

1 U.S. DEPARTMENT OF EDUCATION
2 OFFICE OF POSTSECONDARY EDUCATION
3 NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND
4 INTEGRITY
5 (NACIQI)

6 TUESDAY, AUGUST 1, 2023

7 The Advisory Committee met at 9:00 a.m., at U.S. Department of
8 Education Headquarters, 400 Maryland Avenue, SW, Barnard
9 Auditorium, Washington DC, 20202
10 Claude Pressnell Jr., Chair, presiding.

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13 ADVISORY COMMITTEE MEMBERS PRESENT:

14 CLAUDE PRESSNELL JR., CHAIR

15 ZAKIYA SMITH ELLIS, VICE CHAIR

16 KATHLEEN ALIOTO

17 ROSLYN CLARK ARTIS

18 JENNIFER BLUM

19 WALLACE BOSTON

20 DEBORAH COCHRANE

21 JOSÉ LUIS CRUZ RIVERA

22 KEITH CURRY

23 DAVID EUBANKS

- 1 MOLLY HALL-MARTIN
- 2 ARTHUR KEISER
- 3 D. MICHAEL LINDSAY
- 4 ROBERT MAYES
- 5 MARY ELLEN PETRISKO
- 6 MICHAEL POLIAKOFF
- 7 ROBERT SHIREMAN
- 8 DEPARTMENT OF EDUCATION STAFF PRESENT:
- 9 GEORGE ALAN SMITH, NACIQI Executive Director, Designated Federal
- 10 Official
- 11 HERMAN BOUNDS, Director, Accreditation Group
- 12 LACO L.G. CORDER
- 13 PAUL FLOREK
- 14 MONICA FREEMAN
- 15 BRIAN FU
- 16 NICOLE S. HARRIS
- 17 CHARITY HELTON
- 18 DONNA MANGOLD
- 19 STEPHANIE MCKISSIC
- 20 NASSER PAYDAR
- 21 SCOTT PRINCE
- 22 REHA MALLORY SHACKELFORD

- 1 CHRISTLE SHEPPARD SOUTHALL
- 2 ANGELA SIERRA
- 3 KARMON SIMMS-COATES
- 4 MIKE STEIN
- 5 ADRIANNE WALKER
- 6 WESLEY WHISTLE
- 7 COMPLIANCE REPORT:
- 8 COMMISSION ON MASSAGE THERAPY ACCREDITATION (COMTA)
- 9 NACIQI Primary Readers:
- 10 KATHLEEN ALIOTO
- 11 KEITH CURRY
- 12
- 13 DEPARTMENT STAFF:
- 14 REHA MALLORY SHACKELFORD
- 15 AGENCY REPRESENTATIVES:
- 16 DAWN HOGUE, MA, LMT, Executive Director
- 17 JEFF HARMON, Ed. D, Commission Chair; Vice Provost for Strategic
- 18 Initiatives and Institutional
- 19 Effectiveness, Thomas Edison State University

- 1 THIRD-PARTY COMMENTERS:
- 2 METHOD TWO SIGN-UPS TO BE ANNOUNCED (IF APPLICABLE)
- 3
- 4 RENEWAL OF RECOGNITION:
- 5 ASSOCIATION OF ADVANCED RABBINICAL AND TALMUDIC SCHOOLS,
- 6 ACCREDITATION COMMISSION (AARTS)
- 7 NACIQI PRIMARY READERS:
- 8 ROSLYN CLARK ARTIS
- 9 ROBERT MAYES
- 10 DEPARTMENT STAFF:
- 11 MIKE STEIN
- 12 AGENCY REPRESENTATIVES:
- 13 BERNARD FRYSHMAN, PH.D., Executive Director
- 14 MRS. GITTY ROSENBAUM, Special Assistant
- 15 THIRD-PARTY COMMENTERS:
- 16 RABBI YAAKOV APPLEGRAD, Former Associate Director, AARTS
- 17
- 18 RENEWAL OF RECOGNITION:
- 19 NATIONAL ASSOCIATION OF SCHOOLS OR ART AND DESIGN,
- 20 COMMISSION ON ACCREDITATION (NASAD)
- 21 NACIQI PRIMARY READERS:
- 22 ARTHUR KEISER

1 ZAKIYA SMITH ELLIS

2 DEPARTMENT STAFF:

3 REHA MALLORY SHACKELFORD

4 AGENCY REPRESENTATIVES:

5 KAREN P. MOYNAHAN, Executive Director, National Association of
6 Schools of Art and Design

7 RICHARD F. MANN, Legal Counsel, Keller and Heckman, LLP

8 THIRD PARTY COMMENTER:

9 Method Two Sign-Ups To Be Announced (if applicable)

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1 PROCEEDINGS

2 9:00 a.m.

3 G. SMITH: Good morning, and welcome everyone.

4 This is the meeting of the National Advisory Committee on
5 Institution Quality and Integrity, also known as NACIQI. I'm
6 George Alan Smith, the Executive Director and Designated
7 Federal Official of NACIQI.

8 NACIQI was established by Section 114 of the
9 Higher Education Act of 1965, as amended, and is also governed
10 by provisions of the Federal Advisory Committee Act as amended,
11 which sets forth standards for the formation and use of advisory
12 committees.

13 Sections 101(c) and 487C-4 of the HEA and Section
14 8016 of the Public Health Service Act, 42 U.S.C. Section 2966,
15 require the Secretary to publish a list of state approval agencies,
16 and nationally recognized accrediting agencies, and state approval
17 and accrediting agencies for programs of nurse education that the
18 Secretary determines to be reliable authorities as to the quality of
19 education provided by the institutions and programs they accredit.

20 Eligibility of the educational institutions and
21 programs participating in various federal programs requires
22 accreditation by an agency listed by the Secretary.

1 As provided in HEA Section 114, NACIQI advises
2 the Secretary on the discharge of these functions, and is also
3 authorized to provide advice regarding the process of eligibility
4 and certification of institutions of higher education for
5 participation in the federal student aid programs, authorized under
6 Title IV of the HEA.

7 In addition to these charges, NACIQI authorizes
8 academic graduate degrees from federal agencies and institutions.
9 This authorization was provided by the letter from the Office of
10 Management and Budget in 1954, and this letter is available on the
11 NACIQI website, along with all other records related to NACIQI's
12 deliberations.

13 Thank you for joining us today. I'll now turn the
14 Summer 2023 NACIQI meeting over to our Chairperson, Claude
15 Pressnell.

16 CHAIR PRESSNELL: Thank you George, and
17 good morning everybody. Definitely appreciate the in person
18 meeting that we're able to have here, and so many of you being
19 able to join us this time. Before we get into introductions, let me
20 first express my gratitude to the staff for all the work they've done,
21 also for the agencies and the responsiveness to the staff, and we
22 look forward to the next two and a half, three days of deliberations,

1 so thanks for all that good work.

2 But let's start off with introductions of the
3 Committee members. I'll start off with myself, Claude Pressnell,
4 I'm currently serving as the Chair of NACIQI. And my day job is
5 as President of the Tennessee Independent Colleges and
6 Universities. And let me have Vice Chair, Zakiya Smith Ellis.

7 Z. ELLIS: Good morning. I am Zakiya Smith
8 Ellis, and I in my day job serve as Principal at Education Council,
9 and I am Vice Chair of NACIQI. Thank you.

10 W. BOSTON: Wally Boston, President Emeritus of
11 American Public University System. Thank you.

12 M. PETRISKO: Mary Ellen Petrisko, Educational
13 Consultant and past President of the WSCUC Senior College and
14 University Commission.

15 R. SHIREMAN: Bob Shireman. I'm a Senior
16 Fellow at the Century Foundation.

17 R. ARTIS: Roslyn Clark Artis, President of
18 Benedict College in Columbia, South Carolina.

19 D. COCHRANE: Debbie Cochrane, Bureau Chief
20 of California's Bureau for Private Postsecondary Education.

21 R. MAYES: Robert Mayes, CEO of Columbia
22 Southern Education Group, parent company of Columbia Southern

1 University.

2 M. POLIAKOFF: Michael Poliakoff, President of
3 the American Council of Trustees and Alumni.

4 K. ALIOTO: Kathleen Sullivan Alioto,
5 Representative for Community Colleges. And NSF did a report
6 that of the 14.8 million college graduates between 2008 and 2017,
7 52 percent had worked in community colleges, so I think that
8 they're a group of people that really needs additional scrutiny from
9 NACIQI.

10 K. CURRY: My name is Keith Curry, President
11 and CEO of Compton College. That is my day job. And I do
12 agree community college is the best opportunity for students.

13 M. HALL-MARTIN: (Spoke in Native Language).
14 I'm Molly Hall Martin, and I serve as the Director of W-SARA at
15 the Western Interstate Commission for Higher Education.

16 M. LINDSAY: I'm Michael Lindsay. I serve as the
17 President of Taylor University in Indiana.

18 J. BLUM: Jennifer Blum. I have my own
19 consulting firm, Blum Higher Education Advising.

20 A. KEISER: Art Keiser, Chancellor of Keiser
21 University.

22 CHAIR PRESSNELL: Thank you Art. And let's

1 go to those who are remote. David, introduce yourself.

2 D. EUBANKS: Good morning everyone. David

3 Eubanks. I work at Furman University.

4 CHAIR PRESSNELL: And Jose?

5 J.L. CRUZ RIVERA: Jose Luis Cruz Rivera,

6 president of Northern Arizona University.

7 CHAIR PRESSNELL: Okay. Great. Thank you

8 all very much. And let's have staff introduce themselves, and

9 Herman we'll start with you and your team.

10 H. BOUNDS: Good morning. My name is Herman

11 Bounds. I'm the Director of the Accreditation Group. And we'll

12 start off with our staff, and they can just go in order as they're

13 sitting here.

14 N. HARRIS: Good morning. Dr. Nicole S. Harris,

15 Accreditation Group Analyst.

16 M. STEIN: Good morning. Mike Stein,

17 Accreditation Group Analyst.

18 R. SHACKELFORD: Good morning. Reha

19 Mallory Shackelford, Analyst Accreditation Group.

20 S. MCKISSIC: Good morning. Dr. Stephanie

21 McKissic, Analyst with the Accreditation Group.

22 A. WALKER: Good morning, A.J. Walker, Staff

1 Assistant Accreditation Group.

2 E. DAGGETT: Good morning. Elizabeth Daggett,
3 Analyst with the Accreditation Group.

4 H. BOUNDS: All right. Thank you. A couple
5 online. Yeah I think we have a couple staff online. Karmon, could
6 you go ahead and introduce yourself please?

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

9 H. BOUNDS: And L.G.?

10 L. CORDER: Good morning. L.G. Corder,
11 Analyst, Accreditation Group.

12 H. BOUNDS: Charity? I don't know Charity you
13 may be on mute. There you go.

14 C. HELTON: Is the audio?

15 H. BOUNDS: Yeah. You got it.

16 C. HELTON: Good morning. Charity Helton,
17 Analyst with the Accreditation Group.

18 H. BOUNDS: And Paul?

19 P. FLOREK: Good morning. Paul Florek, Analyst
20 with the Accreditation Group.

21 H. BOUNDS: Thank you Claude.

22 CHAIR PRESSNELL: All right. Thank you

1 Herman and George do you want to introduce your team?

2 M. FREEMAN: Good morning. I'm Monica

3 Freeman, Management and Program Analyst with OPE.

4 A. SIERRA: Good morning. Angela Sierra from

5 the Department's Office of the General Counsel, and also from the

6 Office of the General Counsel we have Donna Mangold and

7 Christle Sheppard Southall appearing remotely, thank you.

8 CHAIR PRESSNELL: All right. Again, thank you

9 all very much and I appreciate all the work that's gone into making

10 this meeting a possibility. Next is the administration policy

11 update, and we are really privileged to have with us the Assistant

12 Secretary for the Office of Postsecondary Education, Dr. Nasser

13 Paydar, to come and to give us the update.

14 Dr. Paydar served as the Chancellor Emeritus at

15 Indiana University, Purdue University, Indianapolis. He's been a

16 faculty member for more than 36 years, and have held various

17 administrative and executive leadership positions. His faculty post

18 has been much lately in the mechanical engineering field, and his

19 research is in solid mechanics with applications in biomechanics

20 and electrical packaging.

21 We all need someone just exactly like you, but Dr.

22 Paydar earned his bachelor's and master's and doctoral degrees in

1 mechanical engineering from Syracuse University. Thank you so
2 much for being with us.

3 N. PAYDAR: Thank you Claude. Good morning
4 everyone. Delighted that you're here. In addition to some of the
5 things we mentioned, I also have had some work with a group on
6 hip implant design, so which is actually helping now me
7 understand. That was 30 years ago, but I still remember.

8 So I'm grateful to you, members of NACIQI for
9 your unwavering commitment to advancing the educational
10 landscape of our nation. Your expertise and dedication are
11 instrumental in shaping the future of higher education.

12 As we begin I want to commend the hardworking
13 staff of the Department, including Herman, George, Donna,
14 Angela, Christle, and our accreditation group staff who have
15 worked very hard to make this possible. Please join me in
16 thanking them for their work.

17 Throughout my career in higher education, and
18 serving as Claude mentioned, as Chancellor of actually two
19 university campuses in Indiana, including IUPUI. From my early
20 days as a faculty member, actively participating in accreditation. I
21 still remember that, the amount of work.

22 Then I became Department Chair, and our faculty

1 reminded me of the great work of the Accreditation and the visit
2 and so forth, and until guiding campuses through the rigorous
3 accreditation process by the Higher Learning Commission twice. I
4 have witnessed first-hand the immense significance of
5 accreditation in shaping the future of our educational institutions.

6 Accreditation serves as the foundation upon which
7 we build trust, transparency and accountability in our academic
8 community. It reflects our commitment to maintaining the highest
9 standard of excellence, integrity and student centeredness in all of
10 our endeavors.

11 Accreditation assures students, families and our
12 broader community that our institutions meet or exceed established
13 benchmarks for quality education and continuous improvement.
14 The value of accreditation lies not only in the end result, but also
15 the journey itself. It unites us as a community with a shared
16 vision, guiding us to make decisions that prioritize the long-term
17 well-being of our institutions and success of our students.

18 I appreciate the tireless efforts of our faculty,
19 administrators, and accrediting agencies championing the
20 importance of accreditation as a driving force for positive change.
21 Additionally, I extend my gratitude to you, members of NACIQI,
22 for providing recommendations regarding accrediting agencies

1 who monitor the accrediting quality of postsecondary and
2 educational programs for federal purposes. The Department takes
3 seriously your role as advisors.

4 I don't need to stress the significance of higher
5 education to this audience. When I attended college in the 70's,
6 higher education was perceived as a luxury, and yet it was
7 affordable. However, the tides are not here. The tides have
8 changed due to an escalating cost, coupled with state supported
9 higher education institutions failing to match this price, tuition fees
10 have soared.

11 Concurrently Pell Grants allowance have stagnated
12 in the field, as a result higher education has become an
13 unattainable dream for low-income families. This administration
14 is dedicated to striving diligently to boost the educational
15 achievement of students who have been left behind. Let me update
16 you on our progress.

17 Thanks to this administration, maximum Pell Grant
18 is up by \$900.00 to \$7,395.00, and they're asking another \$820.00
19 increase this year, on a path to double Pell Grants by the year
20 2029. Incarcerated students are eligible for Pell Grant effective
21 July, this past month.

22 And we are also asking Congress to expand Pell

1 Grants for Dreamers. Administration proposed to provide debt
2 relief for students with loans that they could not pay off.
3 Following the Supreme Court decision in this area, we are
4 initiating a negotiated rulemaking for debt relief, and we have just
5 introduced SAVE, the new income driven repayment program that
6 will do just that, save students money.

7 Now additionally following the Supreme Court
8 decision related to admission practices of North Carolina
9 University and Harvard, we held a national summit last week
10 actually in this very same room, with over 100 college Presidents,
11 Chancellors and researchers to share best practices in admission,
12 recruitment, college affordability and completion, and we will
13 publish it of course in September, and the Office of Civil Rights
14 will provide guidance very soon.

15 The work of NACIQI is of utmost importance,
16 transcending political affiliations and agendas by keeping our sight
17 firmly fixed on our main mission we can navigate through any
18 challenges when they arise and continue to make informed
19 decisions as it relates to the future of higher education for the
20 betterment of our students for everyone.

21 Let us stand united in commitment to excellence,
22 accountability and to fundamental principles that guide our

1 endeavors, ensuring that the pursuit of knowledge remains at the
2 forefront of our endeavors.

3 Let us approach our discussions with an open mind,
4 a collaborative spirit, and an unwavering commitment to the values
5 that underpin our educational mission. Together we will forge a
6 path towards a higher, more equitable and more promising future
7 for our students and our society as a whole, and thank you again,
8 and I look forward to a fruitful discussion of this meeting. Thank
9 you.

10 CHAIR PRESSNELL: Thank you very much.

11 Nasser Paydar, we really do appreciate your attendance.

12 N. PAYDAR: Thank you.

13 CHAIR PRESSNELL: All right. Very good.

14 Kathleen could you turn your mic off?

15 K. ALIOTO: Oh, sorry.

16 CHAIR PRESSNELL: And thank you all for using
17 your microphones as we go around. Our conversations often get
18 pretty robust, so always remember to turn your mic on, and we
19 look forward to that.

20 So before we move into Agency reviews, we have a
21 couple of subcommittee reports that we're going to cover at this
22 point in time. Let me at the beginning, express gratitude to the

1 members of both of the subcommittees, super heavy lift on the
2 regulatory recommendations that we're going to be bringing. The
3 breadth of that paper was just incredible, and the work done on that
4 was just really impressive.

5 Excuse me, and then excuse me, too much coffee.

6 And then we'll do the accreditor dashboards. I think Wally thinks
7 he's Chairman of that subcommittee in perpetuity. But we're going
8 to get into the regulations subcommittee.

9 So a couple of things first. One, I want you to know
10 we're going to take whatever time necessary to review the paper
11 and make the recommendations that you want to as a committee.
12 All that I ask is one, that we keep our comments as brief and to the
13 point as possible, and not only that not be repetitive.

14 And so if a point has been made let the point stand.

15 At the end of the discussion we will entertain a vote to receive the
16 report, to forward it on to the Secretary. Feel free at the time of
17 your vote to cite any concerns you might have, or
18 recommendations of changes that you might have at that point in
19 time.

20 So instead of editing the document, we're just going
21 to express our concerns as we move through the document. And
22 we know that the Senior Department Official will take into account

1 not only the paper itself, but also all the dialogue around it. So
2 does that sound good? All right. Great.

3 So this Subcommittee on Regulatory
4 Recommendations was co-chaired by Bob Shireman and Jennifer
5 Blum, and so I'm going to turn it over to them to do the
6 presentation report, and then after the presentations are done we'll
7 entertain questions and comments. All right.

8 J. BLUM: Thanks Claude. So I want to just start.
9 I'm going to discuss just briefly our process to getting to this point,
10 and then Bob will cover the general overview of the report itself.
11 In terms of the process, just for those who weren't at the February
12 meeting, or haven't attended, or watched prior meetings.

13 Our Committee, and I applaud this, we have pretty
14 robust conversations every meeting around policy and processes
15 that we see grammatically across accrediting agencies, not just one
16 particular agency, but across agencies. And this, as well as the
17 Department's demonstrated interest in accreditation policy
18 prompted a full Committee in February to create this Policy and
19 Process Subcommittee.

20 Since February until today, our Committee met
21 pretty frequently. We started off I think weekly, and then went to
22 biweekly meetings. Our initial process was to discuss which of the

1 grammatic issues, if you will, we wanted to cover in the report
2 because we could have gone on and on probably, but we really
3 landed on a set of issues where there was deep consensus around
4 those issues as being ones that we wanted to cover.

5 And that affect, what I would say day to day
6 operations of both the accrediting agencies, and our reviews, and
7 the Department's reviews, represent important policy in our views
8 important policy issues and concerns.

9 We each took assignments to write up if you will,
10 issue papers on each of the issues, just to be our sort of
11 foundational document to guide us through the deliberative process
12 of what we wanted to produce and what recommendations we
13 wanted to make.

14 We determined very quickly that we wanted the
15 input of outsiders, and we're not outsiders, but other than just us
16 talking about ourselves, and so we set up a series of interviews
17 with a representative group of accrediting agencies and advocacy
18 groups.

19 Each interview was 90 minutes, and we set up the
20 same set of questions to be asked across each of those groups so
21 that we were consistent in dialogue. I wouldn't say necessarily that
22 the conversations were always consistent, but at least they have the

1 same set of questions and concerns that we were raising across
2 each conversation. I really want to emphasize the importance of
3 those conversations to our deliberations, and to the final product.

4 They were, you know, really impactful. And then
5 after that Bob and I in effect took the laboring aura of doing the
6 next round of the draft, taking the issue papers, turning them into
7 product of a final report, and the Committee, the Subcommittee
8 was robust in editing, and asking questions.

9 And so it was quite a collaborative process. And so
10 one other thing, a couple of things I just want to say about sort of
11 what's important about our process. While we didn't always have
12 consensus around our recommendations as I said, there's deep
13 consensus among the topics that we put into the report on the
14 Subcommittee.

15 And even when we didn't have consensus around
16 the recommendations I would say that, you know, we're pretty
17 close, and I just think that that's an important note for the
18 Department to consider, because we have a range of viewpoints on
19 the subcommittee, so I think that's quite an accomplishment.

20 I also really want to thank those who we did
21 interview. They were very candid and trusted conversations,
22 where they spoke their truths to us, and that was like I said,

1 impactful. And on a personal note I would say transformative for
2 me on some of my viewpoints, so I think I just want to really
3 applaud their ability, the agencies and the advocacy groups to
4 come into an environment and be comfortable and helpful in the
5 process.

6 I want to thank Bob. We had a good partnership,
7 and it was great fun actually to work together, and with the
8 subcommittee. It was a deep example of collaboration, and so I
9 think I also just want to highlight that for the public to know how
10 collaborative a process this was.

11 And finally, on Claude and George I just want to
12 applaud the amount of time that we're dedicating to this, and
13 particularly doing it the first day because I think it's helpful to the
14 agencies. And so with that, I'll pass it along to Bob.

15 CHAIR PRESSNELL: I'll tell you what Bob, let
16 me just refresh the memory of everyone who is on the Committee.

17 R. SHIREMAN: Go for it.

18 J. BLUM: Sorry, I should have done that. Do you
19 want me to?

20 CHAIR PRESSNELL: Yeah. If you would Jen.

21 J. BLUM: Sure. Bob and I, sorry Bob I should
22 have done that first. Bob and I were cochairs, Zakiya Smith Ellis,

1 Mary Ellen Petrisko, David Eubanks, and oh and Debbie

2 Cochrane.

3 R. SHIREMAN: Thank you Jennifer. And thanks
4 to the staff as well. We along the way had lots of questions like
5 how does this work? Why does this happen? And it was just so,
6 so useful just to have their input and feedback on things. So I'm
7 going to give an overview of the report.

8 I am not going to go through it in the order that it is
9 written. It's a little bit more sematic here, and so here we go. So
10 I'm going to start with the process recommendations that are
11 actually at the end of the report. The process recommendations
12 come from what I think is some pretty widely held frustrations
13 around the availability of information, the timing of availability,
14 the opportunity, or lack of opportunity to provide input and ask
15 questions of agencies along the way.

16 We see an example of this in the agencies that we
17 have today where an agency thought it was odd that a member of
18 NACIQI submitted a third party comment, but actually the only --
19 we were told that the only way that a member of NACIQI can ask
20 a question, other than on the day they appears, so just sort of like
21 springing it on them, on the day that they appear before. The only
22 way to do that is through third party comment, and that has to

1 happen about a year before the Committee shows up.

2 And without the benefit of having any access to the
3 data and information provided by the applicant, the Committee
4 itself. So we made a number of recommendations for changes in
5 the process to address some of these issues for renewals, for
6 example, starting at 15 months with the initial application, and then
7 with back and forth with the staff as appropriate.

8 And then at about the 9 month point a revised
9 application materials based on that feedback. Agency comments
10 on student achievement and outcomes with some consideration of
11 what is in the dashboard, but also what other data the agency itself
12 may have access to, and may use.

13 Also, the agency would provide an internet link to
14 their application and documents, so that we don't have the issue, so
15 that anyone -- and that would be published in the Federal Register
16 notice about the requesting public comments. So the public would
17 have access to information when they are invited to provide
18 comments on an agency, and the access to documents would not
19 need to be through a FOIA request, but would be available.

20 And then at the 45 day point final documents would
21 be available, including if the agency wants to do some kind of a
22 slide deck. That was another thing agencies have said. Can we do

1 slide deck at the meeting, and they're told no because nothing
2 written can be added to the record past some point in the process
3 currently. So just allowing a bit more normal information flow to
4 occur.

5 I'm going to move on to student achievement here,
6 and I just mentioned student outcomes. So one reason that we
7 included a discussion of how an agency addresses student
8 outcomes in that process is as a step, is that as we dug into the
9 issue of student achievement, and how student achievement is
10 handled in the statute and the regulations, we concluded -- and this
11 was the word that we used in the report, that the statute is a mess.

12 That the statute says student achievement matters,
13 accreditors should look at it, but the Department of Education,
14 NACIQI, very restricted in exactly what can be done, whether you
15 can't have any regulations about it, certainly cannot prescribe what
16 an agency does.

17 But we're supposed to be paying attention, and the
18 agencies of course, are supposed to be more important than
19 anything else, assessing student learning. So we did suggest that
20 Congress should probably revisit the statute because it is such a
21 mess, but in the meantime, in terms of regulations there's really
22 nothing that can be done, but we do think that some improvement

1 in the process can help to provide more robust information.

2 There are three different components of the report
3 that addressed the issue of complaints. So you have, and it's in two
4 different sections, so in one section you have how schools handle
5 complaints, and there we suggested a change in the regulations to
6 make it clear that accreditors should be reviewing complaints to
7 ensure -- complaints at the campus level, at the school level, to
8 ensure that a complaint process is available, and that it is fair and
9 equitable.

