHAIR KEISER: Mary Ellen? Then  
7 Michael, the Bob and then I'd like to make a  
8 comment.

9 M.E. PETRISKO: Yes, greater clarity  
10 on this special government employee versus  
11 representative issue.

12 When I read Bob's paper, I thought  
13 there was a lot of really, as Claude said, a lot  
14 of good stuff in there.

15 For me, it boils down to, who can be  
16 involved in what discussion and be providing  
17 information and being involved in that discussion  
18 from a perspective of expertise?

19 And the way it is now, it does appear  
20 or it is the case that people with specific  
21 expertise or experience can't be involved.

22 So, I don't know if that rests on the

1 distinction between special government employee  
2 and representative, and I don't know how many of  
3 us would count ourselves to be representatives, I  
4 do not.

5           Anyway, I would like to be able to  
6 solve the problem of the way our meetings are  
7 conducted and who can be there and who can say  
8 what even apart from the decision making. And if  
9 it rests on this distinction then I think we need  
10 to go further with that. But if it doesn't  
11 necessarily rest on that distinction then I would  
12 like to explore how we can get to more complete  
13 and rich conversations with the expertise of the  
14 people that are in the room than we are currently  
15 allowed to do.

16           So, I don't know, is this distinction  
17 and label that's put on us, is that the problem  
18 or is there another problem?

19           CHAIR KEISER: Well, let's go ahead,  
20 Bob and then maybe we can wrap it up with maybe  
21 Donna giving a bit better understanding of what  
22 the legal issues are here.

1 Bob? Or Michael?

2 R. SHIREMAN: So, in response to  
3 Herman's question, I was referring to the  
4 accreditation group's notice that's a year or so  
5 or eight or nine months after the agency's  
6 petition has come in. I think that's the right  
7 point for encouraging more third-party comments  
8 because the third-party comments can be written  
9 and or are written comments and it gives the  
10 accreditation group staff an opportunity to look  
11 into any questions and issues that have come up.

12 The 30-day issue problem or the 30-day  
13 notice has this huge problem where basically  
14 anything -- it invites public comment but then  
15 the public comment comes at the very last minute,  
16 you know, not even early in the discussion at our  
17 meeting. But it becomes extremely difficult to  
18 actually act on anything that the public might  
19 say in response to the 30-day notice because it  
20 just comes way too late.

21 And so, that if we're going to get our  
22 questions in, I think some of us have had this

1       frustration of there is no way for us as NACIQI  
2       members to ask questions of agencies even a month  
3       before, you know, six months before. So, we need  
4       to make it happen a year before so that there can  
5       be the appropriate back and forth with the staff  
6       and then we can have our discussion.

7                 CHAIR KEISER: Thank you, Bob.

8                 R. SHIREMAN: So, on Mary Ellen's  
9       point, I mean, I really appreciate the interest  
10      in trying to figure out that issues, so great if  
11      we can do some follow up and maybe some further  
12      look at the legal issues would be good.

13                CHAIR KEISER: Michael?

14                M. POLIAKOFF: Oh not a problem, I'm  
15      brand new so lower profile.

16                I wanted to thank Bob for raising that  
17      really crucial issue about transparency. It is  
18      one of the complaints one does hear about  
19      accreditation and it's opaque. People don't  
20      understand it.

21                So the extent to which we make this  
22      key points clear, whether that's in a dashboard

1       format or some kind of tabulated way to the  
2       public early on. To that extent, we will be  
3       doing much better public service and actually  
4       helping everybody's reputation.

5               So, thank you, Bob, I think you've  
6       started something really important for us.

7               CHAIR KEISER: Angela, do you have  
8       your hand up?

9               A. SIERRA: I'm sorry, I didn't mean  
10      for it to still be up, I apologize.

11              CHAIR KEISER: Okay, thank you.

12              Well, again, on the issue of the  
13      recusals and conflicts, it's really complicated  
14      and one of the issues that came up today was if  
15      you have a programmatic accredited and I would  
16      assume Roslyn, you have programmatic accreditors.  
17      And, Holly, you're in an institution that has  
18      programmatic accreditors. Should you or should  
19      you not recuse?

20              Historically, the agency, I mean, the  
21      Department of Education has held that if you have  
22      a problem with a programmatic accreditor, whether

1       you're on a probationary status or you're in an  
2       appeal or something like that, you would then,  
3       because they do not have influence over your  
4       Title IV.

5               However, we do recuse ourselves when  
6       you have direct relationship with an  
7       institutional accredited. In my case, it would  
8       ACCSC.

9               So, it's going to be difficult, and  
10      David, you have that same issue with your  
11      institution has multiple agencies.

12              So, I don't know how the Congress --  
13      Congress obviously has it set up this way and the  
14      '98 reauthorization made it much more political.  
15      And I don't know the answer and I can tell you in  
16      my conversations with Marcella today and with  
17      Nathan before because I'm very concerned about  
18      this, I do not want to have an appearance of  
19      conflict. I've gotten three different answers on  
20      two different agencies.

21              So, it is -- it's complicated.

22              The next issue is the voting process,

1 Bob.

2 VICE CHAIR PRESSNELL: Yes, I'm sorry,  
3 could I make one last --

4 CHAIR KEISER: Sure.

5 VICE CHAIR PRESSNELL: -- comment on  
6 this and I don't mean to belabor it.

7 Let me -- and I've shared this with  
8 the committee before and I just want to do it  
9 again because, and I'm sorry I was unable to be  
10 here for Jim's calls -- comments on the  
11 importance of data and so forth.

12 You know, I really think that, you  
13 know, it's important that Congress codifies some  
14 of these things for us because for those of us  
15 who've been NACIQI for a period of time, the  
16 treatment of NACIQI by the previous  
17 administration versus this administrative gives  
18 you whiplash, I mean whiplash. Right?

19 For the data, if you say anything  
20 about data or of the scorecard I'm going to  
21 disregard it, blah, blah, blah to now the data's  
22 all important, dah, dah, dah.

1                   So, I guess what I'm thinking, a  
2                   congressional solution, a legislative solution  
3                   would have more staying power than if we just  
4                   allow the Department go one way or the other.  
5                   And so I just say that to put it out there. But  
6                   some of us still are wearing collars on how quick  
7                   we've had to look one way and then stop looking  
8                   at things and now look this way and start looking  
9                   at things.

10                  And, again, all under the idea of  
11                  transparency, I'm all in on that. I think that's  
12                  right, I think we ought to figure out a way to be  
13                  able to do that.

14                  But I will say, again, it needs to be  
15                  codified in law for it to have the same power  
16                  that I think we're looking for. And I think it  
17                  would help the committee with consistency.

18                  Thank you, Mr. Chairman.

19                  CHAIR KEISER: Thank you, Claude. And  
20                  I think that was very wise.

21                  Third issue Bob brought up was the  
22                  issue of voting, the voting process. Bob?



1 R. SHIREMAN: Thank you.

2 Yes, well, for those of you who read  
3 my article, I did talk about this somewhat as  
4 well. And I think there was a point last year  
5 where one of the NACIQI members wanted to provide  
6 an explanation with a vote and I thought that was  
7 totally fine.

8 And so, I wanted to bring up the idea  
9 of allowing folks to -- well, my point in my  
10 article was our -- the way we vote on something  
11 actually has no procedural impact on anything.  
12 The Department of Education and the senior  
13 department official can do whatever that official  
14 wants to do however we vote.