10 Then you have the question of how accreditors
11 handle complaints that they receive. There the regulations already
12 say that it must be fair and equitable, but the subcommittee, and I
13 think the Committee overall, has seen some evidence of some what
14 seemed like unreasonable restrictions on complaints that are
15 handled by agencies, or that are rejected by agencies.

16 And so we asked for staff recommendations for a
17 non-exhaustive list of problematic areas that could be added to the
18 regulations, practices that are not considered fair and equitable to
19 provide some guidance to agencies on that.

20 And then a separate section of the report is the issue
21 of how the Education Department handles complaints about
22 accreditors, what's known as 602.33, and there we recommended

1 that there be a website that tells people that they can complain
2 about accreditors, and that there be some regular tracking and
3 reporting on the status of complaints at NACIQI meetings, and to
4 the Senior Department Official.

5 Another issue to report relates to the federal links.
6 So the reason -- a reason that we have a NACIQI, and that we have
7 Secretarial recognition of accrediting agencies is so that we know -
8 - is as a Title IV gatekeeper. So a gatekeeper for Title IV financial
9 aid.

10 But also, the recognition is when there is some what
11 it says in the statute is some other federal purpose for recognizing
12 accreditors. One example that we give is Homeland Security
13 where visas for English language training programs require that
14 students be enrolled in accredited programs.

15 Institutional accreditors are considered to have
16 accredited programs, but there's some gaps where we tend to focus
17 our criteria for reviewing accreditors on Title IV purposes, and not
18 necessarily the purposes that were in mind for the other federal
19 agency, so Homeland Security agency for example.

20 So, and an institutional accreditor in particular, is
21 not necessarily reviewing the schools with the Department of
22 Homeland Security's purposes in mind, and in fact, some

1 accrediting agencies don't consider all programs to be within the
2 scope of their accreditation. They don't look at certain areas of
3 programs, non-degree, etcetera.

4 So we made a couple of recommendations here.
5 One, is that there be a letter from the other federal agency
6 indicating what is the purpose of that other federal purpose beyond
7 Title IV eligibility when agencies are being reviewed. And that the
8 staff notify the Department of Homeland Security and other
9 agencies as appropriate when there's a possible mismatch between
10 the review that we do versus what they may want as this other -- in
11 the other agency.

12 In this similar category of whether or process is fit
13 to the purpose of what's going on, there are two different pieces.
14 One on five state agencies for nurse education that we review
15 based on criteria from 1969, and then our review, and the staff
16 review of military institutions when they add or change, or in the
17 case of this meeting change the name of a degree program, and
18 they end up going through NACIQI review.

19 Both of these we recommend, well at least on the
20 nurses we thought that at least the criteria should be updated, and
21 on the military we thought that it is probably outdated. It's
22 definitely outdated, and probably unnecessary for us to be

1 reviewing degree changes at military colleges.

2 The issue of public members has come up a lot at
3 NACIQI, and was one that we discussed frequently public
4 members of accrediting agencies are totally independent,
5 impressive people, relevant backgrounds, but sometimes they're
6 not.

7 And so, we've recommended change to the
8 recommendation, change to the regulations to broaden some of the
9 kind of conflict of interest exclusions for members that would be
10 considered public members, and to require that they be
11 independent and have a background that allows them to represent
12 the interests of students and the public.

13 We discussed the issue of reliable authority that the
14 Higher Education Act requires the Secretary to determine that an
15 agency is a reliable authority as to the quality of the education or
16 training offered. The previous regulations, before the changes a
17 few years ago, required agencies to provide evidence that they are
18 widely accepted as a way to kind of indicate that they were a
19 reliable authority.

20 That was considered, that was found to be vague,
21 and it was removed. Now there's nothing there, and there's some
22 concern that agencies are using Education Department recognition

1 to have credibility, rather than showing they have credibility,
2 which is why they should get Education Department recognition.
3 The subcommittee had mixed views on this issue. We suggested
4 that the regulations could be amended to require an agency to
5 demonstrate that it is viewed as meaningful to employers, state
6 licensing agencies and other outside experts.

7 And then finally, we looked into the issue of
8 substantive change and written arrangements. The regulations
9 discussed what kind of review is needed when a school makes
10 changes such as a new program, the new level of a degree, a new
11 location, a new contractor providing a portion of an educational
12 program.

13 There are some requirements and regulation, and
14 some deference to the accrediting agencies. We made some
15 recommendations for areas that we suggested the Department of
16 Education revise some of the guidance about how different things
17 are counted, and possibly some regulatory changes in those areas,
18 and I'd say on this one, and really all of the others, we considered
19 the report to be a perhaps a useful starting point for the negotiated
20 rulemaking that we expect down the road.

21 We also expressed some concern about swaths of
22 non-Title IV programs that some institutional accreditors seem to

1 think they do not need to include, and some lack of clarity. We
2 think a lot of people don't realize that an entire institution is not
3 necessarily being accredited by an institutional accreditor. We
4 didn't make a recommendation on that topic. That's my overview.

5 CHAIR PRESSNELL: All right. Thank you very
6 much Bob and Jen. Good work. All right. We will now enter into
7 a discussion. Yeah, Kathleen?

8 K. ALIOTO: Hello. You said that the --

9 CHAIR PRESSNELL: Could you pull your mic
10 down?

11 K. ALIOTO: That the achievement piece was a
12 mess. Well it's also a mess in terms of us as NACIQI, but since
13 we've been appointed to opine on what's happening I certainly over
14 the last eight years have done that. And I don't see anything in the
15 regulations that prohibits that, but I would suggest that that's a
16 practice that others should engage in.

17 You know the ED Department seems to be in a grip,
18 a vice, that they can only behave according to the regulations.
19 Well we weren't brought in to live by that code. Maybe I should
20 be living by that code, but I look at it in terms of student
21 achievement. If the data is telling us that students are not
22 graduating and are ending up with a lot of debt, then we certainly

1 should be able even if the mess is not dealt with legislatively, we
2 were appointed by Congress to do our job.

3 And so I hope that we are free to continue to be free
4 to do that, even though sometimes my wrist gets slapped.

5 CHAIR PRESSNELL: Sure.

6 R. SHIREMAN: And we'll want this to be a broad
7 discussion, and I do encourage Dave to come in here as well.
8 Yeah, absolutely agree. And part of the reason we asked for a
9 discussion of student outcomes really just asking the agency how
10 do you -- what data do you look at? Do you look at the dashboard
11 data? What else do you look at? How do you assess institutions?

12 To include that in the process is so that we, as
13 NACIQI, can have that discussion with agencies, not just throw it
14 at them on the day of the meeting, which is what tends to happen
15 now, but instead they're able to provide us with some of their
16 thinking, and it can be a discussion based on a better foundation at
17 the actual meeting.

18 It is a separate question what can the Department --
19 what could the Senior Department Official actually do about
20 something. I think that's where the restrictions come in, but
21 thankfully that's their problem. We can have the discussion. We
22 can make a recommendation they'll decide whether it's something

1 that fits within authority.

2 CHAIR PRESSNELL: And Jennifer?

3 J. BLUM: I think it's important, so I totally agree
4 with everything that's been said. I think that it is really important,
5 and I think one of the reasons we need to speak our voice on
6 student achievement is to make it clear that there's a problem. So
7 we need to keep saying it, so that hopefully there will be some
8 change.

9 I do think in terms of the Department's place, and
10 our place, one thing that I think could be really important is
11 consistency in what the expectations of today are. I think we
12 learned, and I really was sort of shocked by I think I knew the
13 inconsistencies and how agencies do their reviews, but at least one
14 agency we interviewed doesn't have a standard, which I didn't
15 really realize.

16 Their standard is to let the schools have standards.
17 And that sort of surprised me. I mean they have a standard. It's
18 just that each school that they accredit, you know, creates their
19 own measures. And to me that was sort of shocking for on many,
20 many levels, because if it's peer review, how is it peer review if
21 each of your schools might measure differently?

22 So, and it was -- and it demonstrated on that one

1 extreme, and then there are other extremes where there are people,
2 you know, agencies doing you know, I think what we would
3 expect them to be doing. And so I think there is a way within the
4 mess of a statute for our expectations to be the same. Ours being
5 both ours and the Department's.

6 And so, I would encourage there to be some thought
7 around that, and think the report sort of reflects that.

8 CHAIR PRESSNELL: Okay. I'm wondering if I
9 should -- yeah, I know Wally has had his hand up two or three
10 times. What I'm wondering is that I messed up on process, that it
11 might be -- I know Bob, you were kind of all over the paper, and
12 now I'm thinking we're going to be all over the place.

13 And I'm wondering if we should just systematically
14 go through the sections, and see what questions we have.
15 Otherwise I think it could get really confusing. Yeah Bob?

16 R. SHIREMAN: I was going to say since we
17 started on student treatment, maybe do that one.

18 CHAIR PRESSNELL: Yeah. We'll start with this
19 one.

20 R. SHIREMAN: And then go in an order. Seems
21 good.

22 CHAIR PRESSNELL: Yeah. So, Wally?

1 W. BOSTON: Thanks Bob. So actually I was
2 responding. Kathleen started on student achievement, so I have
3 two questions, or comments. In your recommendations you talk
4 about the expansion of the accreditor data dashboards. At our last
5 meeting I was impressed with, and I think members of my
6 subcommittee were, with the WSCUC dashboard that they had.

7 But then when we queried WSCUC about one of
8 the things that they talked about in their oral presentation to us was
9 that they used this Zenski risk assessment for financial risk of
10 institutions, and you know, during the time that I had to use my
11 search capabilities on my computer I saw that it wasn't listed in
12 their dashboard.

13 And then what WSCUC said was well, it's only
14 shared internally. And so, there are nuances to these dashboards
15 where you know, there might be the information that is shared with
16 the public, but then there's information -- and I don't know exactly
17 how we deal with it. I actually think it's called the Zenski stress
18 test, I think he and I both had him as a professor.

19 And but anyway, I think and when Brian Fu is here
20 later and talks about the latest update to the dashboards, we're
21 going to see that you know, getting information available that may
22 be in somebody's repository of data, and being able to publish it

1 can sometimes take not just months but years before we get
2 consistent. So you know, I just think it's going to be lengthy, you
3 know, that's the point I want to make.

4 And then the very last one, about the standards, you
5 know it's interesting because we have averages for example, that
6 are used in our dashboard with some other revisions, and averages
7 can be so misleading in the sense there are institutions on one side
8 of those averages, and institutions on the other side of the
9 averages.

10 And so, when an agency establishes a standard, my
11 assumption on some of the standards that I've seen, particularly
12 with the specialty accreditors, is that the standard may be much
13 lower because of the issue with people on the left side of the bar of
14 an average, and so you know, just hypothetically let's say a
15 standard for nursing pass rates is 70 percent, but the best nursing
16 schools in the country because they're highly selective admissions
17 process may have a 95 or 98 percent pass rate, or even 100 percent
18 pass rate, and then you're going to have others who are 71 or 72.

19 And so, you know, to me it's all complicated, and I
20 would only say that you know, beware of the criticism of a bright
21 line or a standard when it may be done because it's got to deal with
22 the issue that there's a wide range from people who have highly

1 selective admissions, to people who have open enrollment
2 admissions. And you know, thank you.

3 CHAIR PRESSNELL: Art then Roslyn.
4 Microphone please.

5 A. KEISER: I have two comments. The first in my
6 mind, and I think Wally pointed out, the dangers of bright lines,
7 and the dangers of the dashboard is we do not have a set of
8 common definitions. I saw in Florida when they established a
9 performance program for the state universities and community
10 colleges in which the school would get money based on their
11 performance and graduation rates.

12 And one institution, through a very clever way of
13 defining what the graduate rate is, moved from 15 percent to 42
14 percent in one year. It is you know, especially in these high stake
15 situations you have to be careful. It's also complicated when you
16 have hundreds of programs, and many of the large universities
17 with many programs, you could have a nursing program with a 30
18 percent pass rate, but then you know testing, in the national testing.

19 And then you can have another program, like an
20 engineering, which is a high level program at 100 percent. So
21 when do you blend these things, and how do they get blended.
22 And when you have, you know, maybe it's the school needs to

1 determine that they should get rid of the nursing program, but keep
2 the engineering program, and focus in on that.

3 But if we have the singular bright line it will
4 become, I think, problematic for the institutions, and problematic
5 especially when we don't have a common set of definitions. So
6 that's the first point.

7 The second point is coming out of COVID I've
8 noticed when I talked to a lot of school folks, accrediting
9 commission is held very -- especially the programmatic agencies,
10 to very strict bright lines. And some of the programmatic
11 agencies, which are influenced by their trade associations, have
12 very high bright lines.

13 Now COVID occurred, and we moved the students
14 away from on face to face and into online. You had a lot of
15 institutions that didn't meet that bright line. And the programmatic
16 agencies were really tough on them. So again, we have to -- there's
17 danger, Wally talked about of bright lines. It's important to again,
18 respect that there is high performance, but at the same time there
19 are issues that there needs to be some kind of flexibility built into
20 the system.

21 And what we say to the agencies, especially at our
22 review, like again, Higher Learning Commission the last time.

1 The Ford Community College has 11 percent graduation rate, and
2 we hold that agency accountable for that one school in an inner
3 city Michigan, to you know, as not meeting its requirements for,
4 you know, a meeting of bright line in terms of graduation rates, so
5 just to point out. We have to be very careful here.

6 CHAIR PRESSNELL: All right. Roslyn and Jen?

7 R. ARTIS: Mr. Chairman, I want to be respectful
8 of your concept, your statement early on about being repetitive, but
9 I think this bears reemphasis. Bright lines are challenging for a
10 whole host of reasons. There's significant context, there's
11 significant variation between among institutional types of student
12 populations, profiles and the like.

13 And it seems to me that the document, has been
14 well drafted and highly reflective of a lot of hard work, suggests
15 that we want to establish bright lines and clarity for ease of
16 evaluation. Our job is supposed to be hard. This is important
17 work. Institutional context matters.

18 So if the goal is to establish bright lines so we can
19 more easily assess agencies, I think we've missed the mark by a
20 mile.

21 CHAIR PRESSNELL: Jen?

22 J. BLUM: So maybe I can be helpful here. I don't

1 think we have the words bright lines even in the report. And I
2 want to be really clear, clarify that when I use the word standard,
3 I'm not talking about benchmarks. We weren't talking about
4 benchmarks or bright lines.

5 Wally, I think, with all respect, you aligned the
6 word standard to benchmarks, and that's not what we're talking
7 about here. We're actually in a much -- sadly in a way, we're in a
8 much more basic problem, which is that I think agencies are all
9 over the map on what standards for student achievements they
10 have, whether it's a benchmark, not a benchmark, what they are
11 saying both publicly, internally, and to their schools about what
12 their expectations are for student achievement, are all over the
13 map[.

14 I'm not even at the benchmark place. I'm not a huge
15 benchmark person actually. I actually still believe in the
16 improvement, the role of improvement for an institution such that
17 if an institution shows in one year when they're being accredited
18 that they have a grad rate of 40 percent, but then in a couple years
19 later they have a grad rate of 50 percent, they're showing progress.

20 And that is partially the role of an accreditor. So I
21 just want to be really clear for those who are listening, that you
22 know, while some of us on the subcommittee may support bright

1 lines and benchmarks, that's not necessarily where this report
2 landed. This report landed on we need more clarity around what
3 we the Department and NACIQI expect of our accrediting agencies
4 with regards to standards, so that their institutions and the public
5 will better understand what good looks like.

6 And that doesn't necessarily translate into
7 benchmarks. Benchmarks might make sense for licensure
8 programs, for pass rates, that needs to be nuanced, depending on
9 the type of institutions that an accrediting agency looks at, or
10 whether it's a programmatic or an institutional. We understand
11 that.

12 It's that we're in a much, I mean I hate to be doom
13 and gloom, but we're in a worse situation than whether we're
14 worrying about benchmarks or not. I literally fear and worry that
15 we have agencies that are not clear to their own institutions about
16 what their expectations, or that they're letting their institutions set
17 their own expectations for themselves, which is not the right way
18 in my view, that accreditations should work.

19 And so when we talk about the statutory and
20 regulatory mess, let me just put a final point on that too, really
21 briefly. It's not clear because of the way the statute was written,
22 Bob I think said this, but you know, there's an expectation that we,

1 the general public, from a public policy standpoint should care
2 about what student success looks like.

3 But then we love the word vice. That's perfect. I
4 wish we had put in a report. But then we put a vice around the
5 Department of ED and its work. We can say whatever we want,
6 but if the Department has a vice around it, there's a problem in the
7 process. And so a lot of what we're talking about in the report is a
8 process problem in addition to needing statutory change.

9 So I hope that's helpful. I also want to be sure,
10 Claude, that Dave, because Dave was very involved in the student
11 achievement piece, and it's always hard to be remote, so I just
12 wanted to say that I don't know if Dave wants to add at some point,
13 you know, in the process.

14 CHAIR PRESSNELL: Yeah sure, and Dave if you
15 do, we've got people ahead of you. Yeah thank you, yeah use the
16 hands up, so I've got you in the line there. Zakiya?

17 Z. ELLIS: I want to just again on the student
18 achievement piece harken back to just some history of what
19 happened initially. I think maybe we're taking for granted why this
20 is a mess in the legislation, but I know even people used to call me
21 young, and so I'm not sure if that's alive anymore. People used to
22 say oh, she's so young for what she does.

1 But anyway, from a history standpoint, originally
2 when this happened under our previous Secretary, it felt a bit
3 retaliatory and quick, and so not like this legislation, not all
4 legislation is always, you know, well thought out and whatnot, but
5 this was particularly not so.

6 And then legislation gets enshrined, and we have to
7 live by it, and over time we can forget that it wasn't some well
8 thought out considered process that led us to where we are. It was
9 a political, and not a political in a partisan way because it was
10 actually bipartisan rebuke, if you will, but that was really again just
11 about a kind of knee jerk reaction.

12 Having said that, I do think that the legislation hand
13 ties the Department, and we could be as considered thoughtful, we
14 can bring in statisticians, and psychometricians and people who
15 find the different ways to thoughtfully consider data, and the
16 Department would not be able to use that in their determination
17 according to the law.

18 And so, that's the challenge I think we're talking
19 about right here just to be clear. The second piece of that is I want
20 to agree with President Artis that this is difficult. It should be hard
21 for us, and we shouldn't be trying to oversimplify any time we're
22 talking about data, and so I appreciate the clarification there. But

1 if accreditation is to be a process of continuous improvement for
2 institutions, and to help institutions think about the ways in which
3 they may improve comparative peer institutions that serve similar
4 types of students.

5 The fact that there is such a variety, even within
6 some agencies, the way that they are helping institutions do that, I
7 would think that this should be a gold standard of the most
8 nuanced way to look at data in a considered fashion with experts
9 around in a not high stakes manner that's about continuous
10 improvement.

11 But the way its structured right now doesn't allow
12 for that process to take place. I'm not saying in every instance
13 because we saw some very good examples, but right now it doesn't
14 allow the Department to give guidance around this issue because
15 again, hands are tied in the way the regulation is written.

16 So I think, even though we weren't able to come to
17 agreement, the idea is that the legislation should be clarified so that
18 there is that room for the Department to offer the kind of
19 considered exploration of this in the regulatory process that would
20 then allow in the accreditation process for agencies to have a little
21 bit more guidance about what again a standard might look like, not
22 a bright line benchmark.

1 I can opine on how that might come together. I
2 don't know that we need to go further on that, but it would be
3 something that thinks about the different kinds of never one
4 measure, right? Multiple measures of student achievement, and
5 multiple contexts, and similar kinds of students that you serve.

6 And how do you take all of that into account in a
7 way that allows you, as part of your continual improvement
8 process, to have embedded in that the idea that what students
9 achieve, and how you are promoting their success, however
10 defined, is a standard part of that, and not just these other pieces.

11 So I think that's the spirit that we're coming at this
12 from, and right now it's just a mess, and being able to do that in a
13 really measured way, and again measured in the best sense of the
14 word, not in the I'm trying to measure one piece.

15 CHAIR PRESSNELL: Okay. Roslyn and then
16 Dave, and then so if members would put their table tents up like
17 this, and where I can see it, then that would help. And again,
18 please make sure you're not repetitive as much as possible. And
19 I'm not saying the comments have been, but we have a lot of
20 sections, and I think this is probably the most heartfelt section that
21 we're reviewing at this time, that Roslyn?

22 R. ARTIS: I really appreciate Jennifer, your

1 clarification. That was incredibly meaningful and helpful to me in
2 thinking about the process. And to Zakiya, I also appreciate that.
3 However, I might point out that in an ideal world exactly what
4 you've articulated is what should be happening.

5 But I can't think of a single example to start with
6 where we have been that thoughtful and nuanced and clear in
7 providing guidance, and I have a serious trepidation with
8 modifying this provision that clearly says nothing shall -- and this
9 section shall be construed to permit the Secretary to establish
10 criteria.

11 It doesn't say give guidance. It doesn't say
12 thoughtful approach. It says you are lifting the bar on them
13 pushing down guidance, you know, like Parent Plus, or like
14 defaults, or like there's never been a thoughtful, clear nuanced
15 approach because it's big, and it's hairy, and it's difficult.

16 And so, I think it is unrealistic to think that that's
17 going to happen in this instance, and so to lift the sort of -- to
18 remove the handcuffs and allow potentially havoc to be wreaked
19 on diverse institutions, and/or agencies who are trying to assess
20 very different kinds of institutions contextually, is incredibly
21 dangerous because it's just not real.

22 It's what should happen, but I can't think of an

1 example in my almost 30 years in higher education where it has.
2 Rules just come down and they crush institutions, and
3 organizations. And then after the fact there's an oh gee, we didn't
4 mean it. Well? Because a thoughtful, nuanced approach wasn't
5 taken, so I'm very concerned about this.

6 CHAIR PRESSNELL: Dave?

7 D. EUBANKS: Yes, thank you. In preparing for
8 this meeting I went back and looked at some old minutes. And
9 about 10 years ago Ann Neil said I express this frustration virtually
10 every NACIQI meeting. I look at pounds of paper and I come
11 away with a very little sense of whether or not the agency is
12 reliable, guarantees, guarantors and other education equality.

13 And quoted in the report is an Accountability
14 Office, you know, in more formal language saying the same thing.
15 At our last meeting we ran into the same frustration of reading the
16 student achievement narratives, which are largely about processes,
17 coming away with well, what's actually going on.

18 And so this is a long-standing question. Lots of
19 people have raised this, and my interpretation of the
20 recommendations are really-two fold. One is to have a
21 conversation with the accreditor is about what's the way forward,
22 to understand what's actually happening, because we're not getting

1 that now. And that includes some kind of data from the agencies.

2 But they get to decide what goes in. And we then explain it.

3 That's it.

4 Right now we're getting no data centers at all,
5 which creates this vacuum, the need for a separate, you know,
6 warehouse. It really should be the accreditors that are making their
7 whole case. Well we can't blame the accreditors because, you
8 know, not entirely anyway because all of these, as Jennifer
9 mentioned, all of these barriers to them actually telling us what's
10 going on.

11 So I see two tracks. One is figuring out within
12 collaboratively how best to get real information. And secondly,
13 what are the regulatory barriers that we can mold, so that that
14 information can be used?

15 CHAIR PRESSNELL: All right. Thank you. I
16 have got Poliakoff, Lindsay, and then Art, did you just drop out?
17 Okay. And again, there's been a lot of passion, and a lot of
18 concern expressed, and so we could keep putting fine points on it,
19 but I think some good points have been made. Michael?

20 M. POLIAKOFF: Thank you Mr. Chairman. You
21 know when we look at these large standard surveys like the
22 National Assessment of Adult Literacy, or the reports on

1 academically adrift, we could see that we are not guaranteeing
2 quality.

3 And if Judith Eaton was right, I don't think she was,
4 that accreditation is a Good Housekeeping seal of approval, uh-uh.
5 It is not protecting the public. So I would actually like to see the
6 language in the HEA change to put real emphasis on nationally
7 normed findings. That's not to prescribe one instrument or
8 another, or a bright line, but to insist on the illumination that comes
9 from objective criteria.

10 Is there cognitive gain? Are students ready for the
11 careers, or for the further education that they intend to have? And
12 if we don't put those things in, we are simply dealing with a very
13 malleable mass of material. I'm all for nuance, but I'd like to see
14 guardrails to tell us what actually is happening, at least in the
15 aggregate.

16 CHAIR PRESSNELL: Thank you. Michael
17 Lindsay?

18 M. LINDSAY: I think I have a question maybe for
19 Herman, and then sort of a follow-up question for Bob and
20 Jennifer. How many agencies does NACIQI review? Like what's
21 the universe?

22 H. BOUNDS: Without my notes give or take one

1 or two, there are 62 recognized accrediting organizations. That
2 includes the five state approval agencies for nursing education, and
3 the four state approval agencies for vocational education. It could
4 be 63. When ACICS left us, but I'm going to say somebody on my
5 staff will probably say Herman.

6 M. LINDSAY: That sounds good. That gives me a
7 good idea.

8 H. BOUNDS: But that's the figure.

9 M. LINDSAY: Okay. And then somehow in your
10 analysis you all found that there was at least one agency that did
11 not have standards. Is that?

12 J. BLUM: It's not that they didn't have standards,
13 it's that their standard was to let their institutions have standards.

14 M. LINDSAY: I see. So has anyone done analysis
15 of the 60 plus agencies of what their standards are, and what
16 buckets they fall within as you all?

17 R. SHIREMAN: I've definitely seen things like
18 that, you know, some of the external analysts have looked at --
19 maybe not all agencies, but looked at, you know, which ones.
20 Certainly, some of the programmatic accreditors used licensing as
21 an indicator, and so they have you know, they have bright lines.

22 But I've seen some things like that, but we did didn't

1 do that of course for this report.

2 M. LINDSAY: Yeah. Well the thing that I really
3 appreciate about the report is that you've done a good job of
4 helping to make recommendations to clean up things that are just
5 silly that need to be addressed. So Mary Ellen and I will be
6 presenting tomorrow, a recommendation to approve the name
7 change of a single degree at a single institution.

8 It happens to be a military institution. It's, you
9 know, crazy that we're spending time on that kind of a very
10 specific item, but that's an example of some things that you're
11 addressing. And the fact that you would need to be able to ask a
12 question 15 months in advance of when you would actually even
13 know an agency is coming up for discussion, that seems you know,
14 there's room for improvement on that.

15 I think that the student achievement and outcomes is
16 by far the most contentious and challenging, and I think both what
17 Michael has said, and what Roslyn have said are I, as an
18 institutional leader, I feel in my bones, of the challenge of
19 somehow having NACIQI make a recommendation that we
20 somehow remove the vice grip in some ways.

21 That could be unleashing Pandora's Box. And at
22 the same time I think that anyone who cares about education

1 recognizes that we're here for students. That that's our principle
2 raison d'etre, and therefore of course we care about student
3 outcomes. It just so happens to be that the way that that gets
4 operationalized has a lot of unintended consequences.

5 I imagine you all had debate in your discussions
6 around this particular issue, and I'm just curious are there
7 alternative postures that you were entertaining or thinking about
8 that might sort of be a middle way on these two sort of concerns
9 being raised?

10 J. BLUM: I think it's important to note that we
11 didn't actually put in a specific recommendation. What we said
12 was there's -- and I really want to emphasize this point because I
13 know that we're all going to be considering the report as a whole.
14 That was very purposeful because there's a lot of work. We didn't
15 have enough time, and that's from, you know, we did this from you
16 know, the end of February. I just want everybody to know.

17 You know, with a limited amount of time. It takes a
18 lot of time to put together what could be a proposal. But I think
19 what you see in the report, at least I want to help people see in the
20 report is that to your point, Michael, a consensus around the need
21 for attention.

22 And there's -- we were a desperate group of people

1 in the subcommittee. And the fact that we all say that we need to
2 figure this out, status quo isn't good enough. We need to do better
3 than status quo. The piece about what to do next, you know, is
4 Zakiya and I have been around, sadly long enough, and Bob, and a
5 few others, that we were here when we were debating the risk
6 restrictions.

7 I know because I was involved in the process.
8 There are middle grounds that weren't reached, but they were there
9 through language. We can get to a middle ground. It's not as
10 impossible as we all want to think it is. And I don't think we need
11 to be, to your question before about comparative of the agencies.

12 I would not want to go down a place of sitting there
13 and analyzing each of them to figure out oh, what good looks like.
14 Good can be different for each agency, depending on what each
15 agency's mission is with its institutions. And so, but status quo
16 isn't good enough. And that's really I want to emphasize, that's the
17 finding of the report.

18 The recommendations we say Congress needs to
19 pay more attention to this, we don't say what they should do. Well
20 we do say -- yes, we say lift it, but you know, what you replace
21 that vice with is right, right.

22 CHAIR PRESSNELL: All right. I think I feel

1 really good about where we are in this. I think that the complexity
2 of the issue has been very well articulated. So let's move on, and
3 let's move up in the report to the accreditor complaint policies.
4 Any questions, comments there?

5 A. KEISER: I have a question to the Committee.
6 Are you suggesting that you, when you look at complaints, do you
7 have kind of well this agency has ten complaints, this other agency
8 has 30 complaints. That would mean that there's a -- the 30 is a
9 problem, and the ten is not.

10 I just a lot of complaints are frivolous. A lot of
11 complaints are people who don't want to pay their loans back, and
12 you know, I just question we don't get into the adjudication of the
13 complaint, which is probably the important part of it. I just don't
14 want to make sure -- I want to make sure that we're not looking at
15 just numbers versus the valid complaint. That's not just buyer's
16 remorse.

17 R. SHIREMAN: Go ahead Debbie.

18 D. COCHRANE: I will take the first pass in
19 responding to this. I think the main purpose in the report was not
20 to look at the numbers in the way that you just said would be a
21 negative way. I think the concern was really that a lot of agencies
22 are rejecting so many of the complaints out of hand for procedural

1 reasons that you never get to the point of determining whether
2 there's merit, whether it's frivolous.

3 So you know, things like tight timeframes, the
4 modality of submission, like let's take them all in, and then
5 someone can actually make that judgment of whether something
6 has merit or not. But unless we actually require processes that are
7 more expansive, we won't know. We won't know which ones have
8 merit.

9 A. KEISER: But how do you respond to an
10 anonymous complaint? Because I saw there you suggested
11 anonymous complaints should not be disregarded. The problem
12 with an anonymous complaint you only have one side of the story
13 coming in because you don't know who to go back to to ask the
14 questions and define what the issues are.

15 D. COCHRANE: Well I would say you know, and
16 this is one, an example I shared with the subcommittee several
17 times as an agent, leading an agency myself that handles lots and
18 lots of complaints. Sometimes anonymous complaints might be
19 something you really can't follow-up on. Some, a teacher graded
20 me too harshly.

21 Well, I don't know how I would actually even
22 research that. There's other anonymous complaints that say, you

1 know, my entire HVAC program consisted of YouTube videos,
2 and we were in this cohort of students. Well that's something that
3 could be actually explored a bit more.

4 So I think the point is not to say every complaint
5 needs the same level of investigation, but that the fact that it's
6 anonymous by itself, is not what should make something get
7 rejected. It should be the lack of specificity needed to investigate.

8 A. KEISER: But that goes back to where someone
9 with who had a problem let's say, the teacher screamed at them, or
10 something, you know, not too important, can make these
11 anonymous complaints, not be held accountable for the complaint,
12 and write all the scathing, can look at the reports.

13 And that puts the Accrediting Commission into a
14 funny position where it has to now investigate, which is expensive,
15 time-consuming, and not necessarily valid. I mean that's where
16 you're going to get to your kind of situation which I'm concerned
17 that will cost a lot of money, which then drives up the cost of
18 education.

19 I think Bob talked about his recent report. It's
20 expensive to do these things. And it all goes back to the
21 institution.

22 CHAIR PRESSNELL: All right. Wally? Sure.

1 J. BLUM: So in our interviews, and this is where
2 the interviews were really good. We found agencies that do accept
3 anonymous complaints, and they do it fine. And this was an
4 example of where I was informed, and I say I on purpose here,
5 where I was informed by something that is transformative from my
6 view.

7 There are ways to take on anonymous complaints.
8 It might not work out for the person who filed. There can be
9 statements made by the agency saying, you know, it would be
10 much more helpful if you could reveal because here are the
11 problems with receiving an anonymous complaint.

12 Just rejecting outright because of anonymity I think
13 is Debbie's point, and I am onboard completely. I think that can't -
14 - that should not be a basis for denying a complaint. I absolutely
15 agree with you, that I bet if we look at, you know, a chunk of those
16 anonymous complaints, they end up getting dismissed anyway.

17 But rejecting it outright based on the anonymity is
18 what I think the subcommittee found problematic, and in large part
19 because we found that there were agencies who actually do accept
20 anonymous complaints, and they don't find it to be particularly
21 burdensome.

22 They do find it to be a potentially, you know, a

1 process problem, you know, in for them, but they don't find it to be
2 burdensome. I hope that's helpful.

3 CHAIR PRESSNELL: Yeah, I would say the
4 confidentiality is more important than anonymity. Especially if
5 you have a neutral vehicle by which the complaints are filed into,
6 and then you have literally no one to go back to. And I think it
7 disenfranchises the institution and the accreditor as well, but
8 Wally?

9 W. BOSTON: Thanks. I like your four
10 deficiencies that you listed. You know, that for example in going
11 to accepting anonymous complaints, the inflexible prohibitions. I
12 think that's reasonable. I actually the example that you listed in the
13 last sentence, and I've discussed this offline with Bob, but I wanted
14 to bring it up for example, complaint policy that results in the
15 rejection of the vast majority of complaints would not be
16 considered fair and equitable.

17 I will tell you that I'm not expert on, you know,
18 ChatGPT, but I'm willing to bet that I could put a prompt in there
19 that would use real names, and alter every single letter and
20 bombard an agency with, you know, 10,000, 20,000 you know,
21 emails all done thanks to the, you know, progress or whatever we
22 want to call it with AI, and so if I was at an agency and I started

1 investigating, and I find these legitimate names actually aren't
2 legitimate students, I mean then we should reject them.

3 So actually, while I like your comment about
4 inflexible prohibitions, I think that the example isn't correct. There
5 is an instance where you would reject the majority, and it's thanks
6 to our current technologies.

7 CHAIR PRESSNELL: All right. Debbie?

8 D. COCHRANE: I just want to add a point of
9 clarification. I think the intent, and other subcommittee members
10 should please chime in too, was again for this last sentence to not
11 be about whether something was deemed unsubstantiated, or
12 substantiated, but again whether something got to the process of
13 even being looked at. So I think that was the point there.

14 CHAIR PRESSNELL: All right. Very good. Let's
15 move on. And so on the federal link there really are -- we have the
16 federal link, we have then the ED recognition of state agencies for
17 education, and military programs. If we could kind of take those
18 as a group, any comments, concerns, your thoughts about that?
19 Art?

20 A. KEISER: On the military, I just had a question.
21 I've done a number of the military visits. My understanding was
22 that in order for the military to get approval from Congress, which

1 is where they have to go, there had to be this intermediary, kind of
2 like us being the state licensing board for the military, in order for
3 our report to go to the Congress.

4 So it's kind of a necessary link that, you know,
5 maybe over you know, the way they have it set up might be wrong,
6 but I think that's the reason for that link, and I think it's important
7 because Congress needs to be a report on what these eyes, you
8 know, from a visitation, from a review of their standards, that
9 Congress can make a good decision.

10 CHAIR PRESSNELL: Mary Ellen?

11 M. PETRISKO: So, having worked with a few of
12 the military organizations, and working with Michael on this very
13 important issue of changing the degree name, looking at the 1954
14 guidance, which has come as an instruction from the Department
15 of Defense, and then there is some additional guidance from the
16 Department on how to read these things. None of this stuff
17 actually holds together.

18 It does not cohere in a meaningful way of guidance
19 of what to do with this, and everything we do is duplicative of the
20 accrediting body, which has to approve all of these things for these
21 institutions as well. So, looking at this, even putting aside the fact
22 that the guidance is not helpful, and we have to sort of work with it

1 as it is, but the fact that there's really no value added to what we do
2 on top of the accreditor, the question is should this whole thing not
3 be looked at to see who needs what from whom, and do this in a
4 way that actually makes sense where we're not rubberstamping
5 something that's a duplicative effort and has no value.

6 A. KEISER: Well I totally agree with you that it is
7 duplicative at certain points. But the accreditors don't look at other
8 points. That I remember on the visits that I've done, and I've done
9 National Defense University, I've done the Air Force University. I
10 mean first of all they're incredible institutions, and I don't even
11 understand why we have to look at it because they're good, but.

12 M. PETRISKO: Bingo.

13 A. KEISER: There are certain, you know, Congress
14 needs to have a report that might be separate from the accreditors,
15 which are looking at a different set of standards. Some of them are
16 the same, but some are different. Herman will tell you because,
17 you know, I've been with you on some of those visits.

18 CHAIR PRESSNELL: You know, enlighten us.

19 H. BOUNDS: Sure. I want to say the big
20 difference is a lot of the reviews that Art went on, and some
21 NACIQI members in the past, those were reviews when the
22 military institution was actually establishing a new degree

1 program. So it was really an in-depth review. And as Art was
2 saying, the purpose is to make sure that new degree program does
3 seem to be a higher education program, and not sort of a training
4 program.

5 That's what the military does. The problem with a
6 military degree granting is when they came out with the new 2011
7 guidance. The way that that guidance was written they tried to
8 refer back to the 54 data, but it didn't do it. It did it in a very
9 cumbersome way. And the only way to explain it you have to read
10 the 2011 guidance, then you have to go back and look at the 54
11 guidance.

12 And then you'll see it's just -- it doesn't line up well.
13 But when you actually have to do a full review of a new degree
14 program, you can kind of see the benefit of that. The other thing
15 that the 2011 guidance did, we used to only review graduate
16 degrees, master's and doctoral.

17 The 2011 guidance just threw another monkey in
18 that review process because now we have to review undergraduate
19 degrees at the associate degree level, and at the bachelor's degree
20 level, and then we have to review these substantive changes, which
21 those are the ones that I think are problematic because all you're
22 doing is changing the name of the degree, or you're doing

1 something minor. The accrediting agency has to review that too,
2 and then we have to come back in and review it.

3 So I think that part of it is what makes it really seem
4 not worthwhile. The other portion, and I do understand it's a really
5 big strain on the staff, understands why it has to be done. They
6 don't explain, they don't have a state authorization piece, so we
7 kind of assume that role, but you won't get any argument from me
8 that it is kind of a for lack of a better word, a mess right now the
9 way that the regulations are, and being the process that we have to
10 go by.

11 CHAIR PRESSNELL: All right. Very good.
12 Anything else on these? All right. Well let's move then to public
13 members, the section on public members. Comments, questions,
14 thoughts? Art?

15 A. KEISER: Mary Ellen, you were head of an
16 Accrediting Commission. I was Chair of a Commission, and I
17 found that the public members were very uneven in their
18 involvement, and actually reading the material and being totally
19 involved.

20 I've been on two state licensing boards where the
21 same situation occurred. Leadership was taken by the school
22 people. The public members tended to follow in line. Do you feel

1 that the public members -- I read the material that, you know, we
2 want them to have a different view of the world, and I think it's
3 important, but it's pretty hard to get public members who are
4 involved to a point where the work of an accreditor, you know, a
5 volunteer is exceptionally large.

6 So, it begs the question is the validity of how
7 important the public members actually articulating the consumer
8 needs.

9 M. PETRISKO: Thank you for that question, and I
10 would say first of all about preparing and being ready to really
11 engage. I've seen Commissioners that are not really very well
12 prepared to engage as well, so I wouldn't put that just the public
13 members.

14 It depends on the public member. There are people
15 that are dedicated that understand, that do their homework, that are
16 chosen well because they do have the ability to bring in an outside
17 perspective that really is valuable. I've seen public members that
18 didn't understand the business of higher education, and were being
19 educated and not really -- they were not helpful.

20 Quite honestly, they were not really helpful in their
21 roles because they were not really aware of what the higher
22 education world was. So I think public members are valuable. I

1 think they have to be chosen so that they are really fulfilling the
2 intended function of bringing in that perspective, but
3 understanding what they're bringing that perspective into, and how
4 these, you know, education is supposed to serve a larger world
5 than just education itself.

6 So I think that's important. They have to be chosen
7 well. And I think the point of the report was, if I may say because
8 it wasn't my specific area. I have seen other agencies that have
9 public members that were a year before they were part of an
10 accrediting body. That's not a public member. They really should
11 be independent, you know, they shouldn't be just, you know, going
12 out of one door and coming in the same, being the same people
13 with the same experience.

14 So it depends on the public member, and it depends
15 on the selection, and I do think that the criteria need to be such that
16 they truly are representatives of the public.

17 CHAIR PRESSNELL: Jen?

18 J. BLUM: I just want to add something that Mary
19 Ellen didn't say. I just feel like because, and it's statutory.
20 Because the expectation is so low, I mean I think the ratio is like 1
21 in 6 or 1 in 7. I don't feel like it's that tall of an order for an agency
22 to find somebody who is equipped and dedicated to spend the time

1 that has the right expertise as a public member to serve. I

2 personally wish the ratio were a little better than 1 in 7.

3 Surely, and that's reflected in the report as well, but
4 in the interim I feel like it's not that big of a burden to find the right
5 person or persons.

6 CHAIR PRESSNELL: All right. The next section
7 deals with widely accepted reliable authority. Comments or
8 questions about that section? All right. Seeing none. Then
9 substantive change, any thoughts or questions about substantive
10 change? Bob? You have a question about your own?

11 R. SHIREMAN: Yeah. Can you remind -- maybe
12 Jen can remind people, why did we decide not to put anything in
13 about the accreditation covering all educational programs at the
14 institution? We talked about, and we didn't do anything. I couldn't
15 remember why.

16 J. BLUM: No. I think it's in there.

17 R. SHIREMAN: Is that a recommendation to make
18 that change?

19 J. BLUM: I think we point out the problem.

20 R. SHIREMAN: We point out the problem, but we
21 didn't make a recommendation.

22 J. BLUM: And I'm happy to share what the

1 problem is if just for those who are listening, and not, maybe
2 haven't read the report yet. This has been something that
3 personally has been gnawing at me, and was well-confirmed
4 during our interview processes.

5 It has become clear to us that agencies are again,
6 this is an example, of inconsistency and all over the map. There
7 are a growing number in our market, higher education marketplace
8 if you will. There's a growing number of non-degree, non-title IV
9 credentialling programs being offered at all different types of
10 institutions.

11 I will say publics are right there offering lots and
12 lots, and it's a good thing for workforce development. There's no
13 criticism of this growing, burgeoning area for short-term offerings.
14 What we learned in the process, and many of them let me just
15 qualify that many of those are becoming stackable for credit,
16 which is also a very, very good thing. So none of that is negative.

17 What we learned in our process though is that the
18 accreditors don't view those offerings as inside their scope of
19 accreditation. And in fact, they allow their own institutions to
20 actually exclude them to like say no, no, you don't need to look at
21 our school of continuing ed, if it's all non-degree credential
22 offerings.

1 And it raised the question of well wait a second, if
2 you're an institutional accreditor, and there's all this revenue. It's
3 not just about the offerings, the academic piece of it, but there's
4 serious revenue involved, which is again not a good thing in
5 general.

6 But if all of that is going on, how can the accreditor
7 not be looking at this? Now from a Department of ED standpoint
8 we say this. It's a little bit of a quandary in all of this if the
9 offerings are non-Title IV. But from an accredited, we felt it was
10 important to say something as ourselves, as interested people in
11 policy around accreditation that it seems a bit, and I will use the
12 word misleading, for an accrediting agency to say that they are
13 accrediting an institution when significant chunks of offerings are
14 not being reviewed by the accreditor at all.

15 And so, we do call that out as something that needs
16 further just general examination. I'll leave it to the Department to
17 decide whether it's something that is in there. But we felt it
18 important to mention, and we did -- this was something that we
19 inquired in our interviews.

20 And there were some agencies that said no, no, we
21 are looking. And there were other agencies that said as I said, that
22 exclude, and so we did want to mention that.

1 CHAIR PRESSNELL: All right. Wally?

2 W. BOSTON: So, this is just a question for you,
3 not a criticism. But so, in that nuance, with all of these non-credit
4 programs that are popping up, how do I as an agency deal with
5 your recommendation per se, and I'll use an example of a digital
6 marketing certificate that is offered by Google, and for no credit
7 that someone in our marketing department has reviewed it as a
8 stackable credential, and deemed that on a prior learning
9 assessment, you know, process, it's worth 15 credit hours.

10 And so, you know, Google is not an accredited
11 agency by any means. They're the ones who are offering this
12 certificate, but we have reviewed -- we as an institution, have
13 reviewed it using the prior learning assessment PLA process.

14 I'd say it's worth 15 credit hours, and then the
15 agency is sitting back and they realize that, you know, half a
16 dozen, or maybe even you know, 20 of their institutions are doing
17 the same thing, and generating, you know, make up a number, 5
18 million of revenues each per year after bringing people over from
19 the Google certificate into a digital marketing degree.

20 How do you? Because to me there's some
21 inconsistencies.

22 CHAIR PRESSNELL: Yeah, but I think that would

1 be different because that would be them moving into the credit
2 bearing arena, which then it has to be under your transferred
3 policy, and you'd have to identify equivalents.

4 J. BLUM: Yeah. So a couple things. So just to
5 break this down a little bit. So in the situation where somebody
6 receives credit bearing of any sort, something that's viewed as
7 credit bearing from another institution, it is not an issue for
8 accreditors unless of course it rises to a certain percentage of the
9 offering of the degree, at which point written arrangements takes
10 over, and then it is something that the accreditors would care about
11 under that purview.

12 What to me is very different is we're talking about
13 something that's offered within the institution that's being
14 accredited. If the institution itself is offering all of these offerings,
15 and the accreditor is not reviewing them, and it's a sizable part of
16 their institutional offerings, that's when it strikes me as a different
17 issue.

18 I will say that we ask the question of well okay, so
19 if these are non-degree, non-credit bearing offerings that let's just
20 say, you know, University of whatever, you know, made up state.
21 And they are stackable, then do you look at them? And the answer
22 by one agency was oh yes, yes, then we look at them. Well how

1 do you know in advance whether that offering is stackable or not.

2 And there was a pause.

3 So I mean to me it strikes me that this is something
4 that needs some, and again I don't know who the attention is. We
5 put it in the report on purpose to bring some attention to it. I hope
6 that the accreditors on their own sort of create their whatever, and
7 to your point Wally, whatever lines make sense. But there needs to
8 be some, I think attention to this, because this is a big area where
9 we aren't knowing what quality looks like.

10 CHAIR PRESSNELL: All right. Art caught me
11 before Zakiya, so Art, then Zakiya, and then microphone please.

12 A. KEISER: I want to say thank you to the
13 Committee's outstanding work. Really outstanding. Very thought
14 provoking. This is an interesting one. I mean carrying an
15 accrediting commission have the ability to look at let's say again
16 I'll show my age, at MCSC course, which is three weeks long,
17 given to at a local community center, and it just disappears once
18 it's over.

19 I mean there is a degree of relevancy in those kinds
20 of you know, is that the real purview of the Accrediting
21 Commission? I think a bigger issue, and again one that I think is
22 concerning, which I haven't seen the Accrediting Commissions

1 take over are the third party vendors who are basically taking over
2 the educational process, and Florida -- this was a long way back
3 when I was on the state board.

4 There' s a group out of Tampa called BISK, and
5 BISK basically runs the entire educational program for universities
6 who are not doing online, and are doing it online, and they were
7 responsible. What they did is they appointed the faculty members
8 at the university, and then the university took a big cut of the
9 money, but the admissions, the education was BISK's faculty
10 members.

11 Appropriate credentials, but it was not managed by
12 the universities. And I've never seen an Accrediting Commission
13 deal with any of those issues. I know TUU has gotten a lot of
14 attention recently on that, but that is a more serious concern to me
15 than the short-term, non, more continuing ed, more community
16 based coursework that help the community, so yeah, I think you hit
17 a point.

18 I do believe everything should be under the purview
19 of the institutional accreditor, and I think by definition, an
20 institutional accreditation, so I would agree with the Committee.

21 CHAIR PRESSNELL: Zakiya then Mary Ellen.

22 Z. ELLIS: Just briefly the bigger -- not bigger, but

1 an issue here is the student perception I think. So I think often
2 students assume that if I'm going to an accredited institution that
3 this is an accredited program, so I know that we didn't include this
4 in the report language.

5 But if this is too complicated for consideration,
6 perhaps there's just a disclaimer. This is not an accredited program
7 period, you know. All the other stuff is accredited. This is not an
8 accredited program. You're not getting credit, but this part is not I
9 think students have -- all the other issues aside, I try to think of like
10 what is the lens of the student.

11 ; I don't think if I take a yoga class at my community
12 college that it's an accredited program, right? So it's not necessary
13 for that. But I may think that if it's something that the institution
14 even suggests be stackable, even if it's a workforce thing, and they
15 say this is the entry way, this is your gateway into the door, that is
16 something that someone somewhere has looked at and said, even if
17 I'm not getting federal financial aid for this, which is the link that
18 we have, but that students don't necessarily understand that part of
19 it.

20 A. KEISER: This is the challenge. None of our
21 programs are accredited. Our institutions are accredited.

22 Z. ELLIS: I understand the difference. I'm saying -

1 -

2 A. KEISER: I could have a nursing program that's
3 not accredited by CCNE or ACEND, so it's not an accredited
4 program.

5 Z. ELLIS: I understand that. For me the language
6 is slightly different.

7 A. KEISER: We've got to be real careful on that
8 one.

9 Z. ELLIS: You understand the point you make to a
10 student.

11 A. KEISER: I do.

12 Z. ELLIS: Okay. I'm just suggesting that we are
13 conveying something that's not accurate to students, and that we
14 should consider -- and I'm not making a formal amendment to the
15 report, I'm just trying to offer that point, that was different than the
16 others that we've raised.

17 A. KEISER: It's a challenge for institutions.

18 CHAIR PRESSNELL: Mary Ellen?

19 M. PETRISKO: My point was going to be exactly
20 that. That institutional accreditors don't accredit any programs,
21 and so there's confusion in the language. To say shouldn't an
22 accreditor be going into an MS, whatever, you're not going to do

1 that anywhere. They want to see the institution as a whole, and is a
2 subsection, division of that institution are operating in accordance
3 with standards that are big standards, and that there shouldn't be a
4 whole part of an institution that's just exempted from that, so
5 they're not going to go in and look at the specifics of the courses, et
6 cetera because they don't do the funding part.

7 CHAIR PRESSNELL: All right. Bob, then
8 Kathleen.

9 R. SHIREMAN: So I really appreciate this
10 discussion. I think we've revealed like yeah, there's is something
11 here that really needs to be addressed. Agreed. Like there's no
12 accreditor that's able to review all programs at an institution. I
13 think for me the question could be if a student were to run into
14 problems at a particular program, I would hate to have the
15 institutional accreditor say oh, I'm sorry, that's outside the scope of
16 our accreditation.

17 If the student were to bring it up to them, so under
18 no illusion that the accreditor will have actually happened to have
19 chosen that program to have sent people to review it initially. But
20 certainly they shouldn't wall it off as something we're not
21 concerned about when problems emerge.