15 Which means we have a lot of  
16 flexibility in how we vote and there would be  
17 nothing wrong with us having a vote where even  
18 each and every one of us have a slightly  
19 different opinion on something where, you know,  
20 there might be five us who say, you know, yes,  
21 renew five years, you know, no conditions.

22 There might be three or four of us who

1 say, yes, renew as long as you review this one  
2 thing that I'm worried about and make sure, you  
3 know, you're okay with it, something like that.

4 And there are definitely a couple of  
5 agencies even this week where I had kind of a  
6 lingering issue that I would have liked to kind  
7 of signal with an asterisk to just make sure that  
8 the senior department official at least knows  
9 that, you know, there was a member of the  
10 committee who had a question about something.

11 And so, I kind of, you know, wanted to  
12 throw that out there. I kind of combined it with  
13 the representative versus SGE issue, but it  
14 doesn't have to be combined to that, but it would  
15 facilitate voting by people who maybe do have a  
16 connection to an agency because we could also  
17 list out any connections we have and be liberal  
18 in doing so, so that, you know, even things where  
19 maybe the council had not brought any conflict or  
20 any connection but we could say, you know, I've  
21 written about this topic or whatever and that  
22 would then be transparent.

1                   So, just suggesting the idea of being  
2                   allowed to insert a sentence or two with our  
3                   votes if we want to do that.

4                   CHAIR KEISER: Thank you, Bob.

5                   If I can just insert a little bit of  
6                   history. We used to do that and then it was  
7                   changed and it got to a point where there was a  
8                   specific motion that we had to make.

9                   So, a lot of that has changed with  
10                  staff over the years and with, as Claude pointed  
11                  out, the administrations and how the  
12                  administration approaches it.

13                  Jill?

14                  J. DERBY: Yes, I want to really not  
15                  hit Bob's last point but really to circle back to  
16                  the conversation yesterday about the appointment  
17                  of the committee. Because I think a lot of this,  
18                  there would be an opportunity to really get into  
19                  these, delve in, and have some good discussions  
20                  around them.

21                  But it's really, we talked about that  
22                  committee as focusing, particularly, I think on

1 the dashboard and how it could become more useful  
2 to us in the way we request information.

3 But I think it could be enlarged. You  
4 know, I just have to say, as somebody that's been  
5 on NACIQI for a long time and in support of  
6 something Mary Ellen said, is it's often been  
7 frustrating to me that here you have a collection  
8 of great expertise and often we don't have an  
9 opportunity to offer -- to bring more of that  
10 into the conversation because of the kind of  
11 restrictions that we've felt.

12 So, I think that that's the broader  
13 issue and before we go offline here, I'd like to  
14 clarify because I've found over the years and  
15 having served on several of the subcommittees,  
16 that these subcommittees have an opportunity to  
17 thrash these things out and come forward with  
18 good recommendations.

19 And it's often a way to utilize some  
20 of the expertise that's on the committee that we  
21 feel more constricted to express when we're here  
22 at our meetings.

1                   So, I want to just clarify, what are  
2 we calling this subcommittee that we're putting  
3 together and can it encompass the various issues  
4 that have been raised today? And really give  
5 members an opportunity to speak to them and come  
6 back with some good recommendations.

7                   CHAIR KEISER: Okay, Jill, Claude,  
8 I'll respond to you, Jill, after Claude speaks.

9                   VICE CHAIR PRESSNELL: Yes, I really  
10 love what Bob's recommending here because, you  
11 know, there's this whole thing about technically  
12 they ought to be given the five year renewal  
13 based on consistency of decision making so on and  
14 so forth.

15                   But since we're an advisory committee,  
16 I think it's only appropriate to be able to say,  
17 technically, yes. But have -- but with  
18 reservations. And here are the things.

19                   Because we're advising the secretary  
20 on this. And, you know, because there were some  
21 last time, and that's where the voting got  
22 really, really messy. I mean, we were in, can we

1 do a three-year versus a five-year? Can we do  
2 all these different things?

3 And we could have said, technically,  
4 we understand by law and by the restriction of  
5 our motions that this is what's it got to be, but  
6 we ought to have the ability as an advisory  
7 committee to be able to say, we approve it but  
8 with reservations or something because we're  
9 trying to put on the secretary's radar areas of  
10 concern that could be over a five-year period of  
11 time could be fashioned in such a way that  
12 students are going to be, you know, just really  
13 harmed and we want to have a watch on that.

14 But so, I'd really -- I like that, I  
15 just think that's a great idea.

16 CHAIR KEISER: Claude, again, I'm in  
17 agreement with that but we do have, and again,  
18 just not to disagree because I do agree, that the  
19 secretary does get the transcripts. And when we  
20 have these heated discussions, the -- all the  
21 views are presented and all the views hopefully,  
22 and again, that's, you know, hard to go through a

1 transcript if you've ever done that, hopefully,  
2 you know, the, not only the consensus comes  
3 across but the dissension from the consensus.

4 So, that's -- I just want -- that the  
5 secretary is getting the full flavor whether it's  
6 in the recommendation or not, it's -- I can't  
7 say. I don't -- I agree with you, it doesn't  
8 come out in that area.

9 Jill, go ahead, I'm sorry.

10 J. DERBY: Yes, just sort of a post  
11 script about all this.

12 I was really encouraged with the  
13 undersecretary's remarks yesterday. He concluded  
14 by saying we want to hear from you on broader  
15 issue, even if the authority isn't clear. And I  
16 thought that was really an invitation for the  
17 kind of conversations that I think could be rich  
18 and produce some good ideas and recommendations.

19 CHAIR KEISER: Well, there's no  
20 question about that. And, in fact, you were  
21 there with Jamie and we had some really great  
22 broad based -- we debated -- I remember the

1 president of Princeton came and spoke to us on a  
2 policy issue. So, yes, I don't think we're  
3 limited in any way and that'd be -- give us a  
4 pretty powerful tool for us to articulate the  
5 feelings about accreditation.

6 Ronnie, you're up.

7 R. BOOTH: Yes, let me just echo what  
8 you're saying, Art, and Jill, and many others  
9 have said. I'm sure that collectively we all  
10 serve on a number of advisory board. And on some  
11 of boards, our people want us to go yes or now  
12 and they don't want to hear our opinion, on  
13 others we're free to express our opinion.

14 So, think in this particular instance,  
15 and with the undersecretary's comments, as Jill  
16 alluded to, that we ought not be shy about  
17 understanding, number one, we can't make anybody  
18 do anything, but we can certainly express opinion  
19 about issues that impact the way we do our work  
20 and the nature of our work.

21 CHAIR KEISER: Mary Ellen and we'll go  
22 to the next topic unless you have something that



1 really --

2 M.E. PETRISKO: I would just like to  
3 hear from legal what would be required to change  
4 the voting system that we have now back to  
5 something that was the way it was and, as Bob and  
6 others have said, would be really, I think, very  
7 helpful to the secretary. What legally would  
8 have to happen?

9 D. MANGOLD: I can respond if you can  
10 -- can you hear me?

11 CHAIR KEISER: Sort of, go ahead.

12 D. MANGOLD: Yes, I'm having internet  
13 problems.

14 I don't think that there'd be anything  
15 that would need to be changed in terms of the  
16 rules. I think that actually having comments  
17 adjacent to particular votes is a place to  
18 isolate them for ease and the reviewing the  
19 transcript.

20 And so, you know, there's a robust  
21 discussion that goes on ahead of time but  
22 sometimes it's easier to discern it if it's one

1 place.

2 Obviously, the staff -- it would be  
3 difficult for the staff to take down a lot of  
4 words and I don't think that that would be what  
5 you're talking about. I think you're talking  
6 about just putting them in the record on the  
7 transcript at that point.

8 So, I can take the issue back for  
9 further review, but my initial reaction is I  
10 don't think we have to change it. And, in fact,  
11 that's the way the committee wants to go on these  
12 things.

13 CHAIR KEISER: Certainly, we can  
14 explore it. I would appreciate if you would,  
15 that would be great.

16 Okay, the next area is from Kathleen.  
17 I think a couple of them are tied with the use to  
18 data and the use of the scorecard. And I'm  
19 hoping that the committee, which is what we were  
20 set up, would explore the issues and how to best  
21 use the data, have it presented. Is that what  
22 you're going for, Kathleen?

1 K. ALIOTO: Yes, that's what I'm going  
2 for. And I also would like to -- for this time  
3 the data, the scorecard it was only for two of  
4 the agencies. And, in reality, if the scorecard  
5 were used, it'd answer some of the questions that  
6 I've been pushing for, i.e., the number of  
7 students and all the default rate, et cetera.

8 So, you already have that nice, it  
9 needs to be enlarged as the wonderful person who  
10 had put it together said he could do to two pages  
11 rather than one page.

12 But if we had the two pages on each  
13 agency and we had all of the agency before us,  
14 not just those agencies that are overseen more  
15 than \$200 million in student aid I think would be  
16 helpful.

17 But I agree, I'll stop now, that would  
18 be great if the accreditation committee could  
19 look at that and try and have somebody from the  
20 Department working with us to figure this out.

21 Thank you.

22 CHAIR KEISER: We already have

1 volunteers and David, Jennifer, and Holly. And  
2 do I have anybody else, George?

3 K. ALIOTO: I would like to work on  
4 it.

5 G.A. SMITH: Okay, yes, it's actually  
6 Molly and so we've got a fourth, Kathleen.

7 CHAIR KEISER: I keep calling her  
8 Holly, I'm so sorry. I've got to be here with  
9 you guys. It's so hard on this Zoom platform.

10 Next one is the use of the electronic  
11 system. I'm not sure we can move away from that.  
12 I think that -- Kathleen, how do you want to  
13 approach that because I think that's an issue  
14 that maybe we get you some help on being able to  
15 navigate that ASL system.

16 K. ALIOTO: Well, actually, I'm not  
17 the only member who has problems with balancing  
18 the different -- pulling out the different, you  
19 know, there are hundreds of documents that we  
20 have to look at in preparation to these meetings.

21 Now, if they were all labeled as I  
22 said yesterday, if all of the exhibits were

1       labeled what they are, it would be helpful so  
2       it's not Exhibit 1, Exhibit 2, it's Exhibit 1,  
3       audit, Exhibit 2, personnel, you know, whatever  
4       the, the way the chiropractors did. If all of  
5       them did that or encouraged to do that, it would  
6       helpful. It would be more helpful than it is now  
7       when it's like magical mystery tour looking at an  
8       agency.

9                   CHAIR KEISER: Well, magical mystery  
10       tour, I'm not sure, that's a little more than I  
11       think, but our staff, you do hear the concern.

12                   When we first came out with the ASL  
13       software, we did have a training on its use and  
14       I'm not sure we have done that, even in the  
15       training of new members. So, you may want to  
16       look at that from a staff perspective.

17                   VICE CHAIR PRESSNELL: Well, Mr.  
18       Chairman, at she didn't say black hole, so I  
19       thought that --

20                   CHAIR KEISER: Magical mystery tour is  
21       better?

22                   Jill, is your hand up?

1 J. DERBY: Yes, and there's two  
2 things. I want to support Kathleen's suggestion.  
3 It is challenging for me as well to navigate the  
4 documents that we need to look at.

5 But I wanted to circle back and both  
6 you and Kathleen used the expression scorecard.  
7 And aren't we talking about our dashboard? The  
8 accreditor dashboard? And not -- scorecard is  
9 the federal instrument and I just wanted to  
10 clarify that.

11 CHAIR KEISER: I think she's talking  
12 about our -- the ASL, the database we use for our  
13 reviews.

14 J. DERBY: The dashboard, right?

15 K. ALIOTO: Yes, yes.

16 CHAIR KEISER: No, I don't think so.  
17 The dashboard is a -- not by our department, but  
18 it is -- that's like the scorecard, the  
19 dashboard. We're talking about the ASL when you  
20 pull down and you look at your ASL and you pull  
21 down all the documents.

22 K. ALIOTO: We're talking about both.

1 We're talking about both. The ASL in terms of  
2 pulling down the documents, that's impossible in  
3 terms of the accreditation scorecard, that's to  
4 enlarge it and then apply that to all of the  
5 agencies that we're dealing with explicitly.

6 J. DERBY: Yes, and what we're  
7 referring to, Arthur, is that document that was  
8 developed, that we developed, I don't know what  
9 was it, four or five years ago, to help us in  
10 terms of our evaluation of an agency. So, we  
11 call that the dashboard and it --

12 CHAIR KEISER: And that disappeared.

13 J. DERBY: Well, no, it's come back,  
14 you know, I was just looking at it. And so, I  
15 just want to be sure that we're all talking --  
16 we're all on the same page.

17 CHAIR KEISER: Okay, well, let me --  
18 George, can you help and let's say if we get it  
19 to people, do you have issues or questions that  
20 we can get the technical staff to deal with it?  
21 And maybe the suggestions from Kathleen and Jill  
22 can make it easier?

1 G.A. SMITH: Yes, yes, we're always --  
2 the team's always available to support with the  
3 recognition if that's what she's referring to.

4 CHAIR KEISER: Okay, good.

5 Herman, you have something and  
6 Michael, you have something or is your hand still  
7 up from before?

8 H. BOUNDS: Yes, I was just going to  
9 say, we're happy to give individualized, you  
10 know, review with the ASL or the committee wants  
11 us to put on periodic training through the year,  
12 we're happy to do that.

13 I'll also say, too, that we -- that  
14 the system is currently being redesigned. We  
15 have a new contractor that's helping to kind of  
16 redesign the system and its applicability and  
17 functionality and all those key words. So,  
18 hopefully, we'll have a better operating system  
19 once they get done. But again, we are happy to  
20 do any training, individually or as a group,  
21 anytime during the year for folks to help them  
22 understand how to get to the exhibits.



1                   And we do stress agencies to label  
2 things, it's just pretty difficult when you have  
3 so many of them. Once they submit that  
4 documentation and then trying to unsubmit and  
5 sending it back really hampers the timelines and  
6 the review process. But, again, we are happy to  
7 train or to assist in any way we can.

8                   K. ALIOTO: Thank you so much for your  
9 help. I think that if when the documents go out  
10 to the agency to begin with, if they know right  
11 up front that when they submit their documents  
12 that each one has to be labeled so you don't have  
13 to send them back.