22 CHAIR PRESSNELL: Kathleen?

1 K.ALIOTO: And the problem there is with
2 stackable, and with community colleges being able to transfer
3 those students so they will graduate with a BA, and the college
4 saying well that hasn't been accredited. So then, the students have
5 to retake all of the courses that they've already taken because of
6 this kind of a glitch.

7 So it's not just a little problem. We're talking about
8 thousands of kids. Future or citizens.

9 CHAIR PRESSNELL: All right. Very good. And
10 you know, and the only comment that I had on this beyond what's
11 already been said is that you know, I think that you know, I did, I
12 chaired a subcommittee that looked at expedited reviews. And
13 you've got some institutions that are really good players, and you
14 have some that are not.

15 And I think scrutiny should be slightly different.
16 And I'm not fully convinced. I think that there needs to be a
17 tipping point where the review goes to the Commission versus a
18 staff review, and I think that would be nice to be identified rather
19 than saying all change ought to be done at the Commission level
20 versus staff level as well, so Jen and then, yeah.

21 J. BLUM: Well I just want to say on that I mean I
22 totally agree. I think, and this was another one where we heard a

1 lot from the interviews were quite helpful. I think the list is wrong,
2 so under the regs that were just done in the last few years, they
3 carved out the lists of sub change, the type of sub change that
4 could be handled by staff and others that could be handled by
5 Commission.

6 And I think the list isn't quite right. So I think it's
7 just that there needs to be a revisiting of what is appropriate for
8 staff, and what's appropriate for the Commission.

9 CHAIR PRESSNELL: Mary Ellen, then we'll go.
10 You're going to come in? Okay. Could you lower your -- Art?

11 A. KEISER: I agree with that. I mean if
12 everything has to go to the Commission it becomes a nightmare for
13 the institutions. It means change. You can't be innovative. You
14 can't respond to the community needs because Commissions meet
15 what, twice, three times a year.

16 And then you have the process, and the timing is
17 there. If it's not a major substantive change like a new program
18 area. You're doing something with a hospital, or you're doing
19 something with a community resource. And especially if you're
20 going to all your little programs that have to get approved, it will
21 be impossible if you have to go to the Commission, so there has to
22 be a good balance.

1 CHAIR PRESSNELL: All right. Very good.

2 We've had a robust discussion about the complaint process. We
3 did specifically talk about 602.33. Any further comments about it
4 at all? All right. Let's go on then to the transparency and public
5 NACIQI input. Any thoughts about that section in particular?

6 The only comment that I would make, I have a little
7 bit of concern about the additional information provided by
8 agency. I would just want to make sure that it's reviewed by
9 Department staff, so if they want to do a slide deck, that's fine, as
10 long as they don't add any new information from the point in
11 which they were reviewed, because then the new information has
12 not been vetted by the Department, and see how it applies to the
13 overall conclusions.

14 So that's the only concern I had about information
15 provided as long as it's nothing new to that process. So other
16 comments, questions about that section? Everybody worn out?
17 Fabulous work. I mean I think the discussion really demonstrates a
18 heavy lift that the Committee, Subcommittee went through to get
19 this done.

20 I think that there has been really good dialogue and
21 context placed around the report for it to go to the SDO and
22 ultimately to the Secretary. This comes as a recommendation from

1 the Subcommittee, so it does not need a second. Any last
2 discussion before we take a vote on submitting the report?

3 R. SHIREMAN: Is there any public comment?

4 CHAIR PRESSNELL: There is none that I'm
5 aware of. No. Thank you. All right. Let's take the vote. We are
6 voting to move the paper to be sent to SDO and ultimately to the
7 Secretary in the context of the dialogue.

8 A. SIERRA: Hi. This is Angela Sierra from the
9 Office of the General Counsel. I just wanted to clarify. I don't
10 think it will be sent to the SDO. It would be sent to the
11 Department potentially, I'm not sure if that should be the Assistant
12 Secretary for Postsecondary Education, but not to the SDO who
13 makes decisions on specific accrediting agencies because these are
14 rulemaking recommendations.

15 G. SMITH: In the past it's been sent to our Deputy
16 Assistant Secretary, and the Secretary's Office, the Chief of Staff,
17 so it does get to the Secretary.

18 CHAIR PRESSNELL: I stand corrected. Thank
19 you. We'll go ahead then and take the vote.

20 G. SMITH: Don't we need a motion?

21 CHAIR PRESSNELL: And Congress could have
22 access to the report obviously. Anyway.

1 M. FREEMAN: Kathleen?
2 K.ALIOTO: Yes.
3 M. FREEMAN: Roslyn?
4 R. ARTIS: Yes.
5 M. FREEMAN: Jennifer?
6 J. BLUM: Yes.
7 M. FREEMAN: Wally?
8 W. BOSTON: Yes.
9 M. FREEMAN: Debbie?
10 D. COCHRANE: Yes.
11 M. FREEMAN: Jose?
12 J.L. CRUZ RIVERA: Yes.
13 M. FREEMAN: Keith?
14 K. CURRY: Yes.
15 M. FREEMAN: David?
16 D. EUBANKS: Yes.
17 M. FREEMAN: Molly?
18 M. MARTIN: Yes.
19 M. FREEMAN: Michael Lindsay?
20 D. LINDSAY: Yes.
21 M. FREEMAN: Robert?
22 R. MAYES: Yes.

1 M. FREEMAN: Mary Ellen?

2 M. PETRISKO: Yes.

3 M. FREEMAN: Michael?

4 M. POLIAKOFF: Yes.

5 M. FREEMAN: Bob?

6 R. SHIREMAN: Yes.

7 M. FREEMAN: And Zakiya?

8 Z. ELLIS: Yes.

9 CHAIR PRESSNELL: We're going to add a row to
10 the vote card, and put Art on there. Art votes yes. All right yeah.
11 Join me in expressing our gratitude to the Subcommittee. All right
12 good. I have got a quarter before the hour. I think we probably
13 could use a 10 minute break, so let's do that. And then we will
14 reconvene shortly before. Okay. Thank you.

15 **Recommendation: Regulations Subcommittee**

16 **Report passes.**

17 (Break 10:45 a.m. - 10:56 a.m.)

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1 CHAIR PRESSNELL: Al right. Welcome back. Thank
2 you very much for rejoining us. The next is an update on the
3 Accreditor Dashboard Subcommittee by Wally Boston, and Wally
4 we again appreciate your work on this and eventually it will end.
5 In the meantime why don't you give us an update. Thank you.

6 W. BOSTON: Thanks Claude. So after our
7 February meeting where are recommendations were confirmed by
8 the broader committee. We had two calls to follow-up on those
9 recommendations, primarily with Brian Fu about the feasibility of
10 modifying these dashboards, particularly with the specialty
11 accreditors exactly where we were going to source the data from,
12 and the timeliness of either some specialty accreditors, such as the
13 ones being reviewed by us today, being the only ones where a
14 dashboard could be created, or whether we would be able to do it
15 for all of them in time for the July dashboard publication.

16 And we are honored to have Brian here today, but I
17 would say that Brian gave us mockups, but mockups without data,
18 so that the Committee members could look at those mockup
19 dashboards, and sort of nod their heads and say, you know, it looks
20 great without the actual data, which you know, we're not going to
21 be experts on this, but so I know that we have dashboards available
22 for the groups at this meeting.

1 I believe Brian talked to them, but Brian has a lot
2 more information that he can share with the group than I can
3 because after our last call when the data came in and it was put in
4 place as of June 30th, that reporting year, so our previous year's
5 dashboards are ineffective. We now have a new set of dashboards.

6 And there are I think I believe a couple of agencies
7 where some data is missing, but I'd rather have Brian give us the
8 specifics on that, so thank you Claude, and with that Brian, we're
9 glad to have you join us today.

10 B. FU: Good morning everybody. Yeah, I'm Brian.
11 I'm an analyst at the Office of the Chief Data Officer, and I think
12 I'm going to kind of walk through from the very beginning for any
13 folks that are new to the dashboard process, and then I'll kind of
14 get to the specialty accrediting kind of towards the end because
15 that's kind of one of the big changes that we face.

16 Just to kind of step us all the way back. The
17 purpose of the dashboards is to provide an overarching snapshot of
18 datapoints for institutions and programs, such common accrediting
19 agency. I think it's good to kind of think about this as an
20 overarching view from 10,000 feet from the sky. In light of the
21 discussions earlier about bright lines and context, I recommend
22 thinking of these more as conversation starters, right? Initial

1 datapoints that lead to more robust discussion and examination of
2 the agencies. I think we can all agree to that given this morning's
3 discussion.

4 I've discussed in prior meetings, and we'll continue
5 to emphasize that there's a lot of caveats to interpreting these data,
6 and I encourage members to review all the detailed information to
7 better understand how the data elements were constructed. There's
8 a lot of information in the first few pages of the dashboards.

9 Further, again, context, context, we kind of
10 discussed this earlier. I think Wally gave a good example, but
11 there is a lot of variation in the types of institutions, for example,
12 degree granting and non-degree granting institutions. They're just
13 so different in how they carry about their business, who they serve.

14 I think it's important to keep in mind those contexts.
15 I'm going to share my screen here, and if somebody could give me
16 a verbal if that's viewable, that would be helpful, or a thumbs up
17 or.

18 CHAIR PRESSNELL: Yeah, we see it.

19 B. FU: Okay. So here's the CP website, and the
20 information I'm targeting is these five links here. I'm going to kind
21 of talk about this first link, which I need to navigate towards
22 without -- sorry for this. I'm trying to show this without closing

1 the Zoom screen. That's good. Okay. There we go. So as I
2 mentioned there's a lot of information about the data generating
3 process and what the data all events mean.

4 To be clear, we have consistent definition across
5 institutions for what we do. I know other accrediting agencies
6 have different ways of maybe measuring graduation rate and other
7 fun stuff, just got to address the comment today on consistency of
8 definitions. Everything we do here is internally consistent with
9 how we provide information.

10 So there's two PDF individualization files, and there
11 accompanying data files. This is the institution level file, which a
12 lot of people are used to seeing, if you've been part of these
13 meetings. And this information is for institutional level Title IV
14 accreditation agencies. There's also information about the program
15 and the special accrediting agencies. That's in a separate
16 dashboard.

17 Let me just start by showing the institution level
18 information here. As in prior years the institution level files
19 include kind of this summary dashboard and a data file, with
20 institution level data. This year there's new data. There's a new
21 data file with program level information as well, and I'll kind of get
22 to that as we discuss the spreadsheets.

1 After the data descriptions each page includes data
2 on either all institutions in a category, or all institutions associated
3 with one particular accrediting agency. I'm showing the page that
4 shows all institutions covered in the data file right now. The upper
5 left-hand corner here provides information for each agency or
6 group of institutions.

7 The number of institutions is defined by those with
8 unique six digit key ID number, the number of fresh campuses
9 followed enrollment counts, Title IV volume, and other key
10 summary datapoints. This is nothing new. We've provided this in
11 the past.

12 In the middle left side the proportion of
13 undergraduates with federal loans and Pell Grants. Also a sector
14 breakout. Again, this is nothing new. We've provided this in prior
15 dashboards. I'll note that the circle view designates where data
16 refers to undergraduate students and G-4 graduate students.

17 On the bottom left are the number of institutions
18 within each quintile for median debts, and net price. In the top
19 middle the number of institutions in each quintile for graduation
20 rate, graduation rate cost, and earnings 10 years after starting
21 undergraduate school, so these are all undergraduate as noted by
22 the UG here.

1 This year there's no information about default rate
2 and repayment rate. That was a decision that was supported by the
3 subcommittee just because those variables are less meaningful
4 when the measuring period is during the pandemic year when there
5 were automated forbearances.

6 What is new this year is this was to provide more
7 information on graduate level, which was the key ask, is that we
8 have information from related to debt to earnings ratios. These are
9 based on the closest information available that could be used to
10 model proposed gainful employment regulation methodology. As
11 a caveat, this is still in negotiated rulemaking, so it's not clear
12 whether this will be how the development department eventually
13 implements gainful employment regulation.

14 Further, there's slight differences in the data used to
15 model gainful employment versus how these data would be
16 calculated based on the proposed rulemaking, so lots of caveats
17 here on, you know, but this is how gainful employment was
18 modeled, and that's kind of how we are using it.

19 In the current proposed regulation there are two
20 metrics. The first is an annual rate. This is the annual loan
21 payment divided by annual earnings three years after completion,
22 and then there's a discretionary loan ratio, and that's based on the

1 annual loan payment divided by again the annual earnings three
2 years after completion, that less 150 percent of poverty. So those
3 are the two types of ratios that are described here.

4 In the dashboards for each prudential level each
5 institution is assigned with a median program debt to earnings
6 metric of that institution. Based on that median, institutions are
7 sorted by quintile in a similar manner to the other metrics. The
8 counts of institutions in each quintile are represented in the
9 visualizations similar to other metrics.

10 One key caveat is that there are limited programs
11 with actual data for gainful employments since proposed
12 regulations cover programs with 30 or more graduates only. We
13 find that less than half of programs that are available have those
14 data. However, from a national perspective while data cover a
15 minority of programs, the students that graduate from these
16 programs represent a majority of graduates.

17 So, from a national perspective, we represent a
18 smaller share of students, excuse me, a smaller share of programs,
19 but potentially a larger share of students. So that's this Title IV
20 volume is similar to what we provided last year too, so that's kind
21 of an overview of this dashboard, and this is governing the
22 institution level accreditation

1 I will say that there are two, if I go back here,
2 spreadsheets. This spreadsheet will have institution by institution,
3 all the data elements listed. And in addition this data file provides
4 more information, excuse me, I'd like to quick see this slide, about
5 all of these data program by program. And we actually included
6 the gainful employment metrics for both undergraduate and
7 graduate even though we only provide the view of graduates here
8 because the undergraduates are sufficiently surmised here. So with
9 that --

10 CHAIR PRESSNELL: Hey Brian, before we move
11 off of this, and I think Kathleen has a -- I'm assuming Kathleen has
12 a question.

13 K. ALIOTO: I do. Brian, let's look at graduation
14 and earnings. It has the same line, and then you have the I mean,
15 the same graph going across, and then underneath the numbers.
16 What does that mean?

17 B. FU: Okay. Yes, so --

18 K. ALIOTO: Because the two things don't seem to
19 really coincide. It's one graduate school, so the other is -- what is
20 it? I can't figure it out.

21 B. FU: Sure. So the way that these color schemes,
22 so these are national quintiles, so the number of schools is fairly

1 even because we bucket them that way, but basically what this is
2 saying is that the national quintiles are for example, the bottom
3 quintile is 33 percent graduation rate. And so there is 904
4 institutions with graduation rate of 33 percent or lower.

5 And then the next quintile -- so this is for all
6 institutions, so the quintiles kind of have even numbers. But if you
7 look at a particular agency for example, you'll see for --

8 K. ALIOTO: Well I'm on page 32. How about 32?
9 That's the --

10 B. FU: Page 32, okay.

11 CHAIR PRESSNELL: Let's make sure we're not
12 talking about an agency that's under current review, Kathleen.

13 K. ALIOTO: All right. We'll do another agency. I
14 was just trying to have some help making sense of what I was
15 seeing, but let's try something else that actually might be more
16 pertinent.

17 B. FU: Okay. So for example, this -- I don't know
18 if this is from a -- I'll just take a random one here.

19 K. ALIOTO: Okay.

20 B. FU: The Council of Continuing Education and
21 Training, so they have I think 27 of those institutions are in the
22 highest quintile. That means they have 27 institutions with data

1 that are above 77 percent graduation rate.

2 K. ALIOTO: Okay. And then is there a -- I get
3 confused they should have two agencies, but that's up to 50
4 percent. I don't get the two.

5 B. FU: Oh. The two is that there's two institutions
6 with in this higher one, there's a couple twos. But there's two
7 institutions associated with this accrediting agency that have
8 graduation rates between 33 percent and 50 percent.

9 K. ALIOTO: So two institutions add up to 50
10 percent? I don't get it.

11 B. FU: Sorry. So these are the cut points for the
12 quintiles, so for example do you see the 77 percent and above.

13 K. ALIOTO: Right.

14 B. FU: Is kind of marked as the green part. So if
15 you are an institution that had 80 percent graduation rate you
16 would be counted in the green number, so that 27 percent would
17 be, you know, 78 percent, 79, 80 percent and above. You would
18 have a higher number in the green area.

19 That makes 64 and 67 as the next grouping, so if
20 you had for example, a number between that like 70 percent
21 graduation rate, there's 16 of those institutions.

22 W. BOSTON: Yeah. Kathleen, let me just refresh

1 you. When we met Brian took us through the way these, using
2 graduation earnings. The quintiles are based upon the entire pool
3 of accredited institutions that you know, are eligible for Title IV
4 that are in that first dashboard that we saw.

5 So that when you drill down to this particular
6 agency, which I believe is not under review, so they have 59
7 institutions. And of the 59 institutions, 27 are in the highest
8 graduation rate, which seems pretty good, and I am not familiar
9 with this particular institution, but I'm guessing that the reason it's
10 pretty good is because they do a lot of shorter term programs since
11 this Accrediting Council for Continuing Education and Training,
12 versus degree programs, that typically would probably have a
13 different distribution of institutions in that highest graduation rate.

14 K. ALIOTO: Okay. So the top frames are the total
15 of all schools, correct? Is that what you're telling me?

16 CHAIR PRESSNELL: They're just the quintiles.

17 W. BOSTON: Yeah. They're the quintiles, so in
18 this specific example there are 59 institutions, and yes, we're using
19 the quintiles for all institutions, so the top quintile for graduation
20 rate is 77 percent and above.

21 K. ALIOTO: Okay. That explains it to me. I
22 thought it was all one school, and that was why I was confused, but

1 if it's the quintiles on top, and thank you.

2 CHAIR PRESSNELL: Thank you Brian. We can
3 go to the other chart now.

4 B. FU: Okay. I think I need to stop sharing and
5 then the reshare. Can I just get a verbal if you see a spreadsheet
6 now?

7 J. BLUM: Yes.

8 B. FU: Yes? Okay. Thank you. So now I'll
9 describe, this is kind of a new data file. The big difference in this
10 is this is from an agency who accredits a specific program, not the
11 entire institution. Not the entire institution. This examines only
12 specific programs that it accredits within an institution. This is a
13 new pilot activity that has not been conducted in prior years.

14 And for this we again rely on the public gainful
15 employment data, and I can kind of show you actually the data file.
16 You will actually have -- I'll scroll all the way down here. You'll
17 have specific programs, for example this is a program at Northern
18 Kentucky University. It has its agency, and we'll take this one for
19 example.

20 We'll show you the median earnings three years
21 after completion, median debt. And then sort of the annual loan
22 payment compared, and then the federal ratio, and the

1 discretionary ratio. The annual ratio is just the simple division of
2 the annual loan payment divided by the earnings three years after.
3 The discretionary denominator changes to 150 percent less the --
4 excuse me, the annual earnings.

5 I will say that for gainful employment the
6 recommended, or the proposed thresholds are kind of if you think
7 about 80 percent as a ratio, or annual earnings rate, and then 20
8 percent for discretionary rate. So this is kind of what these data
9 look like, and so this is one example for our bachelor's degree
10 that's let's see what institution?

11 I guess this one is at Florida International
12 University, so one of the key things to describe here in terms of
13 caveats is how we came up with the crosswalks for this because
14 this crosswalk takes information from that database for accredited
15 postsecondary institutions and programs. It's also known as
16 DAPIP.

17 And it's the closest match for earnings we have in
18 terms of programs. One key caveat is that the data are not
19 perfectly aligned. The available gainful employment data use
20 specific definitions for a program, and accrediting agencies use
21 different methodology for identifying programs in DAPIP.

22 So for example the available gainful data -- gainful

1 employment data use a program cost allocation system that
2 aggregates that earnings calculation across a similar group of
3 programs, also known as a four digit CIP code, whereas the DAPIP
4 may use more granular units of program offerings. In these cases
5 for institutions providing more than one program offering within a
6 category, the loan and earnings values may represent the program
7 category as a whole, rather than a more granular program offering.

8 So information is provided for three agencies, while
9 five agencies are scheduled for evaluation. The three agencies
10 have relevant matching data. The others, there was nothing in the
11 gainful employment public file that matched with these. So, this is
12 the way we've done it for the three. If they were identified, for
13 example, as didactic programs and didact's at the bachelor's level
14 we assigned this CIP code, which is kind of an umbrella for the --
15 I'm sorry, I don't know how to say that word, didact's and clinical
16 nutrition services.

17 These were fairly -- these were done manually, and
18 again there's caveats, in particular for the Council on Accreditation
19 of Nurse Anesthesia Education Programs, we'll note that the code
20 for this, the gainful employment numbers, are aggregated to kind
21 of nurse anesthetist, sorry I'm so bad at pronouncing these
22 technical terms, where as you know, the programs that they

1 accredit are a little bit more granular. The six digit CIP code is a
2 little bit more nuanced. It could be a part of a suite of programs
3 that an institution offers.

4 So we aggregate say the four digit CIP code, and
5 there are six digit CIP codes, and sometimes even aggregations of
6 six digit CIP codes, so the big caveat is these things don't match
7 one to one. But I think they provide the best information we have
8 available in terms of how we crosswalk information from DAPIP
9 to the way that we use gainful employment.

10 So in terms of the summer statistics, again we show
11 that the number of data programs with data and about data, and as I
12 mentioned that there are generally, nationally speaking, we have a
13 minority of programs that represent a majority of students, but this
14 will kind of show you how many programs we actually have
15 counted in our statistics because those are the only statistics that
16 we have.

17 Within each credential level we provide kind of the
18 descriptive statistics, the mean aggregation, the minimum,
19 maximum, and then the percentiles, 10th, 25th, 50th, 75th, 90th
20 and max, so this gives you a sense of the distribution of debt to
21 earnings, whether we're using the annual or the discretionary
22 version. So this is kind of the best summary that we have. We

1 also do this originally, and let me show you the visual
2 representation now.

3 And we do this with box and whisker plots. Can I
4 get a verbal if people see a box and whisker plots?

5 CHAIR PRESSNELL: That's good.

6 B. FU: And so basically these box and whisker
7 plots represent, have the same information, it has actually less
8 information than the table we showed you. But basically for each
9 of the programs you have the 10th percentile, the 90th percentile
10 represented by the top and bottom lines. And within the box it
11 represents the inter quartile and the middle provides the median, so
12 the annual -- so example the discretionary rate in this case is
13 around, is between 12 and 17 within a quartile, excuse me.

14 It's between around 12 and 17, which means half of
15 the values live within this range. So why don't I stop there and see
16 if there's any questions.

17 CHAIR PRESSNELL: Jennifer?

18 J. BLUM: So can we -- so, a couple things. I
19 noticed on the Excel programs with it, and you mentioned it,
20 programs with data, programs without data on the programmatic.
21 I'm talking about the programmatic Excel that you just showed.
22 There are a lot without data, and so we're relying on -- I mean I

1 know this isn't perfect. I applaud the work, so let me preface
2 actually with positive.

3 So really great work, and Brian you're amazing. I
4 just wanted to point out some of the things that are confusing me,
5 and if they're confusing you know, I just think we need to bring
6 attention to it. So on the with data, without data, so we're leaving
7 out a lot of programs on some of the -- for some of the agencies
8 that you explored it looks like.

9 And we're really, it's very partial information. Is
10 that right? He's frozen.

11 W. BOSTON: While he's getting unfrozen, so yes.
12 And we knew that. It has something to do with the IRS agreement,
13 so as far as the confidentiality because we said gee, why does that
14 agreement have to be at an institution level when an agency has
15 multiple institutions, so if the number is 30, I'm making that
16 number up.

17 I don't represent the Department's, you know,
18 standard on how many people there need to be in the tree. And so,
19 this institution only has six, so under that IRS publication,
20 specifically for like the college scorecard, they're not going to
21 show up. And I said why can't we aggregate, because we have
22 multiple institutions, well unfortunately that's not the way the

1 agreement works.

2 So the subcommittee knew because Brian told us
3 that they couldn't roll it up that way even though there might be,
4 you know, 500 people graduating with that particular degree across
5 all the institutions that the agency accredits, so we just have to live
6 with it.

7 Now on the good news side, when you look at some
8 of the other degrees, you know, the way they aggregate typically,
9 the larger programs will graduate the bulk. You know, you may
10 only have 20 percent of the institutions represented, but the 20
11 percent that are represented because there's a pretty high standard
12 with that IRS data sharing, graduate a substantial percentage of the
13 students.

14 J. BLUM: Okay. That's helpful. So my other
15 question, which I mean Wally I'll try you.

16 W. BOSTON: I'm not necessarily accurate while
17 we're waiting to get Brian back, but I'm trying to recall what he
18 told us.

19 J. BLUM: So it relates to the CIP code issue, which
20 is something I've dug into for years. And if we're using a four
21 digit, there are pros and cons to six digit versus four digit. And
22 we're using a six -- a four digit, which I think is what he was

1 saying he went to four digit CIP code, in order to get numbers. I
2 mean because otherwise six digit might have small numbers on
3 programs, so you're rolling up to a four digit CIP code.

4 And for those who don't know this stuff, it means
5 that you could have multiple programs, multiple academic
6 programs in a four digit step. So that's for point number one.
7 Point number two is the schools actually pick their own CIP codes,
8 which creates some inconsistency, shall we say.

9 So is it possible when you're looking at a
10 programmatic accreditor that there could be programs in that four
11 digit CIP that aren't programs that the agency accredits?

12 W. BOSTON: I think the answer is yes. Bob is
13 probably our subcommittee's expert on CIP codes, or at least one
14 of our experts, but I think the answer is yes, Jennifer.

15 J. BLUM: Okay.

16 CHAIR PRESSNELL: Bob?

17 R. SHIREMAN: Yeah. I'm far from an expert, but
18 yeah, that is what especially my colleague found was that there
19 were some mismatches, and I think that's what Brian was saying.
20 And I think that's an area where maybe over time we can get some
21 improvements and clarifying what goes where, but it's also as it
22 was stated earlier about in the beginning of the discussion of the

1 report. It's a really useful -- it's a starting point to at least being
2 able to because then an agency can -- certainly, we're going to have
3 agencies that come and say well, we have more robust data, and it
4 tells us these other things.