14                  CHAIR KEISER: Thank you.

15                  Michael, do you have --

16                  K. ALIOTO: Thank you so much for all  
17 of your work that you guys do for us, it really  
18 is mind boggling, thank you.

19                  CHAIR KEISER: Michael Poliakoff, you  
20 have a comment?

21                  M. POLIAKOFF: Yes, Art. I just  
22 wanted to volunteer, if a total green horn is

1 welcome to.

2 CHAIR KEISER: You're very welcome.

3 M. POLIAKOFF: Okay, so that  
4 subcommittee on metrics and transparency, I'd be  
5 glad to do that.

6 CHAIR KEISER: The last topic was the  
7 subcommittee and I think we've got that cleared  
8 up. Is there anyone else, did I miss any of it?  
9 Anything else?

10 Oh, the issue paper by higher -- what  
11 was that called --

12 G.A. SMITH: Higher learning.

13 CHAIR KEISER: Yes, on the OPMS.

14 J. DERBY: OPMS?

15 CHAIR KEISER: OPMS.

16 R. SHIREMAN: The contracting it out.

17 CHAIR KEISER: Yes, what happens, and  
18 again, this is -- I have a concern with it. That  
19 many institutions are using third-party providers  
20 and especially got very big during the pandemic.  
21 Bob, you can help me with this if you'd like.

22 But some of these third-party

1 providers are very independent of the  
2 institutions. The institutions are not in  
3 control of, you know, direct control of the  
4 processes, whether it be admissions, financial  
5 aid or academics. That's more of an appointment.

6 And there's a revenue sharing  
7 situation, is that what you wanted to talk about,  
8 Bob?

9 R. SHIREMAN: Yes, yes, the  
10 contracting out and, you know, I don't know how -  
11 - and it seems like we could probably go a little  
12 bit broader in a subcommittee just in terms of  
13 how accreditors -- the issues as you said  
14 earlier, the issues that come up with accreditors  
15 overseeing institutions and the way they contract  
16 out for services, something like that.

17 CHAIR KEISER: Well, Claude and then  
18 Herman?

19 VICE CHAIR PRESSNELL: Yes, I don't  
20 mean to just in front of you, Herman. But just,  
21 yes, I am no longer on SAC COC, just want to make  
22 that really clear but when I was on the board of

1 directors of SAC COC, we had very stringent  
2 review of contracts on campuses, you know, to  
3 make sure that the campus has absolute control  
4 over the contracts, that there were no conflicts  
5 of interest.

6 So, I think it would be helpful to  
7 take a look at it. But my experience has been  
8 that they had a pretty strict review, at least in  
9 SAC COC, we had a pretty strict review of it.  
10 So, but I -- but it's an important issue and I  
11 think it might be worth taking a look at how it's  
12 handled by other agencies as well.

13 CHAIR KEISER: Mary Ellen?

14 M.E. PETRISKO: Yes, Claude is exactly  
15 right with WASC and it's the same thing. There  
16 are -- when I was at WASC, we put a very specific  
17 list together of, you know, what can we contract  
18 out and what you contract out and how much of  
19 these various things can you contract out.

20 And the general rule is always that  
21 the accredited institution is responsible for and  
22 has to have not just oversight but control of

1       these major areas.

2                   And I can tell you that still because  
3       institutions and contractors are very clever.  
4       You can have as clear guidance as you can  
5       possibly get and you'll still get situations  
6       where it's not absolutely clear if it's okay or  
7       not. So, I think to look at that and to see the  
8       extent to which, I mean, it'd be really  
9       interesting to look at what the various  
10      accreditors, you know, have in their regulations  
11      -- have in their standards about what can be  
12      contracted out and what can't just for us to  
13      understand it.

14                   But also if it would be possible for  
15      us to be helpful in clarifying some of that, it  
16      would be helpful to the institution, it would be  
17      helpful to the accreditors.

18                   CHAIR KEISER: Robert?

19                   M.E. PETRISKO: But I think that's  
20      great.

21                   CHAIR KEISER: Robert?

22                   R. MAYES: Yes, hey, I just want to

1 echo that I do also agree it's an area of concern  
2 and needs focus because it's huge. You know,  
3 it's all across the industry and it's the way in  
4 which so many public or traditional or  
5 residential institutions have been aligned and  
6 they probably couldn't have done it any other  
7 way.

8 But anytime you're putting your, let's  
9 say, your admissions personnel in the hand of  
10 others, that's a big deal and that's a concern.  
11 And I don't know that -- it's hard to really,  
12 really control it to the way probably it may need  
13 to be in some cases.

14 In my early days, I helped a couple of  
15 public universities go online with programs and  
16 so I kind of saw it from the inside. And it was  
17 -- that was even on a small situation, so I can  
18 only imagine the larger ones and how much is  
19 involved and how it can -- let's just say, it can  
20 -- I can see where it can get out of hands on  
21 touch and control and supervision very, very  
22 quick.

1                   So, I agree with everyone else, it's  
2                   an area of focus for the industry for sure.

3                   CHAIR KEISER: Thank you, Robert. Is  
4                   it possible, I know under -- we do have  
5                   guidelines on online learning, but most of the  
6                   challenges here are in the online learning, is  
7                   that a fair assumption, Bob and Robert? Most of  
8                   the contractual issues are in online learning?

9                   R. SHIREMAN: There are some,  
10                  especially boot camps like a computer coding boot  
11                  camps that are in person and not online, but most  
12                  of it is online.

13                  CHAIR KEISER: Right. So, it's  
14                  something you may want to look at in your visit  
15                  and under the online regulations that we do have.  
16                  Because, again, it's -- you can figure out these  
17                  things might fit.

18                  Yes, boot camps are an issue, a  
19                  significant issue I think here in Florida it is,  
20                  especially.

21                  Okay, any other discussion?

22                  H. BOUNDS: I was just going to say,

1 we can definitely key in on that when we're  
2 conducting our reviews. We were ran into some  
3 issues, you know, with this frequently. So, we  
4 take these comments pretty serious, so we'll  
5 definitely take a look into these types of  
6 matters.

7 CHAIR KEISER: I wonder if this is  
8 very, very accurate, very substantial.

9 Okay, I think we're finished our  
10 policy discussion, but we're now ready to go to  
11 our third-party commenters. And -- no? Yes?

12 G.A. SMITH: Yes.

13 CHAIR KEISER: Okay, let me get my  
14 clock ready.

15 Okay, our first third-party commenter  
16 is Mr. Matthew Feehan from Feehan, LLC. And,  
17 Matthew, you have three minutes. Mr. Feehan? He  
18 was here earlier. There you are.

19 M. FEEHAN: Good afternoon, Chairman  
20 Keiser, Vice Chair, and Committee members, my  
21 name is Matthew Feehan, principle at Feehan, LLC,  
22 a full-service boutique consulting firm with



1 military experts who provide a broad range of  
2 multidisciplinary educational services to clients  
3 across the United States.

4 My most recent law review addressed  
5 concerns of servicemember rights in academia  
6 appeared in the Veteran's Law Journal published  
7 by the Court of Appeals for Veteran's Claim Bar  
8 Association.

9 I testify today to provide clarity and  
10 unique insight on accreditation policies gleaned  
11 from 12 years in the reserve military service,  
12 two tours, one of which was in a combat zone and  
13 many years as a student servicemember.