5 And that will be really helpful. Or, if they have no
6 other data then it raises a really important question about the need
7 for the agency to identify ways to get better data. I also hope that
8 the Department of Education as it negotiates revised versions of
9 the agreement with the IRS will think about some of the ways that
10 multi-institutional data can be combined, so that we can get data.

11 So that we can get data that's more representative of
12 all the programs.

13 J. BLUM: It's really helpful. And I totally agree,
14 and it's a starting point. And I mean if nothing else, it tells the
15 Department what they need to work on, so to your point, so it's
16 great.

17 CHAIR PRESSNELL: Mary Ellen, then Art.

18 M. PETRISKO: I just want to know if it's
19 anticipated that there will be institutions, or programs that would
20 be shifting from the no data into the data column? Is that a
21 reasonable assumption that this is a starting point, but that those
22 numbers will shift over time with whatever agreements are made?

1 Or don't we know?

2 CHAIR PRESSNELL: Do you know?

3 W. BOSTON: I think that's a question for Brian.

4 It's certainly our hope that that's the case, but he would know much
5 more about the existing contract and existing expectations than I
6 do.

7 CHAIR PRESSNELL: Okay. Art?

8 A. KEISER: Maybe you folks could help me
9 understand. With the potential of sanctions caused by gainful
10 employment, the data seems incomplete. Am I missing that from
11 his presentation?

12 W. BOSTON: Art, it's the existing dataset as the
13 Department put it out there for the negotiated rulemaking, so the
14 data may change.

15 A. KEISER: No. I understand, but these two Dr.
16 Fu suggested that the data is almost circumstantial rather than
17 accurate.

18 B. FU: Testing one, two, can people hear me?

19 R. SHIREMAN: So the data that are used for
20 gainful employment are really only the data there. The data have
21 enough observations within a program area, and within a CIP code,
22 and that's institutional, and so then the institution is taking, has a

1 responsibility for that.

2 Here the inconsistency would come up if some of
3 those students were under a six digit CIP code underneath that four
4 digit CIP code that were accredited by one programmatic
5 accreditor, but not other students there. But since the
6 programmatic accreditor is not sanctioned via gainful employment,
7 it would only be the institutional data, which is -- which fits for the
8 purpose of the GE rule. That's my understanding of the way that it
9 works.

10 A. KEISER: But is the data average of all salaries
11 in that program area that the institution is being held accountable
12 for, or is it the specific data on the institution?

13 R. SHIREMAN: It's the specific data for the
14 students, for the graduates of the program of that CIP code at that
15 institution. The average from the IRS files.

16 W. BOSTON: Right.

17 R. SHIREMAN: Or the median, whichever.

18 W. BOSTON: Right. And as his little crosswalk
19 showed because it's the four digit CIP code, and this is where he
20 said it's not apples to apples.

21 CHAIR PRESSNELL: And Brian is on only by
22 phone.

1 W. BOSTON: Okay. But Brian is -- so maybe we
2 should let Brian answer the question.

3 CHAIR PRESSNELL: Well first of all Brian, did
4 you hear the question? Maybe he's not on.

5 B. FU: Test, test, can people hear me? Test, test,
6 one, two, three?

7 CHAIR PRESSNELL: Yeah. Is Brian there with
8 you.

9 B. FU: One, two, three, test, test. Test one, two,
10 three.

11 CHAIR PRESSNELL: Brian?

12 J. BLUM: Can you hear us?

13 W. BOSTON: We hear the test, test, one, two,
14 three.

15 A. KEISER: I'll withdraw my question.

16 B. FU: Oh if you heard the test, test, then we're
17 good. Okay. I didn't hear a reply. So I heard a few questions.
18 The first question was that I heard was do we expect information
19 where there's no data to have in future years. And it only depends
20 on to the extent that programs grow or shrink, so there's a 30 limit
21 to the cohort side, if the cohort side exceeds 30, then they would
22 have data for that in the gainful employment they have.

1 And then I think the second question was sorry, I
2 forgot the second question, something about averages.

3 CHAIR PRESSNELL: I don't know. Art, did you
4 want to rearticulate your question?

5 A. KEISER: No.

6 CHAIR PRESSNELL: Okay. I'm not sure. Yeah,
7 Mary Ellen's question was answered, so I think we're okay at this
8 point. You know I would say, and Brian, I need to make sure I
9 understand correctly. You indicated that the wage data are ten
10 years out from when you start your undergraduate degree. Is that
11 correct?

12 B. FU: That's in the institutional data file. The
13 datapoint of ten years after completion, so if a program three years
14 after completion, and for anything at institution level,
15 undergraduate level, it's ten years after beginning.

16 CHAIR PRESSNELL: Okay. And so I understand
17 the three year's out is dealing with debt ratio, kind of that gainful
18 employment metrics right, and then you have in other words I just
19 have always -- and so I get that there are two different things going
20 on here right.

21 I mean I understand the gainful employment in
22 terms of earnings and debt ratio, and trying to make sure that

1 students have the ability to pay their debt back. I do continue to
2 have problems with placing, or interpreting value of educational
3 programs based on basically ten years out from high school.

4 And not only that, but I do like the way we framed
5 this, as these are good talking points to start conversations, because
6 I really always try to guard against a reduction of perspective of
7 the value of education just based on how much money you have in
8 your back pocket because there are a lot of programs, social work,
9 education, criminal justice and the list goes on, non-profit
10 management that's not about how much money you make.

11 And so, I still have some concern about even
12 posting data about ten years from high school. And that's
13 personally from my own personal experience. I was, you know,
14 my family we qualified for WIC after my master's degree, and
15 there's just not a true measure.

16 It would be nice if we could somehow show a chart
17 of comparative, of the value of education over a lifetime that the
18 census data provide us, kind of benchmarked against these
19 incremental steps super early in the process of career, which is just
20 right after you got out of college you know, so that's what you get
21 when you have a humanities major sitting here as the Chairperson
22 of the Committee. But other questions for Brian? Wally? Do you

1 have some? Any additional comments or updates that you would
2 like to share?

3 W. BOSTON: Sure. I just recommend if you really
4 want to dive into these the documentation that Brian has and the
5 document itself is very, very thorough, and I'm sure as he's you
6 know, given time to our subcommittee for questions and answers
7 that if there was a Committee member that you know, needed some
8 questions and answers certainly members of the subcommittee may
9 be able to do that.

10 But you really, you know, I think in the past these
11 things were issued. Remember this was a pilot project, and it was
12 abandoned, and it was brought back, but it was brought back
13 without any guidance or direction, so we created the subcommittee
14 to say let's see what we think as a subcommittee we'd like to see.

15 And so, we've asked Brian to make these changes,
16 and I think the Committee has blessed the dashboard concept, and
17 it's still dynamic. I mean it's still fluid and dynamic because there's
18 data that's becoming more available every year, and certainly this
19 entire CIP process, which you know, thanks to Bob and his
20 associate who worked on it, and then worked with Brian to see if
21 we could, you know, piece that data through from the data sources
22 and the Department.

1 There will be problems. I mean you know, none of
2 us, I think the data wants on the subcommittee would love to see
3 this thing as granular and six digits on the CIP code, but then when
4 you get to that six digit granularity, the odds are under the existing
5 contract with the IRS you're actually going to have fewer
6 datapoints, rather than more, so the aggregation to four is what we
7 have for now.

8 CHAIR PRESSNELL: Mary Ellen?

9 M. PETRISKO: I'm curious if the only cohorts that
10 can count, that can be included in these data are cohorts of 30 or
11 above, how many are left out of that because they're too small? I
12 mean how representative is this?

13 W. BOSTON: I think Brian if you're still on can
14 you answer it? I think each individual dashboard will tell you what
15 percentage we have for master's, doctoral, professional.

16 M. PETRISKO: I just didn't read it carefully
17 enough. Thank you.

18 B. FU: Okay. It looks like I'm back on Zoom,
19 sorry about the interruption.

20 CHAIR PRESSNELL: Any other comment for
21 Mary Ellen though Brian, anything to add to her?

22 B. FU: No. I just would like to emphasize though

1 that we do have a minority of the programs, but from the national
2 perspective those minority programs represent a majority Title IV
3 students.

4 CHAIR PRESSNELL: Roslyn then Kathleen.

5 R. ARTIS: Certainly I want to offer my
6 congratulations and sincere thanks for the depth and breadth of the
7 database that's been created. There's no small amount of work that
8 went into that, and I particularly appreciate your including, for
9 example, the actual percentage of first-time, full-time freshman
10 that are counted, and the number of Pell eligible students that are
11 represented by the respective institutions, and/or organizations.

12 I want to go on record one more time as saying debt
13 to earnings ratios are at best punitive, and at worst, grossly unfair
14 in the sense that debt is a function of poverty, not quality. It is not
15 a quality measure for an institution, it is a function of poverty of
16 the student body, and so to continue along these lines I think
17 presents a very clear and present danger.

18 CHAIR PRESSNELL: Thank you Roslyn.

19 Kathleen, did you have a question?

20 K. ALIOTO: No. I just wanted to thank Wally and
21 Brian for their herculean work on this, including their patience in
22 dealing with me.

1 CHAIR PRESSNELL: Well I too want to thank
2 Wally and the subcommittee for their work on this because I lived
3 the previous iteration from the cancellation to the re-amp of this.

4 So I have got 20 minutes before the hour. I think what we
5 should do is go ahead and take lunch, so we will break for one
6 hour. So I have about 20 minutes before noon.

7 We would need to start back probably 12:45 at the
8 latest, and we have three agencies for review at that time, so we'll
9 just get a fresh start, and so we will see you all at that time.

10 (Lunch break 11:42 a.m. - 12:45 p.m.)

11 CHAIR PRESSNELL: Good afternoon and
12 welcome back to the Summer NACIQI Meeting, and we are about
13 to do a review of our agencies, but before we do so I wanted to just
14 bring a couple of things to the member's attention. First of all, the
15 motion language, there's a copy of the motion language in front of
16 you, and you can see the language on both of those sheets, and so
17 whichever one applies to your recommendation just make sure that
18 you follow that wording, which would be very much appreciated.

19 And then also I've asked Herman if he would to just
20 refresh our memories on the substantial compliance category, so
21 Herman?

22 H. BOUNDS: Thank you. And I'll just start out by

1 just reading the definition out of 602.3. And it says, substantial
2 compliance means the agency demonstrated to the Department that
3 it has the necessary policies, practices, and standards in place, and
4 generally adheres with fidelity to those policies, practices or
5 standards, or the agency has policies, practices and standards in
6 place that need minor modification to reflect its generally
7 compliant practice.

8 I would like to add that for us as staff, we also
9 considered the possibility of reoccurrence of an issue or a
10 condition, so if we don't -- maybe don't think it's going to -- may
11 not happen in the next five years, that plays on our decision for
12 substantial compliance, and then we look at sometimes the severity
13 of the issue.

14 So all I'm saying is for us substantial compliance is
15 not a perfect science, and we understand that people might
16 disagree with our selection of substantial compliance, but we do
17 the best we can do with the definition. It's not always perfect, it
18 doesn't always fit certain situations, thank you.

19 CHAIR PRESSNELL: Any question for Herman?
20 All right, great, thanks. Let me just review the procedures. I'm
21 sorry?

22 A. SIERRA: I'm sorry. I just wanted to add

1 something about the sample, the updated sample language that we
2 provided. We provided two versions, one for if NACIQI members
3 want to adopt or slightly modify the recommendation in the final
4 staff report, and then one for sort of if NACIQI wants to start from
5 scratch in crafting its own recommendation, not adopting the staff
6 recommendation.

7 And then we discussed last time the different prime
8 area recommendation options, which are included in 602.34-G. In
9 terms of compliance recommendations and reporting requirements.
10 And we also included the text of that regulation I believe in your
11 materials. And I wanted to highlight one thing. Some of the
12 recommendation involve a request by the agency for an expansion
13 of their scope of recognition.

14 And we'd appreciate it, just for clarity of the record,
15 and to the SDO that when NACIQI makes its motion it also
16 addresses expansion of scope, and whether you're recommending
17 that that be granted or denied whenever it is applicable. Thanks so
18 much.

19 CHAIR PRESSNELL: Thank you, and thank you
20 for kind of accommodating the approach of allowing the
21 Department reports kind of being the fundamental motion, if that's
22 so desired.

1 A. SIERRA: Right. And I should say NACIQI is
2 not limited to the sample template that we gave, so.

3 CHAIR PRESSNELL: Thank you. I just wanted to
4 do a brief review of the standard procedures. So first of all when
5 the agency is called up the Primary Readers, often the Committee
6 will introduce the agency application, which will be followed by
7 the Department staff, providing a briefing of the report.

8 The agency representatives then would come and
9 provide comments. We would open the floors for questions by
10 NACIQI followed by a response and comment from the agency.
11 Any third party commenters can then offer up their perspective,
12 and then the agency will be given the opportunity to respond to the
13 third party comments.

14 And then the Department staff will return and
15 respond to the agency's comments as well as the third party
16 testimony, and then we'll have discussion, and then take the vote.
17 So any questions? All right.

18

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1 Compliance Report: Commission on Massage
2 Therapy Accreditation (COMTA)

3 CHAIRMAN PRESSNELL: Well the first agency
4 that we have before us this afternoon is the Commission on
5 Massage Therapy Accreditation, and Kathleen, I believe you're
6 Primary Reader.

7 K. ALIOTO: Yes. The Commission on Massage
8 Therapy Accreditation, COMTA, or the Agency, was created in
9 response to massage therapy and bodywork educator's desire that
10 rigorous standards be applied to institutions of massage therapy
11 and bodywork.

12 COMTA has conducted accrediting activities since
13 1992. In 1996, an elected Commission was seated. COMTA
14 currently accredits 38 institutions and 15 programs located in 32
15 states. And I think the Department can go into their report.

16 R. SHACKELFORD: Good afternoon, Mr.
17 Chairman and members of the Committee. My name is Reha
18 Shackelford, and I am providing a summary of the review of the
19 compliance report for the Agency, the Commission on Massage
20 Therapy Accreditation, or COMTA.

21 COMTA's current scope of recognition is the
22 accreditation of institutions and programs that award

1 postsecondary certificates, postsecondary diplomas, academic
2 associate degrees and occupational associate degrees in the
3 practice of massage therapy, bodywork and aesthetics and skin
4 care.

5 The geographic area of accrediting activities is
6 throughout the United States. The staff recommendation to the
7 Senior Department Official for this agency is to renew the agency's
8 recognition for a period of 2 years and 6 months. This
9 recommendation is based on our review of the agency's
10 compliance report and its supporting documentation.

11 The Department did not receive any third party
12 comments, and there were no complaints filed during this review
13 period, and none on today's agenda. I'm happy to answer questions
14 you may have. Additionally, representatives from the agency are
15 here to respond as well. Thank you.

16 CHAIR PRESSNELL: All right. Thank you very
17 much. Any clarifying questions?

18 K. ALIOTO: Yes. The original reason for this
19 coming to us was that the agency had to come up with the policies
20 that they use in regard to benchmarks. Could you elucidate on
21 that, and what they are?

22 R. SHACKELFORD: Yes. So, just to provide a

1 little clarity, the original issue as it relates to benchmarks was
2 settled in the 2021 report. Those being just in determining -- the
3 report didn't include what those benchmarks actually are. The
4 original report just kind of talked about benchmarks a little bit
5 more generally.

6 And so the first issue was settled by the SDO that
7 the agency does in fact have benchmarks. The issue on the
8 compliance report was whether those benchmarks were sufficiently
9 rigorous, and to that once they provided their rationale and what
10 they relied on, one of which was the fact that they are adapting this
11 to other accrediting agencies, and that also that they do require
12 their institutions to adhere to those benchmarks.

13 So that was settled in the first report, and then also
14 followed up with the second report for which I realize that they
15 were adhering to those policies.

16 K. ALIOTO: Okay. Can you just give the
17 Committee what those are?

18 R. SHACKELFORD: What the benchmarks are? I
19 will -- because that was in the initial report, and not for this
20 compliance report, I'll defer to the agency to kind of talk about
21 what those benchmarks are because it's not the subject of this
22 current report.

1 CHAIR PRESSNELL: Jennifer, do you have a
2 clarifying question before we have the -- okay?

3 J. BLUM: Yeah. I'm going to ask this question
4 probably more than once during the meeting because I don't know
5 if I just haven't focused on it before, but the question of rigor of an
6 outcome standard being answered by the agency as being
7 something that's comparative to another agency, to me doesn't --
8 isn't a wholesome.

9 I know the Department's been doing it, so that's why
10 I'm asking the staff and not the agency because I think they're
11 following along with what they think is compliance. But an
12 agency sets a benchmark of like 80 percent on grad -- I'm making
13 it up. On grad rate, and they justify it by saying well that's what
14 some other agency does, and that agency is in a totally different
15 field.

16 Or even if it's in a close to field, but not the same
17 field, I just don't understand how that demonstrates rigor.

18 R. SHACKELFORD: So, I do want to clarify. In
19 the report they're not saying that they follow someone else as the
20 complete rationale as to why they are having those benchmarks.
21 They're simply providing an addition -- they provided the rationale
22 for those benchmarks, or why they determined that it was

1 sufficiently rigorous, in addition to that's what's kind of the going,
2 prevailing benchmarks for other agencies.

3 So their sole reason wasn't just that other agency's
4 have adhered to it, they pointed to why theirs were. That was kind
5 of an add on, so I just want to provide that clarity, because they're
6 not exclusively saying well other people do it and that's why we do
7 it.

8 J. BLUM: Yeah. No.

9 R. SHACKELFORD: That wasn't their thought
10 process.

11 J. BLUM: And I totally understand that they are
12 providing other reasons, but I don't understand why necessarily,
13 especially in the specialized realm, why an 80 percent in one
14 profession, why agencies are looking at other agencies. I mean I
15 sort of understand sort of generally speaking, but to me that doesn't
16 demonstrate that it's a good and useful benchmark.

17 To me a useful benchmark, a demonstrated sort of
18 methodology would be well we looked at all of the program
19 graduation rates across all of the programs that we accredit, and it
20 ranges between X and X, and so we, you know, chose why you
21 know, so that there's sort of continuous improvement.

22 Or, you know, we looked at like sort of market data

1 nationwide in a profession or something. It's just -- I mean I'm just
2 calling this out as something that feels like it's not demonstrative of
3 a good, necessarily a good measure.

4 R. SHACKELFORD: Yeah. So thank you for that.
5 In the report they do add exactly what you eluded to initially, in
6 that they do have this is we took the average of all of our
7 institutions and then we decided that this is a sufficient number.
8 They have that, and that's demonstrated in the first report, and also
9 in this compliance report. So that is there.

10 J. BLUM: Okay. That's helpful.

11 R. SHACKELFORD: Sure.

12 CHAIR PRESSNELL: Herman, do you have a
13 comment?

14 H. BOUNDS: Yeah. I just wanted to add on top of
15 that too perhaps a couple of other measures that they looked at.
16 They referenced the Association of Massage Therapy Research
17 report, so there were multiple things that the agency used to
18 determine what those data should be. And then we looked at those
19 in multitude, and then again at the end.

20 They did make a comparison of some other
21 agencies have a similar, you know, a similar benchmark range so
22 to speak, so that's all I want to say.

1 CHAIR PRESSNELL: Very good, thank you. Let
2 me now invite Dawn Hogue and Jeff Harmon forward. And so
3 Dawn, I assume you're going to take the lead?

4 D. HOGUE: Yes, yes sir.

5 CHAIR PRESSNELL: Thank you.

6 D. HOGUE: Yeah. Good afternoon Mr. Chair, and
7 distinguished members of the Committee. My name is Dawn
8 Hogue, and I serve as the Executive Director for the Commission
9 on Massage Therapy Accreditation, COMTA. It's my pleasure to
10 be with you today, and as you just stated joining me is my
11 esteemed colleague, excuse me, and Chair of the COMTA
12 Commission, Dr. Jeff Harmon.

13 On behalf of the agency we thank you for your
14 review and consideration of COMTA's compliance report as part
15 of our ongoing, continued recognition. COMTA's vision is that all
16 quality massage therapy, bodywork and aesthetics institutions or
17 programs are accredited by COMTA.

18 Our mission is that COMTA elevates and upholds
19 standards of excellence in massage therapy, bodywork and
20 aesthetics education through specialized accreditation, benefitting
21 students and schools, practitioners and the public.

22 When we came before you in 2021 with the

1 submission of COMTA's petition for renewal of recognition, I
2 shared how especially as a somewhat new executive director at that
3 time, the process had been very valuable in terms of the agency's
4 self-review, and the resulting assessment of our policies, processes
5 and procedures.

6 We welcomed the opportunity to prepare and
7 submit our compliance report, which has indeed further supported
8 our ability to more effectively demonstrate compliance with the
9 Department's criteria for recognition. The compliance report, and
10 response process has also provided COMTA with valuable insight,
11 and better understanding of how we will engage with, and prepare
12 for the next upcoming renewal cycle, which actually is just
13 peeking right around the corner.

14 Several compliance issues identified were
15 straightforward, more technical in nature, and required a generally
16 simple response. But one item, as has just been discussed, CFR
17 602-16 A1-I required a more detailed response based on data
18 collection, review and analysis.

19 This presented COMTA the opportunity to enhance
20 and clarify our methods and measures with regard to student
21 achievement benchmarks, and ensuring that COMTA is and
22 remains a reliable authority regarding the quality of education and

1 training provided by the institutions and programs we accredit.

2 We recognize the continuous nature of assessment,
3 review and compliance inherent in the recognition process, and
4 that there really is no finite end point at which we arrive
5 ultimately, and are done. We are appreciative and pleased that the
6 Department staff determined our responses and exhibits
7 demonstrate compliance with the criteria, and we continue
8 evolving, innovating and improving what we do and how we do it.

9 All of which we look forward to sharing in our next
10 petition. COMTA is committed to actions that support our
11 continued quality and integrity, which in turn supports the quality
12 and integrity of our member institutions and programs.

13 Mr. Chair, Dr. Harmon and I are happy to answer or
14 address any questions from the Committee, but please let me again
15 convey our sincere gratitude for this opportunity to speak with you
16 and share these opening comments to the Department staff,
17 specifically Reha Mallory Shackelford, for her assistance.

18 To our assigned Readers, Ms. Alioto and Mr. Curry,
19 and to the entire Committee for your service to the higher
20 education community, and for the work and attention that you put
21 into the evaluation and stewardship of COMTA's recognition.
22 Thank you so much.

1 CHAIR PRESSNELL: And thank you. Kathleen
2 or Keith, questions?

3 K. ALIOTO: Well, the agency maintains a 65
4 percent placement rate, and a graduated scale for completion rates
5 for programs that are 24 months the completion rate is 40 percent,
6 47 percent for programs, 19 to 23 months, 51 percent for programs
7 13 to 18 months, 60 percent for programs, and 7 to 12 months with
8 65 percent of programs equal to less than 6 months.

9 Programs reporting completion or placement rates
10 less than the agency's benchmarks are required to submit
11 improvement plans, undergo additional monitoring by the agency
12 as deemed appropriate by the Commission. I wonder how many
13 programs reporting completion or placement rates less than these
14 rates, which do not seem to me to be that high, have you dealt with
15 in the last two years.

16 D. HAGUE: Yes, thank you for the question, and
17 thank you for confirming our benchmarks. I know that was
18 requested to be confirmed. So, in the last two years I'm going to
19 refer back to our response, that's where we had provided the data.

20 And so, from the past two years, and again you
21 know, we take into consideration COVID, and especially 2020,
22 late 2020 and 2021, which is when our schools were most

1 impacted by interruptions to their programs. Our average program
2 completion prior to the pandemic ranged from 76 to 85 percent.
3 But I'm sorry, you were asking about the number of schools who
4 were less than that.

5 Ms. Alioto, I would have to look at that. I didn't
6 specify that in our report. Anecdotally I can share with you that
7 typically we average maybe anywhere from 10 to a dozen
8 institutions or programs who we require some sort of monitoring of
9 their annual report.

10 Typically, it's related to the program placement.
11 Are they graduate placements? Completion rates, you know, if a
12 cohort starts with four students, and two of them withdraw, they're
13 already below our benchmark, and there's really not much they can
14 do to adjust that. So we ask them to provide rationale and
15 understanding for any rates that are below the benchmark
16 regarding graduation.

17 The placement rate is on that graduated scale
18 because in many states people can apply for their massage therapy
19 or aesthetics license when they obtained the minimum number of
20 hours for the license. And so we find that in our longer programs,
21 students sometimes don't have an incentive to graduate if they're
22 able to begin practicing professionally.

1 So that's part of the reason for the graduated
2 completion benchmarks. The placement rate is a little bit easier to
3 follow-up on because typically it's due to lack of response from
4 their graduates. And so, when our institutions and programs are
5 given another opportunity to obtain survey data from their
6 graduates, they find that those rates can be adjusted because of the
7 additional data that they gathered.

8 K. ALIOTO: Now, I'm not sure. Do you have 38
9 institutions, and 15 programs, and 10 to a dozen of those have had
10 problems in the last years?

11 D. HOGUE: That's just an anecdote. Again, off the
12 top of my head and just what is our average. And again, you
13 know, we wouldn't necessarily say that those are problems, we
14 look at the reasons for that, and look to request follow-up
15 documentation that's appropriate and applicable for those reasons.

16 Sometimes it can be a problem, especially if it's a
17 trend, and so when we're analyzing year from year to year, if we
18 see one institution or program that continues to have rates that fall
19 below, that would, you know, require additional attention and
20 intervention, but we've not had that be the case fortunately.

21 K. ALIOTO: What was the other question? Oh
22 yes. You said in your presentation right now that your average is

1 from 76 to 85 percent. That's pretty different from what -- from 65
2 percent for a six month program.

3 D. HOGUE: Yes it is.

4 K. ALIOTO: If it is 76 to 85 percent, I'd be more
5 comfortable in supporting the application than I am with these
6 other rates that seem kind of challenging when you're getting Title
7 IV money for so many of these students.

8 D. HOGUE: I would just add to that that as part of
9 our review of our benchmarks currently, so these benchmarks were
10 established in 2017. And so as part of our current process that we
11 are in with our standards review, which takes place every 7 years
12 in proportion to our grant length, we are also going to be assessing
13 our benchmarks, and the rigor of those benchmarks.

14 As part of our compliance report process, we
15 actually surveyed our current schools and asked them did they
16 think our benchmarks were sufficiently rigorous? And we got
17 back the large proportion that agreed they were, but we did get a
18 few comments that to what you just said, would think that a large
19 or a higher benchmark might be more appropriate.

20 And so, we're certainly going to consider that
21 feedback, and analyze that more closely as we re-establish
22 benchmarks in this next cycle.

1 CHAIR PRESSNELL: Okay. Keith? Questions?

2 K. CURRY: I don't know if it's a question. I think
3 it's more of a comment in regards to the survey, and moving
4 forward would you continue to have that type of survey? Just from
5 my own perspective is that if someone is asking me if it's rigorous
6 or not, I'm going to say -- check yes, because I'm not going to push
7 even harder because I'm happy this number is there.

8 And so, you're asking as a visual to support that's
9 rigorous where they're probably going to say yes, and just keep and
10 move on. Are you continuing to do that type of survey as you
11 move forward in your next cycle, or are you going to scrap it? Just
12 curious.

13 D. HOGUE: Well we will probably include it, and
14 that's just one part of our overall assessment. You know, we do
15 like to be in communication, have good relationship with our
16 member schools, and so we want them to feel informed of
17 whatever benchmark we may revise and set, so we want their
18 feedback. We want their input, and we certainly gather it during
19 the standards review process.

20 So we would request their input. It doesn't mean we
21 rely on it solely, and especially if that benchmark were to get
22 higher and higher, we might see the data, looking back, you know

1 shift. So it would be just another component of what we review
2 and analyze.

3 K. CURRY: And I assume that the survey is
4 anonymous. Am I correct?

5 D. HOGUE: Yes. That's right. Yes.

6 K. CURRY: So you couldn't connect it to an
7 institution?

8 D. HOGUE: No. Not unless they provided
9 identifying comments, which is an option on the survey, but that's
10 correct.

11 K. ALIOTO: Have you seen the accreditors
12 dashboard on COMTA?

13 D. HOGUE: I just received a link to that dashboard
14 last week, and I've looked at it a little bit. I haven't studied it in
15 depth. And I'm sorry.

16 K. ALIOTO: I wondered why on it you have
17 doctorates and masters. Do you give doctorates and master's
18 degrees?

19 D. HOGUE: We don't -- no, no ma'am, we don't.

20 K. ALIOTO: Well I think you need to look at that
21 dashboard and see, figure out why it has doctoral and masters
22 programs on it.

1 D. HOGUE: Yes, thank you.

2 W. BOSTON: Kathleen, that's the standard format
3 for every, you know, agency, so there's actually no data. It says no
4 data. So while it's there, there is no data. They don't issue
5 doctorates and masters.

6 CHAIR PRESSNELL: It's just a placeholder on the
7 dashboard.

8 K. ALIOTO: Okay. So once again, my lack of
9 taking whatever course that was that I missed. Okay. So you have
10 -- how many students do you have in your institutions.

11 D. HOGUE: I'm sorry, I don't know the number of
12 students, total number of students at our institutions off the top of
13 my head.

14 K. ALIOTO: Well you have 38 programs, and it
15 looks like you have 1,471 students. I'm uncomfortable about
16 supporting. I don't get a feeling of rigor, but perhaps the
17 Department does, and my colleagues would as well.

18 D. HOGUE: And I would certainly invite Dr.
19 Harmon, if you would like to speak to the question, or potential
20 concern.

21 J. HARMON: Sure. Can I ask a question of
22 clarification though? When you're discussing your comfort

1 feelings with respect to rigor, is that related to our completion and
2 placement benchmarks?

3 K. ALIOTO: That started it, yes.

4 J. HARMON: Okay. So in response to that, the
5 information that was provided to the agency shows an average
6 program completion rate between 76 and 85 percent. During the
7 pandemic that rate ranged from 75 to 78 percent. The placement
8 rate was in pre-pandemic times 80 to 84 percent, and during the
9 pandemic 71 to 72 percent, which all exceed our current
10 benchmarks.

11 Our benchmarks are derived not from any single
12 datapoint, but from many. Accredited program completion rates
13 for our accredited schools is something we look at. AMTA,
14 American Massage Therapy Association research and reports.
15 Massage Therapy Coalition data and reports, a survey of our
16 member institutions on the perceived rigor of COMTA
17 benchmarks, which is certainly something I would advocate we
18 continue to do because I believe in the completion of data.

19 Other educational benchmark standards and
20 methodologies, and NCLEX licensure pass rates for massage
21 therapy. So we look at all of these datapoints in deriving our own
22 benchmarks. Again, following the traditional method of data

1 triangulation.

2 I would also advocate that we continue to grab and
3 analyze every available datapoint in terms of building a rigorous
4 benchmark.

5 K. ALIOTO: I'm curious about why you didn't, you
6 haven't done if you're institutions are achieving these kinds of
7 benchmarks, why did you stick with the 65 to 40 to 65?

8 J. HARMON: That's a fantastic question. And I
9 think in the spirit of continuous improvement, we don't want to be
10 hasty in making any decisions, so we follow our standards review
11 process, for which our benchmarks are a part of. That's in our
12 bylaws, and we have to follow due process whenever we make
13 changes to standards.

14 We are currently in that process now, and we'll be
15 analyzing all of the aforementioned datapoints when considering
16 this for the next iteration of standards.

17 K. ALIOTO: Does the agency have any opinion on
18 the number of hours that programs should involve in order for
19 rigor to be achieved in the programs themselves?

20 J. HARMON: We certainly do have standards that
21 govern the number of hours required for accreditation. Dawn, do
22 you want to speak to those actual numbers?

1 K. ALIOTO: The hours, the classroom hours in
2 massage therapy for esthetics.

3 D. HOGUE: We have competencies, so rather than
4 I mean we have our minimum number of hours required for the
5 program or institution to be accredited, which is 625 currently. In
6 terms of curriculum content, we don't parse out how many hours
7 are to be in what content areas, or subject areas.

8 Our schools can determine that based on their
9 mission, you know, their unique offerings, but we have
10 competencies that clearly outline and designate the content that is
11 to be incorporated into curriculum, which relies heavily on
12 practice, assessment, clinical assessment, treatment plans, hands on
13 work, yes, but not a specific hour.

14 K. ALIOTO: Okay. Okay. Thank you.

15 CHAIR PRESSNELL: Any questions from the rest
16 of the Committee? Yes, Michael?

17 M. POLIAKOFF: This is probably in the report,
18 and I probably missed it, but could you give us an indication of
19 what would cause you to put a school on warning, and whether
20 there have been any such actions in the past several years?

21 D. HOGUE: Yes. So one school comes to mind
22 immediately, and they were actually included in our petition. It's

1 the only school that has been put on probation, and ultimately had
2 their accreditation revoked. It was not for anything related to
3 student outcomes, it was related to financial stability, and Title IV
4 administration in that institution.

5 M. POLIAKOFF: Thank you.

6 CHAIR PRESSNELL: Debbie? And I'm sorry,
7 Kathleen and Keith, could you turn your mics off please?

8 D. COCHRANE: Hi, thank you. I also have a few
9 questions about the methodology and resources used for the
10 rigorous standards. We very much agree with Keith Curry's
11 comments about the survey.

12 I don't think you very frequently hear regulated
13 entities crying for stronger standards in their regulations, so I do,
14 you know, despite being very important to keep in touch with your
15 members, I think it's a different question of whether they should
16 get to set the standards.

17 One of my questions around one of your other
18 sources is you talked about the industry research from the AMTA,
19 which looks like a trade association for massage therapists. I didn't
20 see any reference in this document to completion, placement,
21 licensure, passage rates, anything like that.

22 So can you just say a little bit about how this

1 document and this association informed your standards?

2 D. HOGUE: So yes, thank you for the question. So
3 the AMTA is a -- yes, it's a membership association, one of the
4 largest in the massage profession. And they are one of our
5 industry partners. AMTA is a great supporter of COMTA.
6 COMTA actually came from AMTA, and what they had at one
7 time called a Council of Schools.

8 So COMTA was birthed directly from the AMTA.
9 AMTA every year does a very thorough industry research report,
10 and so it has lots of relevant data for educators, for school owners,
11 and for people on the regulatory community. The one piece of
12 data that we extracted, and specifically in reference to our
13 compliance response is the citation from one part of that report that
14 references other accrediting agencies, and their membership
15 numbers relative to massage therapy.

16 COMTA, among that list, you can see has grown in
17 its membership numbers, while some of the other agencies have
18 declined in their membership numbers over the last few years,
19 again particular to massage therapy programs. That was just in
20 reference to show that, you know, we are growing, and that our
21 standards are serving our profession, potentially in a different way,
22 or a more unique way than our agency accreditation agency

1 colleagues.

2 D. COCHRANE: Okay. I was wondering if that
3 chart had something to do with this, and this is on, I think it's
4 numbered as page 63, but actually page 11 in the attachment. So
5 this is -- so it seems like I can understand why this shows that
6 COMTA is serving your institutions because you are attractive to
7 the institutions.

8 Can you say how this speaks to whether how you're
9 serving students?

10 D. HOGUE: Well whether -- what in particular are
11 you asking about, in what way? I guess I'm not sure exactly what.

12 D. COCHRANE: Taking it back to the need for
13 rigorous standards for completion, placement, graduation rate,
14 those types of things.

15 D. HOGUE: Well I think, I don't know that it
16 directly connects to the students specifically. I think it more
17 relates to what Dr. Harmon was saying in terms of just the
18 constellation of data that we collect in terms of our overall analysis
19 process.

20 We directly support students with AMTA in a
21 number of other ways, not directly with that research report. I
22 could share some of that with you, but again it's not specific to the

1 criteria.

2 D. COCHRANE: Okay. Okay. And my last
3 question, so it sounds like there was the survey of the institutions,
4 and then there's the AMTA report, and then there's of course this
5 how you use the data that you collect from the institutions. And in
6 the report that we have that says COMTA takes the average in each
7 area of student achievement, program completion, graduation, and
8 placement for the past four reporting periods to establish its
9 minimum benchmarks.

10 Is that -- that's not what it sounded like when we
11 were describing this. It sounds like Dr. Harmon was referencing
12 completion and placement rates that were a lot higher than the
13 rates that Kathleen Alioto was referencing in the standards. So is
14 this an accurate description of how those data are used, where you
15 take the average within each area to establish minimum
16 benchmarks?

17 D. HOGUE: The averaging is what we use when
18 we are analyzing our data, our collected data each year. These
19 benchmarks that were confirmed by Ms. Alioto, and included in
20 our original petition were derived from analysis that happened
21 prior to 2017.

22 So we are going to be implementing the average,

1 the assessment of our data each year, and the other pieces that we
2 described in our compliance report as we look to revise those
3 benchmarks in this next cycle. So it's a little bit of we're
4 describing what happened many years prior, that is now going to
5 be different when you see our next petition, in terms of how
6 they've been derived compared to what those were from 2017.

7 So both pieces are true, but they aren't directly
8 connected to each other if that makes sense. Or Dr. Harmon if you
9 want to add anything to that you certainly can.

10 CHAIR PRESSNELL: Just to clarify, the agency
11 was responding to what was not in compliance, so some of the
12 material was already accepted in total before, and so it may be
13 outdated compared to what they're doing today, and which will be
14 updated in two and a half years because they're going to come back
15 here in two and a half years.

16 D. COCHRANE: Right. But it sounds like maybe
17 just for now what we would see are updated benchmarks, as you
18 would be using them today, are much more in line with the data
19 that was just shared in this presentation, maybe 70 to 80 percent
20 placement rates, or graduation rates?

21 D. HOGUE: Yes. You are correct in that what you
22 will see with any revision to the benchmarks will be based on

1 current data, and what was included in the compliance report, yes,
2 those reporting periods.

3 D. COCHRANE: Thank you.

4 CHAIR PRESSNELL: All right. Other questions
5 from the Committee? All right. Well thank you very much Dawn,
6 and we appreciate your time, and so now at this point there were
7 no third party comments, so Reha do you want to respond to what's
8 been said so far?

9 R. SHACKELFORD: No. I don't have anything
10 further. Thank you Committee. Thank you Kathleen.

11 CHAIR PRESSNELL: All right. So that brings us
12 down to where we have the opportunity to have discussion among
13 ourselves, and move eventually toward a motion. But any
14 comments, questions, thoughts? Yeah, Zakiya?

15 Z. ELLIS: I think this discussion exemplifies the
16 conundrum that we were talking about, and so it's not about this
17 particular agency, but the larger policy point of trying to have
18 some guidance would be prudent, I think.

19 CHAIR PRESSNELL: All right, thanks. Other
20 comments?

21 K. ALITO: I think that is absolutely dead on
22 correct, and that the Reha did a great job, and she had the 249-C

1 statistics from 2017. Well, but these consents have gone through
2 since 2002, I think it's just every few years NACIQI assents to it
3 because of what the rules are, what the -- I'm not sure what it
4 means in terms of the massage, and aesthetic industry, or if they
5 need to research that by having massages, or whatever.

6 But it's a problem. I just don't get a sense of a
7 rigorous program that's creating the masseuses of America, so.
8 But it's only 38 institutions, or programs, so I'd like to have my
9 colleagues decide instead of my making the motion.

10 CHAIR PRESSNELL: Any other comments? Yes,
11 Wally?

12 W. BOSTON: Yeah. I just have a general
13 comment and it relates to the new dashboard. So, whether it's a
14 continuation of me leading it, or someone else in the future, I think
15 that if you look at the dashboard that's in place for this
16 organization, some of the points that they brought out with, you,
17 key benchmarks they look at because this is a first time creation.

18 I think for the future we should add the benchmarks
19 like NCLEX pass rates and you know, which are not on here. It
20 was focused on you know, completion rates and debt to earnings,
21 and that type of thing. But I think each one should be tailored a
22 little bit.

1 CHAIR PRESSNELL: I think that's a good point.

2 Any questions? If not, we would entertain a motion. Keith?

3 K. CURRY: I will do the motion, oh sorry, sorry.

4 Wallace, right? Wally. Okay sorry. I agree with what you just

5 said. I just wanted to make sure I said that you referred to this.

6 No, I totally agree with the having additional data on the

7 dashboards will be helpful.

8 I'm new at this. I'm trying to learn as much as

9 possible. And so the information I have will be helpful, and I think

10 your question, or your comment would be helpful with the

11 dashboards, based off the agency and the services or the programs

12 they offer.

13 But I would like to move that NACIQI recommend

14 that the Senior Department Official accept all the recommendation

15 of a final compliance report for the Commission on Massage

16 Therapy Accreditation. I think I got that right.

17 CHAIR PRESSNELL: Is there a second?

18 M. HALL-MARTIN: I'll second.

19 CHAIR PRESSNELL: Molly? Who? Molly? All

20 right. Discussion about the motion? Seeing no discussion let's

21 take the vote. Sorry?

22 A. SIERRA: Can I clarify something first? I think

1 that we're trying to get the motion language precise.

2 CHAIR PRESSNELL: Right.

3 A. SIERRA: And I think that the motion referenced
4 the compliance report instead of the final staff report, and I just
5 wanted to clarify. It gets a little confusing with all the reports.

6 K. CURRY: Sorry. I just the final staff report.

7 A. SIERRA: Yes, the final staff report is
8 recommending that the compliance report be accepted.

9 K. CURRY: Yes.

10 CHAIR PRESSNELL: Okay.

11 A. SIERRA: Sorry.

12 CHAIR PRESSNELL: No. Thank you. That's
13 why you get paid the big bucks, you know, it's to keep us in line.

14 K. CURRY: And I had a CT too.

15 CHAIR PRESSNELL: Okay. So all right. Very
16 good. Well let's go ahead then and take the vote. And make sure
17 you have your mic on when you vote.

18 M. FREEMAN: Kathleen?

19 CHAIR PRESSNELL: Kathleen?

20 M. FREEMAN: Kathleen?

21 K. ALIOTO: No.

22 M. FREEMAN: Roslyn?

1 R. ARTIS: Yes.

2 M. FREEMAN: Jennifer?

3 J. BLUM: Yes.

4 M. FREEMAN: Wally?

5 W. BOSTON: Yes.

6 M. FREEMAN: Debbie?

7 D. COCHRANE: No.

8 M. FREEMAN: Jose Luis?

9 J.L. CRUZ RIVERA: Yes.

10 M. FREEMAN: Jose Luis?

11 J.L. CRUZ RIVERA: Yes. Can you hear me?

12 M. FREEMAN: Yes. I heard you. Thank you.

13 Keith?

14 K. CURRY: Yes.

15 M. FREEMAN: And David?

16 D. EUBANKS: Yes.

17 M. FREEMAN: Art?

18 A. KEISER: Yes.

19 M. FREEMAN: Michael Lindsay?

20 M. LINDSAY: Yes.

21 M. FREEMAN: Molly?

22 M. HALL-MARTIN: Yes.

1 M. FREEMAN: Robert Mayes?

2 R. MAYES: Yes.

3 M. FREEMAN: Mary Ellen?

4 M. PETRISKO: Yes.

5 M. FREEMAN: Michael Poliakoff?

6 M. POLIAKOFF: Yes.

7 M. FREEMAN: And Bob?

8 R. SHIREMAN: Yes.

9 M. FREEMAN: And Zakiya?

10 Z. ELLIS: No.

11 M. FREEMAN: Okay.

12 CHAIR PRESSNELL: All right. The motion
13 passes, 13 ayes, 3 noes.

14 **Recommendation: That NACIQI recommend**
15 **that the Senior Department Official accept all the**
16 **recommendation of a final compliance report for the**
17 **Commission on Massage Therapy Accreditation.**

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1 Renewal of Recognition: Association of Advanced
2 Rabbinical and Talmudic Schools, Accreditation
3 Commission

4 CHAIR PRESSNELL: And so let's move on now
5 to the Association of Advanced Rabbinical and Talmudic Schools,
6 Accreditation Commission. And we have primary readers are
7 Roslyn Artis and Robert Mayes, and so Roslyn?

8 R. ARTIS: Good afternoon colleagues. Robert
9 Mayes and I would like to introduce the Association of Advanced
10 Rabbinical and Talmudic Schools, as they present their petition for
11 continued recognition. The agency oversees the accreditation and
12 pre-accreditation of Advanced Rabbinical and Talmudic Schools at
13 the associate, baccalaureate, masters, doctorate and first rabbinic
14 and Talmudic degree programs.

15 The agency has been consistently recognized since
16 1974, with its most recent action in 2018. At this time I will defer
17 to staff for a briefing.

18 M. STEIN: Good afternoon Mr. Chair, and
19 Committee members. My name is Mike Stein, I'm providing a
20 summary of the Petition for Renewal of Recognition for the
21 Association of Advanced Rabbinical and Talmudic Schools, also
22 known as AARTS, or the Agency.

23 The staff recommendation to the Senior Department

1 Official is to continue the agency's recognition as a nationally
2 recognized accrediting agency at this point, and require the agency
3 to come into compliance in 12 months and submit a compliance
4 report due 30 days thereafter that demonstrates the agency's
5 compliance.

6 The agency has also been found to be compliant
7 with new criterion, and Department staff recommends a
8 monitoring report. Is that me that's echoing?

9 CHAIR PRESSNELL: No. I think you just cleared
10 up.

11 M. STEIN: Great, thank you. This
12 recommendation is based on a review of the agency's petition and
13 supporting documentation, as well as three observations that
14 included an onsite file review at the agency's headquarters in
15 Brooklyn, New York, a virtual Commission meeting, and an onsite
16 evaluation conducted by the agency in Edison, New Jersey.

17 Department received no complaints, or third party
18 comments regarding the agency since its last review. As
19 previously mentioned, Department staff identified several
20 outstanding issues that the agency needs to address related to
21 conflict of interest, re-evaluation, monitoring, approving additional
22 locations, appeals requirements, notifications related to institutions

1 whose accreditation has lapsed, and the legal authorization of
2 institutions.

3 First, the Department finds the agency substantially
4 compliant with the section related to conflict of interest. The
5 agency must submit a monitoring report within 12 months
6 demonstrating that it adheres to its revised conflict of interest
7 policy, including that any person that recuses themselves leaves the
8 room during the discussion of the institution under review.

9 Second, as it relates to monitoring, the agency must
10 demonstrate it reviews and approves the information collected as
11 part of its annual monitoring, and takes appropriate action to
12 remedy deficiency as applicable for all accredited institutions.

13 Third, as it relates to approving additional locations,
14 the agency must provide additional narratives and supporting
15 documentation to substantiate how it verifies academic control is
16 clearly identified by the institution as part of its review of
17 substantive change requests for additional locations.

18 Fourth as it relates to the legal authorizations for the
19 institution it accredits, the agency must provide documentation that
20 substantiates its new policy requiring state legal authorization be
21 part of each institution's file, and that current state legal
22 authorization is verified prior to any renewal of accreditation.

1 Finally, the Department finds the agency out of
2 compliance in three areas related to its procedures when an
3 institution's accreditation has lapsed. The agency must update its
4 policies to reflect that a lapse of accreditation is not an action that
5 can be appealed by the institution.

6 Furthermore, the agency must update its policies
7 related to institutional appeals to reflect that an appeal panel may
8 not rescind the decision of the Commission. Lastly, the agency
9 must ensure that it re-evaluates the institutions that it accredits at
10 regularly established intervals, and demonstrated notifies the
11 Secretary, the appropriate state licensing or authorizing agency, the
12 appropriate accrediting agencies, and upon and across the public if
13 an accredited, or pre-accredited institution let's its accreditation, or
14 pre-accreditation lapse within 10 business days.

15 We believe that the agency can resolve the issues
16 identified in the staff report, and demonstrates compliance and a
17 written report in a year's time.

18 Therefore, as I stated earlier Department staff is
19 recommending to the Senior Department Official, to continue the
20 agency's recognition as a nationally recognized accrediting agency
21 at this time, and require the agency to come into compliance within
22 12 months with the criteria mentioned above, and submit a

1 compliance and monitoring report due 30 days thereafter that
2 demonstrates the agency's compliance.

3 The representatives are here from the organization.
4 I'll be happy to answer any questions you may have, thank you.

5 CHAIR PRESSNELL: Thank you Mike. So any
6 clarifying questions for Mike at this point before we hear from the
7 agency? Thank you. Do we have the agency? They were on
8 earlier, are they still on? Oh they're on mute, okay. All right. So,
9 are you there Bernie?

10 All right, let me, Bernie Fryshman and also Mrs.
11 Gitty Rosenbaum, and so Bernie we'll turn it over to you.

12 B. FRYSHMAN: Thank you very much. My name
13 is Bernard Fryshman, and I serve as the internal Director of the
14 Accreditation Commission. The Association that's --

15 CHAIR PRESSNELL: Bernie, we have a technical
16 issue. Could you wait just one moment?

17 (Off the record. Technical issue.)

18 B. FRYSHMAN: As I was saying that I've been
19 here before. In fact I've appeared before the predecessor to
20 NACIQI in September 1973, and at the time they told me to come
21 back. I've been coming back ever since.

22 I do want to begin by thanking Mike Stein for his

1 comments, and for the two years of his professionalism, his
2 friendship, and also thank him taking the trouble to get to know all
3 about us. And our community, our way of learning, our approach,
4 our scholarship and the like.

5 I also want to take this opportunity, and I think this
6 might be the last time I appear before you, I want to take this
7 opportunity to thank the Department for making the recognition
8 process a collegial, and sometimes even pleasant, and even when
9 we have disagreements it's always in a friendly, professional
10 manner.

11 So this is the time to say thank you, and I say thank
12 you. It's been -- it's never been adversarial, it's always collegial,
13 and I very much appreciate that, and the Department, take that as a
14 compliment and I thank you.

15 I'd like to spend a moment discussing the seven
16 findings which Mike described to you. And in addition, we tell
17 you that we're pretty much in compliance in all of them. We've
18 taken steps as soon as we got the report. We took steps to make
19 changes in our policies as recommended, and I'll just go over them
20 briefly, just to give you an idea of where we are.

21 We talked about the area where there's substantial
22 compliance. We never felt that it was really a conflict of interest

1 as was mentioned, but we took the steps that was requested. We
2 removed the -- we operate the conflict of interest at the times
3 where recusal doesn't mean just absence of discussion. But simply
4 leaving the room so that it's in order.

5 We've also taken steps to enhance our
6 recordkeeping and our focus on documentation and would address
7 sticker 2.19-B where we talked about the monitoring and secure
8 2.28-A, the state authorization. And the documents will be in the
9 file. The files have been prepared. We will also shortly submit the
10 information requested in SQL 2.22, regarding the academic control
11 of additional locations.

12 So that should be in order as well. Now I should
13 point out, we ran afoul of 6.2.25 F because we viewed lapse of
14 accreditation as being subject to appeal. Now we've had that in
15 place since at least 2011, and there's never been any problem with
16 that. Subsequently, the Department decided that our last
17 accreditation should not be subject to appeal, and that of course
18 triggered our noncompliance, and that triggered at 602.105, 602.19
19 and 602.26.

20 The fact is we've already changed. Actually to
21 change our policy to come into compliance with the Department,
22 but it was too late before it changed, and we filed the staff report.

1 So I did want the members of NACIQI to understand that we are in
2 compliance in those areas, practically, although I suppose not.