14 I begin by highlighting the  
15 extraordinary degree of hypocrisy of those  
16 reporting to disenfranchised students unfairly  
17 targeted by the for-profit institutions of higher  
18 education.

19 Senator Durbin, Democrat of Illinois,  
20 recently stated on the Senate floor, when you  
21 hear the term not-for-profit, you think of  
22 charitable institution, people that make just

1       barely making enough money to get by.

2                       Well, in the city of Illinois,  
3       Greenville University, a not-for-profit  
4       educational institution reported to the Internal  
5       Revenue Service over \$37 million in revenue and  
6       close to \$200,000 salary for its president in  
7       2019.

8                       The University of Chicago another not-  
9       for-profit university ended fiscal year 2021 with  
10      an operating surplus of \$73 million. The  
11      university has consolidated net assets increased  
12      by \$3.2 billion to \$12.4 billion on June 2021.  
13      Its president, Robert Zimmer rakes in  
14      approximately \$2.5 million for total  
15      compensation.

16                      The latest opportunity in the for-  
17      profit sector alone is exorbitant salaries.  
18      These higher education professionals are far from  
19      just barely making enough to get by as Senator  
20      Durbin put it.

21                      Next, an unelected self-proclaimed  
22      representative of student veteran members, a

1 501(c)(3) nonprofit entity, frequently lobbies  
2 federal agencies and legislative representatives  
3 to target the for-profit sector alone with  
4 increased regulatory oversight. In its previous  
5 testimony, the partisan nonprofit has limited the  
6 atrocities committed by the for-profit education  
7 sector --

8 CHAIR KEISER: One minute.

9 M. FEEHAN: Has left out student  
10 veterans and servicemembers impacted by marketing  
11 practices of private nonprofit educational  
12 institutions like the University of Chicago, for  
13 example, that recently received marketing for one  
14 of its student veterans.

15 I specifically request this committee  
16 further explore a student veteran subcommittee to  
17 examine the extent to which student veterans and  
18 student servicemembers or policies, other  
19 accreditors' response to the unique demands of my  
20 fellow servicemembers and veterans.

21 Each educational institution for-  
22 profit, nonprofit, and public frequently cite to

1 be military friendliness as they release eight  
2 keys to veterans. I'll use the eight keys to the  
3 veterans success at U.S. Department of Education  
4 program and the principle both liberally defined  
5 opaque definitions for student veterans and  
6 student servicemembers.

7 As a military veteran and graduate of  
8 Western University School of Law, another well-  
9 endowed private nonprofit educational  
10 institution, I can confidentially state that the  
11 accreditation policy reviewed by this committee  
12 should not be limited to target our sector of  
13 this close secondary education. We should be  
14 striving, in my opinion to an equal, objective,  
15 fair application of higher education policy  
16 across all sectors --

17 CHAIR KEISER: Mr. Feehan --

18 M. FEEHAN: Thank you.

19 CHAIR KEISER: Thank you for your  
20 service, Mr. Feehan.

21 M. FEEHAN: Thank you.

22 CHAIR KEISER: Our next presenter I

1 think will be Bernard Fryshman and he is no  
2 stranger to this group.

3 G.A. SMITH: Yes, should be by phone,  
4 thanks.

5 CHAIR KEISER: Bernie? Dr. Fryshman?

6 B. FRYSHMAN: Yes, hello, how are you?  
7 Do you hear me?

8 CHAIR KEISER: We hear you. Go ahead,  
9 sir, you have three minutes.

10 B. FRYSHMAN: Okay, I just wanted to  
11 make a few mild suggestions. NACIQI and the  
12 members of NACIQI play an extremely important  
13 role in higher education.

14 And I have three suggestions, three  
15 mild suggestions, friendly ones.

16 Number one, I would urge members of  
17 NACIQI to visit schools on their own  
18 postsecondary schools periodically, informally,  
19 in classrooms, and halls rather than at the  
20 administration offices.

21 There's a changing reality, I see it  
22 and I think it's important that when you're

1 discussing issues, when you're discussing  
2 agencies, you also have a personal understanding  
3 of what's really happening in higher education.

4 I suspect schools would welcome you as  
5 visitors. I certainly would. I mean, I teach  
6 physics at the New York Institution of Technology  
7 and I'd certainly invite anybody to come in to my  
8 classes and talk to my students or listen to them  
9 grades and listen to the presentation just so  
10 that you have a good, firm understanding of  
11 higher education. That's one.

12 I think it's important also that there  
13 be an informal opportunity, a gathering of some  
14 sort, for NACIQI members to meet with the heads  
15 of accrediting agencies. It's the interaction  
16 that you have when the agencies sitting at one of  
17 the table and you're sitting at your side, it's a  
18 stilted one.

19 And I think you would be very  
20 pleasantly surprised at the dedication of the  
21 understanding and the willingness to help higher  
22 education that is in -- that these people

1 possess. I speak for myself. I speak for my  
2 colleagues. I think it would be very, very  
3 helpful for everyone if there were an opportunity  
4 --

5 CHAIR KEISER: You have one minute.

6 B. FRYSHMAN: -- informally.

7 Okay, the other thing is increasingly  
8 colleges and universities are judged in terms of  
9 financial outcomes like earnings and loan  
10 repayments.

11 Actually, the outcomes to a  
12 postsecondary education are far more extensive  
13 than monetary ones. It seems to me that NACIQI  
14 could find out for itself in its informal  
15 conversations with agencies, what are the  
16 outcomes? Why is higher education so important?  
17 Why is it that the people who focus only on  
18 earnings and loan repayments are distorting the  
19 whole nature of the discussion.

20 We're not vocational schools and you  
21 have to -- you and your own experience --

22 CHAIR KEISER: Thank you.

1                   B. FRYSHMAN: -- everyone of us has an  
2 understanding that we should be helping to  
3 present to the American people.

4                   Thank you again for the opportunity to  
5 speak.

6                   CHAIR KEISER: Thank you, Bernie.

7                   Our next presenter is Mr. David  
8 Halperin, attorney.

9                   D. HALPERIN: Thanks for the work  
10 you're doing here.

11                   At last summer's meeting, you debated  
12 how much you should be looking at the conduct of  
13 particular schools in your evaluation of  
14 accreditors.

15                   When the Department approves an  
16 accreditor, that makes a school under that  
17 accreditor not just eligible for student aid but  
18 also able to tell perspective students that their  
19 school has the Department's seal of approval.

20                   Schools that aggressively recruit  
21 students often tout just that. That might be  
22 okay if the Department provided sufficient



1 scrutiny of quality and abuses. But some people  
2 suggest that's not really your business, that you  
3 can't possibly address school misconduct when  
4 considering accreditors.

5 The Department did seem to think it  
6 was its business that ACICS was approving  
7 Corinthian ITT and other predatory schools when  
8 it made the case to drop that accreditor.

9 But the Department staff report last  
10 year on ACCSC did not address that accreditor's  
11 many years tolerating egregious abuses, law  
12 enforcement problems and bad outcomes, especially  
13 at the CEHE schools.

14 You were right to demand greater  
15 accountability for ACCSC even if some of you  
16 seemed to have second thoughts after.

17 Of course, the Department NACIQI  
18 should not judge an accreditor solely on the  
19 basis of a few schools. But such information is  
20 surely relevant.

21 This isn't about requiring the  
22 accreditation unit or NACIQI to become college

1       detectives or review every school. It's about  
2       asking you to take into account glaring  
3       violations of Department and accreditor standards  
4       that are right in front of you in government  
5       investigations, law enforcement actions, and  
6       media reports.

7                   And if the accreditation hint and  
8       NACIQI don't ask accreditors about blatant school  
9       abuses that greatly reduces the chance that  
10      accreditors will genuinely hold schools  
11      accountable. And that reduces the chance that  
12      students and tax payers will be protected against  
13      waste, fraud, and abuse, abysmal outcomes, and a  
14      growing student debt crisis.

15                   CHAIR KEISER: You have one minute.

16                   D. HALPERIN: It is solid ground next  
17      year to ask higher learning commissions why it  
18      has tolerated abuses and law enforcement problems  
19      at the Perdoceo Schools, and asking the same of  
20      WASC regarding Ashford University.

21                   Fifteen organizations sent the  
22      Department a letter last month asking it to do

1 just that. You also would be right to ask SACS  
2 this summer about its tolerance of abuses at  
3 Keiser University, including abuse of nonprofit  
4 status as Senators Durbin, Warren, and Brown  
5 asked in 2017 and I asked the Department last  
6 August. Those Senators and also Chairman Scott  
7 of House Education and Labor wrote the Department  
8 this month seeking investigations of Keiser  
9 University.

10 Please always consider how much good  
11 you can do by asking hard questions.

12 Thank you.

13 CHAIR KEISER: I'm going to move on  
14 because one of the people had to leave early so  
15 Stephanie Hall, if you would like your three  
16 minutes?

17 S. HALL: Yes, thank you so much.

18 Good morning, good afternoon, my name  
19 is Stephanie Hall. I'm a senior fellow with the  
20 Century Foundation. And thank you for the  
21 opportunity to provide comment today on a matter  
22 that falls under the scope of NACIQI's authority

1 and one in which the committee could step into  
2 reverse the problem and a trend in online higher  
3 education, and that is of outsourcing of online  
4 programs to third-party companies that have  
5 incentives that are out of alignment with the  
6 needs of online and perspective online students.

7 So, a 2011 Department of Education  
8 colleague letter established guidance that  
9 created a dangerous exception to the ban on  
10 incentive compensation and the recruitment of  
11 students.

12 Under that guidance, colleges and  
13 universities are allowed to share their tuition  
14 revenue with contractors. These contractors are  
15 sometimes referred to as online program managers  
16 or OPMs. And these OPMs provide student  
17 recruitment and a bundle of other services that  
18 are involved for creating and maintaining online  
19 programs.

20 Revenue sharing creates an incentive  
21 for the company that's doing the recruiting to  
22 secure as many enrollments as possible. To the

1 exception when the incident of compensation ban  
2 was created to allow public and nonprofit  
3 colleges to compete with for-profit and other  
4 online providers and it worked. More students  
5 are now enrolled in online classes in public and  
6 nonprofit sectors, mainly in the for-profit  
7 colleges.

8           Unfortunately, outsourced online  
9 programs have now taken on some of the same  
10 characteristics of predatory for-profit college  
11 programs.

12           Accreditors have a key role to play in  
13 reversing that trend and keeping it in check.  
14 Unfortunately, a accreditors have taken an  
15 approach that involves very little probing into  
16 the nature of the agreements between universities  
17 and their contractors and, as a result, many  
18 college OPM agreements not only violate the  
19 incentive compensation ban, but they also violate  
20 the very guidance that was created to give them  
21 flexibility to do so.

22           So, I won't name check any

1 institutions or OPM companies today because the  
2 focus here is on the role that accreditors could  
3 be playing and should be playing to --

4 CHAIR KEISER: You have one minute.

5 S. HALL: -- going forward.

6 I want to share some examples of  
7 evidence the Century Foundation has gathered. It  
8 shows an inappropriate level of control by OPMS  
9 over their client institutions. For example,  
10 OPMS now bring in half and over half of all  
11 enrollment at some institutions and most bundled  
12 service contracts are paid on tuition sharing  
13 terms where over half of that revenue is handed  
14 over to the contractor.

15 These things alone show a clear link  
16 between institutional control to an OPM.

17 We also see in some contracts, higher  
18 tuition shares given to the OPM in the event of  
19 higher enrollment levels and we have OPMS  
20 controlling marketing and recruitment that's  
21 happening in the name of their client school.

22 So, to be clear, OPMS have an enormous

1 level of control that runs counter to federal  
2 guidance and accreditors have a key role they can  
3 play in making sure that institutions are not  
4 entering into these inappropriate arrangements.

5 Further, we do have --

6 CHAIR KEISER: Three minutes, thank  
7 you.

8 Our next presenter is Mr. James Haynes  
9 from Veterans Education Services -- Success.

10 J. HAYNES: Good afternoon. My name  
11 is James Haynes and I'm the federal policy  
12 director for Veterans Education Success.

13 We're a nonprofit research policy and  
14 student veteran advocacy organization. We work  
15 on a bipartisan basis to advance higher education  
16 success for veterans, servicemembers, and their  
17 families and to protect the integrity of the Jag  
18 and other postsecondary education programs.

19 Student veterans are impacted by the  
20 quality insurance and program integrity  
21 safeguards that fall under the Department of  
22 Education's jurisdiction.

1           Of these, none is more consequential  
2           than accreditation. Despite the hard work of  
3           this committee, there continues to be egregious  
4           cases of waste, fraud, and abuse. This indicates  
5           that accreditors recognized by the Department are  
6           proving inadequate to the task of ensuring that  
7           no student is victimized by an institution  
8           enjoying accredited status.

9           I'm here with -- here today to discuss  
10          our concerns about transparency of the review  
11          process for accreditors and ways to improve their  
12          accountability.

13          Accreditation has historically  
14          operated as an opaque insider's activity. While  
15          we appreciate the recent steps the Department has  
16          taken to make public the staff analysis of  
17          accreditors up for recognition, and implementing  
18          the accreditor dashboard, we strongly believe  
19          more work is needed as the current review process  
20          fails to provide the public and NACIQI members  
21          with the ability to meaningfully evaluate each  
22          accreditor's performance.



1           As highlighted in the letter we joined  
2           from 16 higher education groups submitted last  
3           month, there are a number of steps that can be  
4           taken to improve transparency. We believe the  
5           Department should allow the public and NACIQI to  
6           review all the documents submitted by the  
7           accreditor as part its review prior to its final  
8           Federal Registry notice announcing opportunity  
9           for public comment.

10           The Department should also make public  
11           its staffs' full report on accreditor compliance  
12           prior to any final Federal Register notice and  
13           assure maintenance of record submitted to the  
14           accreditor in the Department's final review.

15           Finally, comments submitted by members  
16           of the public should be considered if they were  
17           submitted at any stage in the review process.

18           Accountability is a critical element  
19           in a functioning accreditation system. Students  
20           rely upon an institution's accreditation as a  
21           stamp of approval as accreditors are only a  
22           member of the accountability triad solely focused

1 on the substantive educational adequacy of  
2 academic programs.

3 We have helped thousands of veterans  
4 who were hurt by other measures. There was a  
5 veteran who attended Westwood College told the  
6 Department, quote, recruiters also -- created a  
7 false sense of urgency to get me to enroll.  
8 Westwood featured advertisements claiming that  
9 they offered game developer degrees.