3 In fairness, I would actually point out that Mike
4 Stein and I had conversations about this, discussions. And among
5 this issue was lapse in subject to appeal, but of course we will
6 comply, and we should have done that earlier perhaps, but to that
7 extent that's my fault, I should have acted earlier.

8 But at least we are all on file with compliance now.
9 I guess we're worried about our agency, we're still quite small, but
10 we now have 75 schools, with about two-thirds of them having less
11 than 200 students, so we're very small. A number of our students,
12 less than 18,000 so all of our students in all of our schools are
13 published in the mechanics of the origins of the issue, the
14 benchmarks at issue.

15 Over the years we, as the accreditor had no direct
16 intentions in enacting conservative, rigid, well demanding is the
17 word I guess that's the best way to describe us. And I think that's a
18 fair description. We try to be helpful with our schools, but we're
19 always well intended, but and active with compliance.

20 We comply with the 602 regulations, and we expect
21 our accredited schools to comply with accreditation standards, and
22 they do. We and our schools are intensely focused on our product,

1 which is our students. And our students in turn.

2 People outside of our community think so too. And
3 maybe a few words in order, could describe some of the outcomes,
4 some of the human outcomes, the student learning outcomes that
5 we're so proud of. I imagine that all accredited schools wherever
6 they are admitted to conventional colleges and universities,
7 especially now.

8 Our students are particularly successful in gaining
9 entrance to schools where there are genetic and generic tests, such
10 as LSATS, CATS and GMATS. Our students come from such
11 exceptional, rabbinical entry schools that schools are increasingly
12 anxious to have us. In fact, in preparation for this meeting I did a
13 survey of our schools during this recognition period, and it appears
14 that we have 13 students in Harvard Law, 6 in Columbia Law, 3 at
15 Georgetown, and another 14 in a number of outstanding law
16 schools throughout the country.

17 We have 11 students in medical and dental schools,
18 and a few dozen in accounting, social work for social work, and in
19 other areas. This group by the way is only a fraction of our
20 graduates. Most of our graduates, or a vast number of our
21 graduates go on to continue in graduate studies in Rabbinical and
22 Talmudic education, in America.

1 And in Israel, a significant fraction enter the world
2 of commerce, and to the extent of owning garden companies in
3 areas such as construction, food, health, finance, security, and real
4 estate. Recently, the alumni once decided to get together all of
5 their icons -- and there were over 300 separate company displays
6 and booths in this area. That's through one school. It goes without
7 saying that most of our actions is not most, but many of our
8 graduates, are today in the appendix, congressional rabbis,
9 education partials and counseling. We're still in, to see how proud
10 they're also proud of all that we've accomplished, and I guess the
11 time is right for questions. Thank you.

12 CHAIR PRESSNELL: Thank you, Bernie. All
13 right. Questions? Roslyn?

14 R. ARTIS: Yes, just briefly. Good afternoon again.
15 Thank you very much for your summary. My questions are
16 generally focused in the area of organizational or administrative
17 capacity. You currently accredit a little more than give or take, 72
18 institutions concentrated heavily in the northeast United States and
19 Canada. How many staff do you currently employ?

20 B. FRYSHMAN: We have a total of 4 staff
21 members. There's a lot of voluntary work that's done by members
22 of the community, as well. There are interim times that we'll add

1 another person to assist them on certain areas, and well that
2 basically covers it.

3 I might add that in terms of this area since 1973 we
4 have never been late. We have never missed a deadline, and
5 comply accurately and on time and expeditiously with every
6 requirement we've ever had, so that's it. That's the record that I'm
7 very much proud of.

8 R. ARTIS: Well you certainly deserve to be proud
9 of that, and we commend you for that. And my reasons around
10 capacity have to do with the extent to which your schools are not
11 always on time, and thorough in this submissions. It appears that
12 you required an institutional survey form to be completed annually
13 by each of your institutions, is that correct?

14 B. FRYSHMAN: Yes, yes it is.

15 R. ARTIS: And the review of those surveys I
16 assume is conducted by the four staff that you have mentioned
17 previously?

18 B. FRYSHMAN: Well, for example the finance
19 information is not sent to a CPA, who works separately as a
20 consultant and reviews each document. Each piece of information
21 is reviewed. There was an implication that this part of the
22 document, which is not completed. Actually, the school when they

1 instituted this institutional, they pointed out that much of the
2 information and that schools needn't respond, and needing to fill
3 out any blank where there are no changes. So it's not a matter of
4 the schools being delinquent, it's just a matter of following
5 instructions, basically that is given – that we've given orally.

6 But we will take into account what Mike suggested,
7 that every school will fill in every blank of whether there is a
8 change or not.

9 R. ARTIS: I would not dare go against Mike's
10 recommendations, but I might suggest it is less critical that every
11 blank be filled in, more critical that the instructions be clear, and
12 that the review and communication back to the institution when
13 there is an incomplete submission be timely and accurate.

14 And that's the reason I'm asking really about
15 capacity because it seems that where there might have been an
16 incomplete, or untimely form resulting ultimately in lapsing of
17 accreditation, there seems to have been a step missed in terms of
18 communicating in an adequate fashion with the respective
19 institutions.

20 And so, I'm really interested in how your staff are
21 oriented and trained, and what your process currently is for
22 responding to institutional submissions and correcting any errors or

1 deficiencies.

2 B. FRYSHMAN: I think that everything is done on
3 time, but your point is well taken. It's not an older issue. You're
4 absolutely right. They do have -- we have engaged some people
5 on a virtual basis. One of the outcomes of the pandemic was our
6 recognition that using or working virtually does have benefits
7 sometimes.

8 And this kind of work is being performed from one
9 person in Israel, and we're considering expanding that as we get
10 out there. By the way, in terms of upgrading since our
11 participation we've spent \$80,000.00 in upgrading our
12 digitalization so that a lot of the work that was required by the
13 person is now going to be done automatically.

14 So if there's something missing we'll know about it
15 immediately, and the schools will be contacted immediately about
16 it.

17 R. ARTIS: Thank you. I appreciate that. And
18 among the items that are solicited in that form are there both sort
19 of factual, financial information, as well as substantive information
20 regarding student outcomes or content?

21 B. FRYSHMAN: Yes. We ask for financial has
22 always been there, and we also ask for graduation submitted and

1 graduation information specifically. Schools are generally quite
2 small, and we've been asked for accurate list of students who
3 graduated.

4 R. ARTIS: And is there -- so if an institution
5 submits their data form is there a period of time within which they
6 can expect a response, all thumbs up, good job? Or there is some
7 deficiencies or some further information that we need? Is there a
8 specific timeline or process within which students, excuse me,
9 institutions receive that feedback?

10 B. FRYSHMAN: Not about a calendar date, a time
11 date.

12 R. ARTIS: And as it relates to the people or
13 partners that are reviewing the forms, is there a training process for
14 them in terms of what to look for, and what to respond to?

15 B. FRYSHMAN: Everyone is trained, everyone is
16 prepared. But of course the CPA would be working for, and all the
17 staff when they get a form bigger than they're looking for. I don't
18 think office staff gets formally trained. Everyone else basically
19 does, everything in the decision making capacity trained, and
20 everyone in that particular capacity.

21 R. ARTIS: I think that's an important distinction.
22 Thank you very much for that. On a separate subject, when

1 considering branch campuses or additional construction sites, your
2 handbook of course requires verification, validation of accurate
3 control. And you've addressed that briefly in your opening
4 comments here today.

5 Can you describe the validation process and/or
6 provide an example to illustrate that process?

7 B. FRYSHMAN: We don't have very many
8 additional locations. We have a total of 11, and each time we field
9 that it's a very intensive process involving conversations and
10 discussions, visiting the location. We're not interested in things
11 happening where we step outside the location for the school, so the
12 main school is about it's going to do things which are not
13 consistent with the other students, so there are lots of -- many
14 conversations.

15 And as I said, visits, and we look for the reality,
16 rather than the paper. Although, the paper is evidently quite
17 important as well.

18 R. ARTIS: And so may I surmise then that we're
19 really looking for academic consistency, curricular consistency,
20 and alignment.

21 B. FRYSHMAN: Absolutely, absolutely. Those
22 would be the ones the finance and governance, these are evidence.

1 We service this as well. We look also for the specifics, sometimes
2 on a conditional occasion could be less conducive to an
3 educational program than the original school, the main school I
4 should say, the main campus, and so we try to make sure that that's
5 in place as well.

6 We also want to make sure that there some (1:13)
7 for submitting at least office equipment at the additional locations,
8 so they have to have some sort of communication with the main
9 campus, that that's in place as well. We want to make sure that the
10 library facilities are adequate, and for most of our locations, most
11 of the additional locations there is some sort of a physical
12 communication with some sort of relationship with the main
13 campus with our people who work to the other sometimes it will be
14 a faculty member will go from the main campus to the additional
15 location as well.

16 So and there's an impugment that people at the
17 additional location are not in a separate school, but they're a new
18 parcel of the total educational program.

19 R. ARTIS: I understand. Thank you. I have no
20 further questions. Let's go to my colleague Robert Mayes.

21 R. MAYES: Thank you, Dr. Artis. So I wanted to
22 ask about finances. So in the report you did provide the 2021

1 audit, which showed a loss. How did the 2022 audit turn out?

2 What was the net change in assets on that one?

3 B. FRYSHMAN: Oh. I don't have the exact
4 number, but I know that there was an increase. I think it was a 15
5 percent increase, 3 percent increase and everyone's fees.

6 R. MAYES: Great. Can you also speak to how the
7 agencies doing this year financially in comparison to your budget
8 that was provided?

9 B. FRYSHMAN: We're doing well. We have a
10 person who works on it a good part of the time. And there's not
11 been any question, or whatever, of how we would be able to meet
12 our expenses, and to have a fixed sum of money in the bank for
13 any unusual expenses that come up. I'm sorry I don't have the
14 details of what's on it. I didn't realize that that would be important.

15 R. MAYES: That's all for me. Thank you.

16 CHAIR PRESSNELL: All right. Thank you.

17 Wally, and if Roslyn and Keith turn your mic off. Wally?

18 W. BOSTON: Thanks. I'm not sure if you're
19 familiar with our dashboards that we instituted a couple of years
20 ago, and there's been some revisions this summer. I think you all
21 may have been sent a link prior to this meeting, but I have a
22 question for you.

1 And I'll say that there's a positive outcome to this
2 question on the dashboard. I'm just looking for an explanation. So
3 if you were to look under graduation and earnings, a little more
4 than half of your schools are in the lowest quintile by graduation
5 rate, 38 of them.

6 But if you then look at the other standard because
7 we know the schools have this -- some schools actually see this
8 graduation plus the transfer rate, you actually turn that around, and
9 you have 29 of your schools in the highest quintile graduation plus
10 transfer rate. So I'm just trying to understand what is the typical
11 pattern of a student at the institutions that you accredit? They
12 attend and get their Rabbinical training, and then transfer to
13 another institution to get a four year degree?

14 B. FRYSHMAN: No. What happens is that a great
15 number of students go on to study Israel before they come back to
16 America to complete their degree. So if you look for a completion
17 rate, you will probably end at 100 percent. The graduation rate is
18 not effectively expressed in our community.

19 W. BOSTON: Thank you.

20 B. FRYSHMAN: Thank you.

21 CHAIR PRESSNELL: All right. Very good.

22 Other questions? Mary Ellen?

1 M. PETRISKO: I'd like to follow-up a little bit on
2 Dr. Artis's question about the number of institutions that allowed
3 their accreditation to lapse, and could you tell us a little bit more
4 about why they lapsed? Was that a financial payment issue? Was
5 that not turning in a certain report issue?

6 Was that related to staff, not just being insufficient
7 to handle the information? And anything that insures so this will
8 not happen again because it's kind of unusual for accreditation to
9 lapse, quite honestly.

10 B. FRYSHMAN: Yeah. What happens is this.
11 We're very trusting, I guess that's the technical word, about the
12 self-study that people took together. And it's not the core, our
13 understanding we won't schedule the visit. That's one of the
14 biggest burdens, barriers I guess, to then come again on time, so
15 submit a document it will be read, and then it will be critiqued, and
16 we'll go back and forth.

17 Remember our school is small. You might have
18 two or three administrators achieving, and you might have faculty
19 members who serve as administrators, as well as someone at our
20 schools. Primus trade can be ability -- is there, lots and lots of
21 things happen, and occasionally the school misses the deadline.

22 And if you missed a deadline tell them they need to

1 lapse, the lapse, they quickly before the instance that we're talking
2 about, they completely brought themselves together, got that
3 document in on time, and at the time we thought that we ready to
4 set up an appeal for them for that lapse because that lapse would
5 mean they're going to be dropped.

6 The document is in, in a short period of time, and
7 there's no appeal broadly that would simply say you're out. And so
8 we declared them moot, the Department is now taking the position
9 that we have the right to have an appeal. So that would be
10 different in the future, but the reason -- the answer to the question
11 really is it's very small schools, a rigid requirement, a difficult
12 requirement.

13 Our self-study center basically the narrative,
14 analyses of what's taking place, and it requires a great deal more
15 time than some of those schools were able to supply nothing more.

16 M. PETRISKO: That could indicate a problem with
17 the schools that you're accrediting though if they don't themselves
18 have sufficient staff to do the work in the timeframe within which
19 the work needs to be done.

20 B. FRYSHMAN: It's not really. I mean their basic
21 work is education. They're well governed and as I said we look for
22 in all of those areas. The self-study is something which is

1 something that is always going to be a barrier. Not a barrier, that
2 we should use that word. It's an actual burden that will change a
3 little bit if we run afoul. But remember we've been around a long
4 time, we haven't lost lots of students, lost lots of accreditation
5 actions, and before it's not really all that many schools that this
6 happens in.

7 M. PETRISKO: Thank you.

8 B. FRYSHMAN: Not overly concerned. And this
9 last action that we took with a student put everybody on notice that
10 there's not going to be another second chance. There's not going to
11 be an appeal. So, I mentioned this so that everybody would be
12 there on time.

13 CHAIR PRESSNELL: Very good. Kathleen?

14 K. ALIOTO: It's good to see you.

15 B. FRYSHMAN: It's good to see you.

16 K. ALIOTO: Do you have any women in your
17 programs?

18 B. FRYSHMAN: Do we have any women in our?

19 K. ALIOTO: I see that you're -- I don't know if
20 women can become rabbis.

21 B. FRYSHMAN: No. Not in our opinion, not in
22 ours.

1 K. ALIOTO: Thank you.

2 CHAIR PRESSNELL: All right. Other questions
3 from the Committee? All right. There are no third party
4 comments, so Mike, any final thoughts? And you had indicated
5 earlier in your presentation that you felt comfortable with the 12
6 months, you know, I assume you still do, but any further
7 comments?

8 M. STEIN: No. We still feel comfortable with the
9 12 months. As you heard from Bernie, they've taken steps to solve
10 some of the issues, and on their way to take care of the other ones.
11 Just a bit more context about the lapse status. So the only place
12 that we mentioned, lapse of accreditation, and the criteria for
13 recognition of 602.26-F, that is a section that for this agency or any
14 agency, it hasn't been looked at in ten years because we were doing
15 the focus review, and it wasn't looked at for that.

16 So, I heard Bernie mention he's had that in place
17 since 2010 or 11, and that's why it's just become an issue now,
18 we're looking at it first time. So, and there was a previous
19 communication with the Department about a related issue from
20 2010 where a pre-accredited institution had their accreditation
21 lapse.

22 They were seeking guidance from the Department,

1 more specifically about when that school might be able to become
2 eligible for total again. The response from the Department didn't
3 really acknowledge how they were treating lapsed institutions, but
4 I could see how if I was the agency, I would have taken that
5 guidance and I thought my policies about that were fine.

6 But you know, we don't define, or sorry we don't --
7 the regulations to describe what an adverse action is, and it doesn't
8 include lapse of accreditation, and that's why we took the stance
9 that we did here.

10 CHAIR PRESSNELL: Very good. Thank you.
11 Any final questions for Mike before he -- all right. So discussion?
12 All right. Seeing none, we would welcome a motion from the
13 readers.

14 R. ARTIS: I move that NACIQI recommend that
15 the Senior Department Official accept all recommendations of the
16 final staff report for the Association of Advanced Rabbinical and
17 Talmudic Studies with the singular note that we would include the
18 financial updates in the monitoring report.

19 M. LINDSEY: Second.

20 CHAIR PRESSNELL: Are we okay Angela?

21 A. SIERRA: Sorry. NACIQI is free to make
22 recommendations about what should be included in the monitoring

1 report, but I just want to be clear the staff has recommended a
2 monitoring report. Mike, could you say a little bit about which
3 criteria?

4 M. STEIN: The monitoring report, the staff
5 recommendations in the monitoring report was solely about the
6 conflict of interest, but I'm hearing an additional recommendation
7 to get further financial aid information.

8 A. SIERRA: So the regulations basically
9 contemplate a monitoring report where there's a compliance
10 finding, such as substantial compliance. That said, you know,
11 we're not going to tell NACIQI that it can't make a
12 recommendation for a monitoring report on another issue. That the
13 regulations and dates following each of the regulations.

14 R. MAYES: So the last financial audit the
15 Department had showed a fairly significant loss for a small agency.
16 They, the Department, doesn't have the 2022 audit, and we're
17 already halfway, past halfway into 2023, so if at least the financial,
18 the latest financial audits is not made available, the Department is
19 going to go a long time without looking at finances again.

20 So whether it's added to the monitoring or the
21 compliance, I think it doesn't matter to us. We just think it should
22 be added to one of the other wherever it best fits.

1 A. SIERRA: Now I really can't tell NACIQI what
2 to do here, but I can just say that monitoring reports are generally
3 under our regulation contemplated to be recommended in
4 association with a finding of substantial compliance on one of the
5 criteria for recognition.

6 And if NACIQI is recommending a monitoring
7 report on a criteria not identified by the staff for such in its
8 recommendation, the motion should make clear what the agency
9 would need to report on, and what the report would need to
10 include.

11 CHAIR PRESSNELL: In precisely what section?

12 R. MAYES: It would be the staffing and financial.
13 What's the number on that one? And that one did come up. It was
14 addressed, but then found meets, so we'll add it to that one, 602.

15 CHAIR PRESSNELL: 602.15-A1. Herman, do
16 you want to comment?

17 H. BOUNDS: I think Angela brought it up. If you
18 all think that you want to see the -- some more financial
19 information, then I guess you could, so I'll say I'm not telling
20 NACIQI what to say, let's get that out. Yes, I'm just saying if you
21 wanted -- if you felt that you needed to see financial information,
22 then you would have to either say substantially compliant in that

1 criterion, and then request a monitoring report for that financial
2 information.

3 R. MAYES: That's fine. So I think they are
4 substantially there, just don't have the current financials.

5 CHAIR PRESSNELL: Art?

6 A. KEISER: Showing the significant loss I don't
7 think it is substantially compliant. I think they would need to show
8 that they would be in the new audit substantially compliant, but to
9 have a significant loss would be that you would not be in
10 compliance right Herman? I feel so you know, it's whatever the
11 circumstances were. I think it's before us to make the final
12 determination. They should have at least the 22 done pretty soon.

13 They should have had the 22 done. Did it look like
14 what kind of fiscal year is?

15 R. MAYES: Yes. A 12/31 year end, so they should
16 be.

17 A. KEISER: Their 22 should be done pretty soon if
18 it's not done now, so.

19 CHAIR PRESSNELL: So, and if legal could just
20 help us with the language. I mean it sounds as if you want to make
21 an addition to the staff recommendation for that.

22 R. ARTIS: Yes. So if you'll allow me to withdraw

1 the motion, and perhaps offer a new one that might help.

2 CHAIR PRESSNELL: Withdrawn.

3 R. ARTIS: Thank you. I move that NACIQI
4 recommend that the Senior Department Official accept the
5 recommendations of the final staff report for, of course, the
6 Association of Advanced Rabbinical and Talmudic Schools, except
7 that the SDO finds that there is substantial compliance with 602.15
8 A1, and recommend that a monitoring report include production of
9 current financials.

10 CHAIR PRESSNELL: Does that language work
11 for you? It's up here. She's getting it. I mean it sounded great to
12 me.

13 K. CURRY: I want to say second. I just want to
14 make sure we get approval.

15 CHAIR PRESSNELL: Yeah, thanks. Let's hang on
16 to this thing and make sure the language is correct. Okay. Roslyn,
17 check the wordsmithing on there. I think it's good. Yeah. I think
18 it's much better.

19 R. ARTIS: Yes. Yes. And substantial
20 compliance. I believe a single year loss is not noncompliance, but
21 certainly substantial compliance. And just to ensure that that's an
22 ongoing, not an ongoing problem.

1 M. POLIAKOFF: And just correct the typo.

2 R. ARTIS: Yeah, and I'll spell it right here. Just a
3 minute. Thanks.

4 A. SIERRA: Could we -- so I've tried to make the
5 language a little more precise. Could NACIQI specify, or could
6 you specify in the motion for consideration by NACIQI what
7 you're recommending that the monitoring report would include?

8 R. MAYES: The 2022 audit.

9 R. ARTIS: Updated financial information,
10 including the 2022 financial audit.

11 M. STEIN: Can I just add at the time of compliance
12 of the 2023 audit, would be the most current.

13 R. ARTIS: And I think that's why I was using the
14 language updated, because you wouldn't just skip a year. We want
15 to see a pattern of financial stability, and so we want the 22 and the
16 23 quite frankly.

17 M. STEIN: I think what we have is -- yeah I think
18 it's fine with what we have.

19 R. ARTIS: Yeah.

20 CHAIR PRESSNELL: The financial information I
21 think does that.

22 A. SIERRA: And then that's the other thing. There

1 is supposed to be a set deadline for the monitoring report.

2 R. ARTIS: That was 12 months wasn't it?

3 CHAIR PRESSNELL: No. Within 12 months.

4 R. ARTIS: That's under the -- oh.

5 A. SIERRA: I don't think so. I think it just says

6 that deadline, but it's often 12 months as a recommendation.

7 CHAIR PRESSNELL: I think we want it to align

8 with the staff report.

9 R. ARTIS: Which is 12 months, right?

10 CHAIR PRESSNELL: Okay? All right. We have

11 a motion, proper motion.

12 K. CURRY: And a second.

13 CHAIR PRESSNELL: And a second. Any other

14 comments about the motion? Seeing none, let's take the vote.

15 M. FREEMAN: Okay. Kathleen?

16 K. ALITO: Yes.

17 M. FREEMAN: Roslyn?

18 R. ARTIS: Yes.

19 M. FREEMAN: Jennifer?

20 J. BLUM: Yes.

21 M. FREEMAN: Wally?

22 W. BOSTON: Yes.

1 M. FREEMAN: Debbie?
2 D. COCHRANE: Yes.
3 M. FREEMAN: Jose Luis?
4 J.L. CRUZ RIVERA: Yes.
5 M. FREEMAN: One more time Jose Luis?
6 J.L. CRUZ RIVERA: Yes.
7 M. FREEMAN: Thank you. Keith?
8 K. CURRY: Yes.
9 M. FREEMAN: David?
10 D. EUBANKS: Yes.
11 M. FREEMAN: Art?
12 A. KEISER: Yes.
13 M. FREEMAN: Michael Lindsay?
14 M. LINDSAY: Yes.
15 M. FREEMAN: And Molly?
16 M. HALL-MARTIN: Yes.
17 M. FREEMAN: Robert?
18 R. SHIREMAN: Yes.
19 M. FREEMAN: Mary Ellen?
20 M. PETRISKO: Yes.
21 M. FREEMAN: Michael Poliakoff?
22 M. POLIAKOFF: Yes.

1 M. FREEMAN: Bob?

2 B. SHIREMAN: Yes.

3 M. FREEMAN: And Zakiya?

4 Z. ELLIS: Yes.

5 M. FREEMAN: Thank you.

6 CHAIR PRESSNELL: All right. Motion passes

7 16-0.

8 **Recommendation: That NACIQI recommend**
9 **that the Senior Department Official accept the**
10 **recommendations of the final staff report for, of course, the**
11 **Association of Advanced Rabbinical and Talmudic Schools,**
12 **except that the SDO finds that there is substantial compliance**
13 **with 602.15 A1, and recommend that a monitoring report**
14 **include production of current financials, and the 2022**
15 **financials.**

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1 CHAIR PRESSNELL: Let's take a 15 minute
2 break and then we'll come back, and we'll have the National
3 Association of Schools of Art and Design, and just quickly any
4 recusals? We have one, two, all right. There is obviously the
5 lobby, there's a spare room there as well. I would recommend you
6 stay just in case we're able to get yet another agency in, unless you
7 need to recuse yourself also from the first agency tomorrow
8 morning, so all right.

9 We will reconvene then at 2:35.

10 (Break 2:17 p.m. - 2:35 p.m.)

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1 Renewal of Recognition: National Association of
2 Schools of Art and Design, Commission on
3 Accreditation (NASAD)

4 CHAIR PRESSNELL: All right. Welcome back.
5 So our final agency of the day is the National Association of
6 Schools of Art and Design, Commission on Accreditation. Our
7 primary readers are Arthur Keiser, and Zakiya Smith Ellis. Art,
8 over to you.

9 A. KEISER: Thank you, Mr. Chair. The National
10 Association of Schools of Art and Design, NASAD, Commission
11 on Accreditation is both programmatic and an institutional
12 accreditor. The primary purpose of this agency is the accreditation
13 of freestanding institutions at art design units that offer degree
14 granting, and not degree granting programs, and the accreditation
15 of programs within institutions accredited by a national recognized
16 regional accreditor.

17 However, only its freestanding schools may use
18 accreditation by the agency to establish eligibility to participate in
19 Title IV HEA financial aid programs. The agency accredits 23
20 institutions in its 13 states and the District of Columbia, where the
21 accreditation by NASAD COA may enable them to participate in
22 Title IV programs administered by the U.S. Department of
23 Education.