10 After I enrolled, I discovered that  
11 Westwood did not actually offer game developer  
12 degrees. Westwood claimed the teachers were  
13 industry experts who would help me get a funded  
14 door in the gaming industry. I discovered that  
15 teachers were inexperienced and were unable to  
16 answer basic questions, end quote.

17 Just last week, the Department  
18 announced the discharge of tens of thousands of  
19 former student federal loans under Borrower  
20 Defense. NACIQI should urge accreditors to take  
21 action against institutions that cause such large  
22 scale harm to students.

1                   Improvements to the evaluation process  
2                   of accreditor performance are needed. We  
3                   recommend these evaluations include a thorough  
4                   review of data on student outcomes, examine risk  
5                   factors such as law suits and investigations, and  
6                   determine whether a pattern of practice exists of  
7                   failing to address institutional weaknesses.

8                   Thank you for the opportunity to share  
9                   our comments today.

10                  CHAIR KEISER: Thank you very much.

11                  The next speaker is Ms. Tiara Moultrie  
12                  from the Century Foundation.

13                  T. MOULTRIE: Good afternoon, Mr.  
14                  Chairman and members of the committee. Thank you  
15                  for the opportunity to provide comments on the  
16                  need for increased transparency and the  
17                  accreditation and renewal of recognition  
18                  processes.

19                  While the governance, ethics, and  
20                  integrity are key metrics for evaluating  
21                  accreditors, the public's confidence in a process  
22                  that has allowed a number of predatory

1 institutions to remain in good standing must be  
2 bolstered.

3 Institutional and programmatic  
4 accreditors should face heightened scrutiny and  
5 be assessed based upon how well they ensure  
6 institution prepare students for success. While  
7 NACIQI members play a crucial role in reviewing  
8 and accrediting agencies, their recommendations  
9 about continued recognition are often made with  
10 limited input from the public.

11 As mentioned throughout these  
12 proceedings, no third-party comments were  
13 submitted for any of the five accreditors seeking  
14 renewal. And while public third-party comments  
15 are obviously welcomed during the NACIQI meeting,  
16 many impacted people and the groups they serve  
17 will go unheard.

18 When the Department first released the  
19 public comments related to this meeting, only the  
20 final staff report was amiable, written third-  
21 party comments are due to the Education  
22 Department more than a year in advance of the

1 NACIQI meeting and the notice in the public  
2 register contains no information about the review  
3 process, what standards the accrediting agency  
4 does or does not meet or it any reasons for a  
5 change in scope.

6 Higher education advocates have  
7 lamented about the need for an improved review  
8 process that allows the public to both understand  
9 the accreditation process and comment on  
10 accreditors currently under review.

11 While we applaud the Department's  
12 recent commitment to greater transparency of  
13 accrediting agency recognition, this change comes  
14 too late in the process.

15 In addition to concerns about the  
16 availability of public information related to the  
17 accreditors request for continued recognition  
18 there are no formal guidelines that help public  
19 information speak on accreditor websites creating  
20 a unique challenge for students and higher  
21 education accountability advocates.

22 While accreditor websites should

1 function as student resource portals, they're  
2 incredibly difficult to navigate and some utilize  
3 a complicated maze of hyperlinks and upload  
4 document pages that make finding any information  
5 incredibly difficult.

6 Researchers and students should be  
7 able to easily browse and accrediting agency's  
8 website and find information on accredited  
9 programs, bylaws, policies, and procedures.  
10 Unfortunately, the websites are very misleading.  
11 For example, while JRCERT --

12 CHAIR KEISER: You have one minute.

13 T. MOULTRIE: -- lists all accredited  
14 programs on probation with links to their award  
15 letters, CCE only posts accreditation status, the  
16 basis and reason about why that status has been  
17 awarded and conditions imposed about the  
18 accreditation status.

19 The inability to quickly and easily  
20 locate data, again, makes it difficult for  
21 members of the public to meaningfully contribute  
22 to or participate in the NACIQI process.

1                   Unfortunately, these gaps in available  
2                   data are not limited to what's easily accessible  
3                   on the education department and accrediting  
4                   agency websites. One particular challenge for  
5                   this session was a programmatic accreditor  
6                   seeking continued recognition and had a lack of  
7                   publically available performance based outcomes  
8                   data. Plain scorecard data on employment,  
9                   student loans, and salary outcomes for graduates  
10                  from institutions that are not accredited at  
11                  large by agencies like AMPMA, CCE, and JRCERT is  
12                  a complicated process and more often than not,  
13                  those stats are due to small numbers of program  
14                  graduates.

15                 Without access to publically available  
16                 outcomes data, we cannot be confident that the  
17                 public has enough context on which to base their  
18                 comments.

19                 Moving forward, we must ensure all  
20                 stakeholders including the public --

21                 CHAIR KEISER: Three minutes.

22                 T. MOULTRIE: -- that make an

1 interview process as clear and straightforward as  
2 possible. Thank you.

3 CHAIR KEISER: Thank you. And, next,  
4 Ms. Rachel Fishman from New America.

5 R. FISHMAN: Hello. My name is Rachel  
6 Fishman and I am Deputy Director for higher  
7 education research at New America.

8 Thank you for the opportunity to  
9 comment today. NACIQI plays an essential role in  
10 the accreditor recognition process. Your advice  
11 can lead to accreditors gaining or losing the  
12 power to determine which colleges can access tax  
13 payer funded federal financial aid dollars.

14 Unfortunately, the current process  
15 prevents committee members from being able to  
16 fully evaluate whether the accreditors up for  
17 review are doing enough to protect students from  
18 institutions that are leaving them worse off than  
19 if they ever attended.

20 New America along with several other  
21 organizations, many of which have representatives  
22 speaking today during this comment session



1 submitted comments to the education department  
2 and NACIQI members on how to improve the review  
3 process for accreditors.

4 In our comments we outline the  
5 shortcomings of the Department's accreditor and  
6 NACIQI review based on external evaluations of  
7 accreditor oversight both from government  
8 entities like the GAO and research organizations  
9 such as my own.

10 An evaluation from New America on  
11 accreditation quality revealed the extent to  
12 which even institutions with sole accreditation  
13 have extremely poor graduation rates and high  
14 default rates on their student loans.

15 I implore the Department and NACIQI  
16 committee members to keep student outcomes front  
17 and center when it comes to reviewing  
18 accreditors. Accreditors can't just rubberstamp  
19 institutions with poor student outcomes allowing  
20 students to be harmed and wasting tax payer  
21 dollars in the process.

22 The Department must address

1 shortcomings in the accreditor review and NACIQI  
2 process in order to protect students.

3 I want to highlight a few  
4 recommendations we submitted in our comments,  
5 some of which have been raised by Bob Shireman  
6 during the policy discussion today and James' and  
7 Tiara's comments just provided.

8 The Department must make public and  
9 allow public -- allow the public and members of  
10 NACIQI to review documents, inquiries, and  
11 responses from accreditors. The education  
12 department's staff reports on accreditor  
13 compliance must be made public prior to the  
14 Federal Register notice announcing the  
15 opportunity for public comment.

16 The key here, again, is timeliness --

17 CHAIR KEISER: One minute.

18 R. FISHMAN: -- currently the public  
19 cannot comment in a way that is meaningful. The  
20 Department must also maintain relevant records  
21 submitted by the Accreditor and the Department's  
22 file review regardless of the Department's

1 determination of whether such records indicate  
2 noncompliance.

3 NACIQI members must be empowered to  
4 make an independent determination of whether such  
5 evidence reveals noncompliance that is your role.  
6 There are additional recommendations we have  
7 submitted that I encourage you to consider but my  
8 time is up.

9 Accreditation is so technical most  
10 students don't understand what goes on behind the  
11 scenes, but they do trust that accreditation is  
12 meaningful. I urge the Department and NACIQI  
13 members on behalf of students and tax payers to  
14 ensure that accreditation is actually indeed  
15 meaningful.

16 Thank you for your time.

17 CHAIR KEISER: Thank you very much.

18 The final presenter is Ms. Beth Stein  
19 from the Institute for College Access and  
20 Success.

21 B. STEIN: Good morning, and thank  
22 you. The Institute for College Access and

1 Success also known as TICAS recently joined 16  
2 other organizations in a public comment on the  
3 major Title IV regional accreditors coming up for  
4 review next year.

5 That letter has also been shared with  
6 the committee and has been referenced by some of  
7 the commenters here and by Bob Shireman.

8 The goal of that letter was twofold.  
9 One, to seek better transparency and better  
10 opportunity for public participation in the  
11 accreditation review process.

12 And also to encourage NACIQI members  
13 to fully evaluate whether accreditors up for  
14 review are doing enough to ensure that the  
15 schools that they accredit are not leaving  
16 students worse off than they found them.

17 So, I urge you to take a look at the  
18 letter which was provided to all NACIQI members  
19 which gives some examples of those major regional  
20 accreditors that will be coming up for review and  
21 some of the ways in which they might not actually  
22 be ensuring that some of their member schools

1 really do have student outcomes that are meeting  
2 the kinds of goals that we would like to see.

3 We sincerely appreciate the Department  
4 is taking steps to improve transparency including  
5 restoration of the dashboard and for this  
6 meeting, making public the Department's reviews.

7 But more can and should be done to  
8 improve public participation, we ask that and  
9 this committee reexamine the public comment  
10 process. It is not meaningful to limit comment  
11 to a year prior to the review by the committee  
12 and without access to the Department's own  
13 reviews and reports, and without any access to  
14 the accreditors explanation for their poor  
15 performance, public comments should be permitted  
16 subsequent to the complete release of accreditor  
17 reviews and to be included in the senior  
18 department officials consideration process as  
19 well.

20 In addition to improving transparency  
21 and public participation, we also ask that ED and  
22 NACIQI ensure that data is being fully utilized.

1                   We ask that you ensure that as  
2            accreditor is reviews include a thorough review  
3            of student outcomes that the accredited  
4            institutions and how poor performance is assessed  
5            and addressed by the accreditor.

6                   And we ask that you ensure that  
7            reviews assess if the accreditor is adequately  
8            and thoroughly evaluating risk factors --

9                   CHAIR KEISER: One minute.

10                  B. STEIN: -- including weak  
11            institutional finances, a pattern and practice of  
12            student complaints, and law suits and  
13            investigations that show evidence of  
14            misrepresentation and deceptive practices.

15                  We ask that you use your roles on  
16            NACIQI to focus more on how well an accreditor  
17            oversees if its institutions are serving its  
18            students including students from structurally  
19            disadvantaged backgrounds. Seek information and  
20            ask questions about how the accreditor is  
21            assessing institutions to completion, earnings,  
22            employment, debt, and repayment.

1           The Department has made huge strides  
2     in providing you that information and we hope to  
3     see it included in the reviews. And, of course,  
4     the critical question, what action is the  
5     accreditor taking in response to poor  
6     performance?

7           These questions are at the heart of  
8     the committee's responsibilities and as you  
9     approach the reviews to these four major regional  
10    accreditors in the next year, we really hope to  
11    see the committee asking those kinds of questions  
12    and we're really encouraging --

13           CHAIR KEISER: Three minutes.

14           B. STEIN: -- the discussion here  
15    today. Thank you.

16           CHAIR KEISER: Thank you very much.

17           That concludes our third-party  
18    commenters.

19           I don't know if we want to discuss it  
20    or we want to end the meeting, it's up to you  
21    folks.

22           I don't have a problem entertaining a

1 motion to adjourn.

2 Jill, are you saying something? I  
3 can't -- you're muted.

4 J. DERBY: Well, I just think that a  
5 lot of important issues were raised here and I'm  
6 wondering if we can direct them to that committee  
7 rather than a sense that we just listened and  
8 then we'll meet again in June without a kind of  
9 follow up.

10 I really think that this was one of  
11 the best sessions for public comment I've  
12 listened to for a while and I'm glad to listen to  
13 it. And I'm thinking, as a NACIQI member, how do  
14 we take that in and process it and in terms of  
15 our future actions?

16 CHAIR KEISER: I certainly think we  
17 can use that. The subcommittee has a base for  
18 that discussion.

19 J. DERBY: Well, but add my name to  
20 the subcommittee.

21 CHAIR KEISER: Okay, George, you got  
22 that?



1 G.A. SMITH: Loud and clear.

2 CHAIR KEISER: Motion for adjournment?

3 Because we have finished our agenda.

4 K. ALIOTO: Well, my motion for  
5 adjournment is to say thank you to these people  
6 who just spoke for us because I think that they  
7 articulated some very important things in terms  
8 of the future of students and our jobs with  
9 NACIQI. So, I would make that motion.

10 CHAIR KEISER: Well, it's a different  
11 -- okay.

12 K. ALIOTO: And thank you on our  
13 looking at --

14 CHAIR KEISER: I'll ask for a second  
15 to Kathleen's motion for adjournment. Is there a  
16 second?

17 R. SHIREMAN: I will second the motion  
18 to adjourn in honor of our public commenters.

19 CHAIR KEISER: Thank you. Okay,  
20 unless there's any opposition, I'll ask for a  
21 vote at this --

22 K. ALIOTO: Michael --

1 CHAIR KEISER: -- raise your hand if

2 --

3 K. ALIOTO: Michael, Michael.

4 CHAIR KEISER: Michael?

5 M. POLIAKOFF: Sure, I mean, I would  
6 be a third to say that we had outstanding public  
7 comments that really call us to our obligations  
8 to the public trust to level the playing field,  
9 to make sure that we're getting good data to the  
10 public and be guided in integrity through those  
11 metrics. So, I'm honored to be on this  
12 committee. If I can help the subcommittee, I  
13 would like to do that. I think we can move from  
14 these great public comments to something of real  
15 worth from the public.

16 J. DERBY: Yes, thank you.

17 CHAIR KEISER: Okay, there's a motion  
18 and a second. All in favor raise your hand?

19 Thank you, folks. We will see in --  
20 George, if I can ask you, try to get us together  
21 in person in July, whatever you can do. It's  
22 very important that we are together.

1                   G.A. SMITH: Yes, so remember as I  
2 mentioned during the dry run, we will not be  
3 together in July for certain but we're working on  
4 it for our winter 2023 meeting. Hadn't heard  
5 back yet, but I'll be back in touch as soon as I  
6 get some information. Okay?

7                   CHAIR KEISER: Okay, thank you. Thank  
8 you, everyone.

9                   (Whereupon, the above-entitled matter  
10 went off the record at 12:50 p.m.)  
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