1 The agency is presently the gatekeeper of these 23
2 institutions. The agency is seeking continued waiver of Secretary's
3 separate and independent requirements.

4 CHAIR PRESSNELL: Thank you Art. And we'll
5 invite Reha Shackelford. It's good to see you again, to come up
6 and if you will give us a briefing on the report please.

7 R. SHACKELFORD: Certainly, and good
8 afternoon again, Mr. Chairman and members of the Committee.
9 My name is Reha Mallory Shackelford, and I'm providing a
10 summary of the review of the Petition for Renewal of Recognition
11 for the Agency, the National Association of Schools of Art and
12 Design or NASAD.

13 The staff recommendation to the Senior Department
14 Official for this agency is to continue the agency's recognition as a
15 nationally recognized accrediting agency at this time, and require
16 the agency to come into compliance within 12 months with the
17 criteria listed below, and submit a compliance report due 30 days
18 thereafter that demonstrates the agency's compliance.

19 The agency has also requested a waiver of a
20 separate and independent requirements of 602.14-B. Department
21 staff does not recommend approval of the agency's request for
22 waiver, since the agency has demonstrated compliance with all the

1 separate and independent requirements of 602.14-B.

2 Our review of the agency's petition found that the
3 agency was not in compliance with the Secretary's
4 recommendation to the Secretary's criteria for recognition, excuse
5 me. Specifically, the agency has issues requiring the joint use of
6 property, its distance education program designations, use as a
7 negative factor, the institution's religious mission based policies,
8 decisions and practices.

9 How it monitors institutions' accreditation status,
10 and it's definition of a branch campus. The agency is in substantial
11 compliance with the following areas that require a policy change.
12 Monitoring accreditation, or pre-accreditation status until the
13 institution or program has had time to complete the activities in
14 this teach out plan.

15 A policy related to a site visit occurring within six
16 months for additional locations, and branch campus, removing the
17 ability of the Appeal Committee to reverse a decision, and placing
18 the institution or program on probation or show cause to trigger the
19 prompt review of the institution or programs accreditations or pre-
20 accreditation.

21 It is important to note that these substantial
22 compliance issues were designated as such because the agency has

1 taken steps to draft these policy changes with a vote that will be
2 occurring at the next Commission meeting in October of 2023.
3 This recommendation is based on the review of the agency's
4 petition, along with its supporting documentation in an observed
5 file review in October, 2022.

6 There are no complaints filed during this renew
7 period, and not on today's agenda. I'm happy to answer any
8 questions you have. Additionally, representatives from the agency
9 are here to respond as well. Thank you.

10 CHAIR PRESSNELL: Thank you Reha. Any
11 clarifying questions? Art?

12 A. KEISER: Yes. Ms. Shackelford, thank you for
13 your report. I'm a little confused. They requested a waiver of
14 separate and independent, but the staff does not recommend
15 approval because it's already demonstrated compliance. I'm not
16 sure I understand that concept?

17 R. SHACKELFORD: Yes. So the separate and
18 independent requirements they've met all of those under 602.14 as
19 I've stated earlier. And so a waiver simply says that they have not
20 met those requirements. And the way that the system kind of
21 allows us to put in that data, there would be no way for us to tell
22 you that they've met them and give you a narrative as far as the

1 description of how they met it by just giving them the waiver.

2 The waiver is essentially saying they don't meet it,
3 and here we requested that they don't get a waiver, because they
4 have met those requirements.

5 CHAIR PRESSNELL: Herman, can provide some
6 because it's still a little convoluted to me.

7 H. BOUNDS: Also the simplest way we look at it,
8 and this is just the way we look at it. A waiver to us means that
9 you can't meet a specific area, so you're asking for a waiver of the
10 requirement. The agency demonstrated that they can meet separate
11 and independent, so we didn't feel it was appropriate for us to
12 recommend that they have -- that they be granted the waiver if they
13 already meet separate and independent.

14 People may disagree with that, but that's just that's
15 the way we looked at that particular situation.

16 A. KEISER: And then if I can follow-up on
17 602.14-C, because of a property which was acquired in 1990,
18 which is 33 years ago, that was enjoined with a couple of other
19 agencies that are different from this one, that would then say that
20 they are not separate? I'm confused here.

21 H. BOUNDS: Joint use is looked at totally separate
22 from separate and independent. It's a separate criteria. It's not

1 associated with a separate and independent determination. If you
2 look at the regulation it specifically says that joint use of property,
3 or a joint use of -- let me get the exact reference, but that has no
4 bearing on whether an agency meets separate and independent or
5 not, two totally separate criteria.

6 A. KEISER: But this we've already approved this
7 how many times they've been reaffirmed. You know, the property
8 was purchased in 1990.

9 H. BOUNDS: Reha can talk more, and I think it
10 was more so of the agreements that we were looking at. Reha, is
11 that right, or did I misspeak?

12 R. SHACKELFORD: Yeah. So they have a, like I
13 said an agreement that the other agencies are sharing this space.
14 And so, what I was looking for essentially was just the
15 documentation that that is a policy issue, and not just kind of a
16 practice, or as Herman said before, that is separate from I don't
17 want to use the word separate twice.

18 It's separate from the separate and independent
19 requirements, so that's where we differentiate the two.

20 A. KEISER: Okay. So you're comfortable with
21 this, you know, we've missed this three or four times before.

22 R. SHACKELFORD: Yes, I'm very thorough Art.

1 A. KEISER: I see that. I'm very impressed. Thank
2 you.

3 H. BOUNDS: The issue is to bring back into play I
4 think it's been mentioned before, is that time period when we were
5 under the focus review. You know, when we first originally
6 looked at the agency back when, you know, the waiver was
7 approved. I would say that you know, we're not bound by some
8 decision that was made, you know, in 2012, 2013.

9 The agency had to attest that there were no policy
10 changes under the focus review. We now start the full review. We
11 take another look at this, and for us today we just say if an agency
12 can meet separate and independent, we didn't feel it was justified
13 for us to recommend a waiver of something that you -- that an
14 agency can demonstrate that it meets. That was our --

15 R. SHACKELFORD: Rationale.

16 H. BOUNDS: Or switch-ology surrounding our
17 recommendation there.

18 A. KEISER: Thank you. Again, this is easy stuff,
19 it's not, you know, I'm not concerned about it. I wasn't confused, it
20 was confusing to me. Also confusing to me is how many
21 institutions are accredited by this agency, and is it 23, or is it 23
22 that are just recognized for Title IV?

1 And then if you looked at our dashboard they only
2 show six.

3 R. SHACKELFORD: Yeah. So there's 23. I'm not
4 certain about the data in the dashboard, but there are 23.

5 A. KEISER: Now it's 23 overall because 23 you're
6 participating in Title IV.

7 R. SHACKELFORD: It's 23 overall.

8 A. KEISER: Is it any that are non-gatekeeper type
9 institutions?

10 R. SHACKELFORD: Um-hmm, 23 overall.

11 A. KEISER: Okay. And 23 that are Title IV?

12 R. SHACKELFORD: Yes.

13 A. KEISER: They're the gatekeeper for 23. Okay.

14 CHAIR PRESSNELL: All right. Jennifer?

15 J. BLUM: Yeah. I just want to follow-up on the
16 separate independent because -- okay, Herman and I had had an
17 email about this because I had similar questions to Art. But I do
18 want to point out, and I guess I want to ask this question. So
19 subsection E of the same regulation says that an agency seeking a
20 waiver must seek the waiver each time it's recognized.

21 So if they -- if this agency has a history of needing
22 to seek a waiver, for some reason I guess this time the Department

1 has decided that they meet the requirements, so then this agency
2 will not in the future submit for a waiver.

3 H. BOUNDS: Right. We have determined that at
4 this day that they meet separate and independent. They are in the
5 category of agencies that can request the waiver. When they come
6 back in in five years from now, I mean nothing stops them from
7 requesting a waiver again at that time, and we would have to
8 evaluate that again.

9 But right now we say they meet separate and
10 independent, so we're just saying right now our simple review says
11 that since you meet it now we're not going to -- we wouldn't
12 recommend that you be granted a waiver.

13 R. SHACKELFORD: Yeah. So nothing would
14 preclude them in the future from requesting it. That would be a
15 decision for at that time.

16 J. BLUM: Well the reason I'm -- and maybe this
17 needs like a technical tweak, and neg reg or something, but it says
18 it must apply. So they were applying because they received one
19 last time, and in this says they must apply. And then you're saying
20 well they don't need one.

21 So I'm just saying that maybe this needs some a
22 little bit of tweaking, not for this agency, but this is this isn't the

1 only agency that comes up with this situation this time, so I just
2 think it's something to think about like the tweak on E or
3 something.

4 H. BOUNDS: Yeah. I think the main thing here to
5 remember though, you have to be in category -- you have to be in
6 the category of 602.14-D under 602.14 in order to be able to
7 request that waiver. So it says in that particular section, an agency
8 seeking a waiver of separate and independent, we have other
9 agencies that are in that category, but they don't seek a waiver
10 because they already meet the separate and independent
11 requirement.

12 So this is just saying if you want to seek that
13 waiver, then you do have to apply for that waiver every time that
14 you come up for review. Again, the only agencies that can ask for
15 the waiver are the agencies that are in that category of 602.14-D.
16 Anybody -- any other agencies don't have the ability to seek that
17 waiver because they're not in that category of agencies.

18 CHAIR PRESSNELL: Art?

19 A. KEISER: I also had a question on the issue of
20 public membership. It was a discussion in your analysis that I
21 didn't understand. They have the members, and then you're kind of
22 requesting that you have to demonstrate to the future that you will

1 have the two public members for the 13 board members.

2 If they already have it, why wouldn't they be in
3 compliance and not be part of this recommendation?

4 R. SHACKELFORD: Yeah. So originally the issue
5 was quite frankly whether they have 14 members, and so given that
6 they needed to have two public members. And so their policy --
7 the policy stated such, and the policy was fine, but they didn't have
8 it demonstrated by the list and everything that actually that they
9 had the two.

10 So that was the original conversation, and then of
11 course they demonstrated that they did have the two public
12 members, so it was a very --

13 A. KEISER: It was timing.

14 R. SHACKELFORD: Exactly. But further, we
15 wanted to make sure that it wasn't something that they had
16 presently, and that it was something that was a practice, and they
17 would continue to have those one-seventh members that were, you
18 know, designated as such.

19 CHAIR PRESSNELL: All right. Thank you. Just
20 as clear as can be. Thank you Reha for answering those questions,
21 and Herman as well. So now I'd like to invite Karen Moynahan
22 and Richard Mann to come and provide us comments as well.

1 Karen? You're on mute. Karen, we can't hear you.

2 K. MOYNAHAN: Good afternoon, and thank you
3 so much. Reha, thank you so much for your report. Herman, good
4 to see you again, and many thanks for your support as well. If I
5 may introduce myself, I'm Karen Moynahan, the Executive
6 Director of the National Association of Schools of Art and Design.

7 Joining me today is our counsel, Richard F. Mann,
8 Partner at the Law Firm of Keller and Heckman. Mr. Mann has
9 served the Association for decades, developing and holding in-
10 depth knowledge, with NASAD standards, procedures and
11 protocols.

12 I am pleased that Mr. Mann is able to join us today.
13 NASAD appreciates the opportunity to be with you today to
14 discuss its Petition for Re-recognition with the Secretary of
15 Education. Allow me please to provide an update with regard to
16 NASAD's efforts to attend to, and address issues in the USDE
17 analyst's final report.

18 And this is what Mallory was just speaking about.
19 And given the conversation, which was very thoughtful, thank you,
20 I'll add a few extra tidbits if I may. With regard to 602.14-C, joint
21 use, I believe what the Department would like is a policy, an
22 articulated policy of how the national office runs, how we maintain

1 the separateness and the independence of the organizations, rather
2 than the agreement to purchase.

3 And we have absolutely no concern with that. We'd
4 be delighted to articulate that policy in writing, and provide that to
5 the Department. With regard to 602.14-D and E, the regulations
6 are clear in their offer of the availability of the waiver to agencies
7 should specific issues be met, having met all the conditions is
8 confirmed through the past and at this time by Department staff.

9 And noting the discretion held by the Secretary
10 NASAD asks please the Secretary to once again grant the waiver.
11 I want to offer a clarification. I think that what the staff has just
12 offered is of note, but I have to sweeten that just a little bit if I
13 may.

14 NASAD has met separate, independent of for
15 decades now, so I don't believe that we've been out of compliance
16 with separate independent, or we probably would not have been
17 approved each successive five year period. So what I'd like to add
18 to this is this may be -- I know that this has come up with several
19 entities, at least two on this week's docket.

20 I would ask that the Secretary grant the waiver, and
21 that we study this issue, and bring it to their conclusion through
22 clarity, rather than remove the waiver which has been asked for

1 and earned according to regulation 4, a good long time now, again
2 decades.

3 Let me jump over to 602.16-B. NASAD has
4 included in its proposed revisions to the handbook slated for
5 membership vote in October of 2023, USDE's specified language
6 which states that distance learning involves program of studies
7 delivered in timely or in "any part" other than partially away from
8 regular face to face interaction.

9 And further, that any program which is delivered in
10 any part through distance learning needs will be listed by the
11 association as having a distance learning component. Those are
12 two modifications we will make to our handbook. On this topic,
13 the association respectfully suggests that the Department study the
14 now required practice of listing curricular programs in which any
15 part is offered via distance learning needs, as distance learning
16 programs, because programs which are offered completely through
17 distance learning means, and those offering as little as a single
18 credit for a distance learning delivery are characterized in the same
19 fashion.

20 Further clarification may assist and advance the
21 understanding of students seeking further information. I offer this.
22 If we've misunderstood this requirement as offered in the final

1 analysis, and/or as described as USDE staff, we would be most
2 appreciative to receive further clarification.

3 With regard to 602.18-B3, NASAD has included in
4 its proposed revisions to the handbook, again slated for
5 membership vote in October of 2023, USDE's specified language
6 which states that NASAD does not use an institution's religious
7 mission based policies, decisions and practices as negative factors
8 in consideration of areas covered by 602.16-A1 Roman at II,
9 Roman at IV, Roman at VI and Roman at VII.

10 With regard to 602.23-E, NASAD will include its
11 currently practice procedures, will speak to the monitoring of
12 institutions accreditation status, the contents of its reports on onsite
13 reviews, of onsite reviews, and accreditation action in a policy, and
14 provide this policy to the Secretary.

15 And with regard to 602.24-F, NASAD has included
16 in its proposed revisions to the handbook, again slated for
17 membership vote in October of 2023, language modifications,
18 specifically the removal of the term typically, which results in the
19 alignment of the text with the Secretary's definitions of branch
20 campus at additional location.

21 I'd like to add a thought before I go on with regard
22 to the curiosity that Art brought up regarding public members. I

1 think the issue was that when counting the number of folks on our
2 NASAD Commission, that the two public members were counted
3 in the total, which would require us to count the public members
4 twice.

5 So we guided the staff to take those two out, and the
6 ratios then worked mathematically. The issues we just discussed
7 were those that were found to be in noncompliance. With regard
8 to the following six, these are in substantial compliance. Reha
9 mentioned these a moment ago, so let me address those as well.

10 Proposed revisions to the NASAD handbook have
11 been reviewed by the USDE staff as Reha mentioned, given the
12 modifications provided by the Association, NASAD was found by
13 the USDE staff to be in substantial compliance with full criteria.
14 NASAD will confirm the outcome of the membership vote slated
15 to take place in October of 2023, and assuming affirmative action,
16 documentation that changes have been memorialized in the
17 NASAD handbook, and implemented in practice.

18 A note about this. We received the draft staff
19 analysis last fall, too late for NASAD to consider inclusion or
20 changes, and inclusion in its handbook considerations. Our review
21 of the handbook includes a review by the executive committee, a
22 subsequent review by the board of directors, at which time they

1 reviewed the proposed revisions, and recommend that the staff
2 release the text, the membership, and then two 30 day comment
3 periods.

4 So we would have liked to have put these last six in
5 October of 22, but missed that deadline, and we'll send them all to
6 the membership, not the Commission for a vote in just a couple of
7 months, October, 2023. CP-1, comment period one for art and
8 design was sent to the members today, if I have my dates correct.

9 So in addition to all of the above, in addition to
10 these efforts, NASAD will continue its work to support and assist
11 post-secondary institutions offering collegiate study in art and
12 design to its service of peer review. Institutions will continue to
13 have the opportunity to engage in conversations which explore and
14 ascertain how they comply with applicable standards.

15 To achieve this outcome the peer review process
16 will continue to focus in-depth on institutional purpose, operations,
17 and curricular offerings with particular attention devoted to the
18 ability of institutions to ensure that enrolled students acquire the
19 knowledge, skills and expertise necessary to assist them to live
20 contributory and participatory lives.

21 The peer review process will also continue to
22 engage each institution in a dialogue which supports efforts to look

1 beyond the present, and to envision, plan for and create its future
2 again in support of the students it serves.

3 We extend hearty appreciation to the Department
4 staff, many thanks to all involved, and those who assisted the
5 association throughout the application process. Rick and I will be
6 pleased to address any questions that may arise, and explore any
7 ideas that you wish. Thank you.

8 CHAIR PRESSNELL: All right. Thank you very
9 much, Karen. So Art? Questions?

10 A. KEISER: I'm still a little confused how you
11 have both a programmatic and institutional accreditor, but all of
12 your programs are recognized as institutional accreditors,
13 recognized in an institutional accredited fashion?

14 K. MOYNAHAN: Let me recalibrate that just a
15 little bit, Art. NASAD has approximately, don't quote me, but it's
16 just over 350 institutions. 350 institutions are accredited by
17 NASAD. The grand majority of them, obviously, are multi-
18 purpose, they're not freestanding.

19 NASAD can serve as the gatekeeper only for
20 freestanding institutions. Some of our freestanding institutions
21 choose us as the gatekeeper. Some of our freestanding institutions
22 don't participate in Title IV programs, and some of our institutions

1 choose one of the six regional now institutional accrediting bodies.

2 A. KEISER: So you have separate standard for
3 your programmatic, versus your institutional accreditors,
4 accrediting schools?

5 K. MOYNAHAN: Yes and no. Mostly no. With
6 regard to basic criteria for a membership applied to all, whether the
7 institution has the capacity to meet standards. With regard to
8 purposes and operations, how the institution defines its purposes in
9 how it operates? No. Not separate.

10 With regard to curricular programs, those standards
11 are comprehensive in the handbook, no there is no difference.
12 However, there are aspects that relate to higher education law, and
13 regulations that we include in the latter half of the handbook, if
14 you would, which do apply to those institutions which will
15 designate us as the gatekeeper.

16 But with regard to operational and curricular
17 standards, no, they must meet the same standards. The BFA in a
18 freestanding institution is akin to a BFA within reason at a multi-
19 purpose institution.

20 A. KEISER: And I just would you speculate why
21 the Department shows you only have six institutions in the -- on
22 the dashboard?

1 K. MOYNAHAN: I can't, but we had a good
2 conversation today about the dashboards, and it's probably on high
3 on my list to go back and to try and figure out why that is, but we'll
4 have to do a little bit of sleuthing and checking, and we'll work
5 with the Department, and if we find that something is missing, or
6 there are errors, we'll be quite speedy to be guided by the
7 Department staff to find out how we might update the information.

8 A. KEISER: Well Director Moynahan, thank you
9 for a very comprehensive report.

10 K. MOYNAHAN: You're most welcome. Thank
11 you.

12 CHAIR PRESSNELL: Zakiya?

13 Z. ELLIS: Yes, thank you for your thorough
14 responses. Now having heard the conversation about the waiver
15 issue, I'm just curious why you are interested in the waiver if you
16 are in compliance with the standard. I just out of curiosity I'm
17 trying to understand that.

18 K. MOYNAHAN: A fair question, and thank you
19 very much. Life can change. Conversations can change. Over the
20 years they have, and separate and independent has served us well,
21 as the Department has considered, reconsidered, interpreted,
22 reinterpreted existing regulations, and entered these new

1 regulations, for that matter.

2 The law of course, has been in place since August
3 of 2008, so there haven't been many changes to the law. But I
4 don't expect that we want to be in noncompliance. That's not our
5 goal whatsoever. But I do think that the waiver assists the agency
6 to have some working room should interpretations be modified.

7 And as an example, the definition of separate and
8 independent itself has been modified over the years in some ways.
9 So it is something we have done since I've been with the agency,
10 which is a good bit of time now. We have met the criteria. We
11 have asked for it each time, it's been approved without question
12 each time.

13 And we would like to continue that tradition if we
14 may please.

15 R. MANN: Karen if I could just step in here. I
16 think the point is that, you know, the agency has been accredited
17 for decades. There has never been any question about this. Really
18 nothing has changed between now and the last time this issue came
19 up, and so our feeling is why not leave that small bit of discretion
20 in there should different interpretations take place in the future, as
21 Karen said.

22 There's really nothing different now than there was

1 the last time this issue came up. It was granted as the Secretary
2 has discretion to do.

3 Z. ELLIS: Okay. Thank you. I have another
4 question, which is, is it your perception that all of the remaining
5 issues are timing issues with when you are able to make changes to
6 come into compliance, rather than disagreements about what
7 constitutes compliance?

8 I heard you say several times we're going to update
9 our handbook in October of this year, which isn't time enough to
10 review. So I'm just trying to wrap my head around whether this is
11 a timing issue, or whether there are pieces, and I'll ask the same
12 question to Reha, but we're not back to that point yet.

13 So I'm just asking your perception of that.

14 K. MOYNAHAN: No. I appreciate that. Thank
15 you very much. And to offer further clarity, I appreciate that
16 opportunity. There are 12 points, 6 of them are do not meet, does
17 not meet, and 6 of them are substantial compliance. Let me go to
18 the substantial compliance first.

19 We just missed our window last year, and what we
20 did was we edited our handbook, provided that to staff. Staff said
21 looks good, and then we certainly right now taking that through the
22 CP-1, CP-2 with the comment period, and the NASAD review

1 process.

2 With regard to the other 6, the joint statement we'd
3 be happy to write that policy up and provide it. That's quite simple
4 to do.

5 Z. ELLIS: Do you want to use the present?

6 K. MOYNAHAN: Yes.

7 Z. ELLIS: Okay, okay.

8 K. MOYNAHAN: Yes. But you know sometimes
9 when the staff report comes back, it takes a little bit to unpack it.
10 And so, we unpacked it, and we provided a response, and in that
11 response we needed a little bit more unpacking. And so Reha and I
12 met, Reha may know better than I, but Reha was in the office for
13 several days in July, if I'm not mistaken.

14 So we had the opportunity to really sit down and
15 really sort of walk through these things, asking Reha not what the
16 expectation is, but to just go into a little bit more detail, which was
17 very helpful, and resulted in our response to B-6. But to go back
18 and answer your question, joint use policy can do that, separate
19 and independent, I think we talked about that.

20 Distance learning, we followed the Secretary's
21 definition of branch campus, and additional locations, but we
22 added the word typically, and the Department asked us to take that

1 out. So that's the only issue with regard to both branch campus
2 and additional location.

3 The reason we put that in there is that, and we've
4 seen this in COVID, there are institutions who are now delivering
5 curricula in innovative ways, and it may not be through an
6 additional campus, an additional location. It may not be in the
7 future through a branch campus, it may be through something else.

8 So we wanted to grab the definition of branch
9 campus, and grab the definition of additional locations out of the
10 regulations, but add to it typically, so that we would have full reign
11 and full reach in the event that an institution came up with yet
12 another way to deliver its curricular programs.

13 So what we've done, the Department has asked us to
14 take typically out, and we have done that. I would prefer to put it
15 back in, but we have no debate about that. With regard to religious
16 mission, we had that in our handbook quite some time. The
17 Department asked us to sweeten that a little bit by saying that
18 specifically that the institutions religious mission-based policies,
19 decisions and practices aren't the negative factors, as compared, or
20 as covered by the areas in 602.16-A1 and the V Roman.

21 So again, we have no concern about that. It
22 clarified, it offers clarification, and we're very thankful for that.

1 With regard to public correction of inaccurate information I think
2 again this turns out to be as Reha described, a policy. So we may
3 do something, and I read just the other day the transcript from the
4 February meeting, and Herman talked about we are here to review,
5 to see if policies are articulated and the entities are following their
6 policies.

7 So I think that falls under that thought from
8 Herman. We review institutions through comprehensive review,
9 through plan approval application, through file approval
10 applications, through substantive change. We require four annual
11 reports a year, so we have a very proactive way to check with
12 institutions.

13 In addition, one of our staff members is tasked with
14 reviewing, not only our website, but the websites of institutions.
15 Now that's a lot of institutions, and I can't say it's done on a daily
16 basis, but it's done quite consistently. So I am just delighted to put
17 that practice in a policy, and provide that to the Commission, to the
18 Department, so no concern about that.

19 And then did I miss one? The last one was the
20 typically. So a little bit of timing, and a little bit of further polish.

21 Z. ELLIS: Thank you.

22 CHAIR PRESSNELL: All right. I've got Bob,

1 Mary Ellen and Jennifer, so Bob and Kathleen.

2 R. SHIREMAN: Thank you. Thank you for
3 appearing before us today. As an institutional accreditor do you
4 consider all of the educational programs that go on at an institution
5 to be within your -- the scope of your review, whether that be for
6 complaints, or your initial review, whether it's degrees, certificates,
7 Title IV and non-Title IV, is that correct?

8 K. MOYNAHAN: Yes, but let me expand on that
9 just a little bit Bob, if I may. NASAD, in its rules or practice and
10 procedure Article 1, Section 3, states that it's purview is with
11 regard to freestanding or multipurpose, it's purview is everything
12 in art and design.

13 And so rather than say this branch campus, that
14 branch campus, this main campus and so forth, what we'll say is
15 that if the institution, regardless of the location, and regardless of
16 what the location is termed, has an art and design program, art or
17 design program, which falls under the purview of NASAD, and
18 that would be dictated by title, by content, and by intent, and/or by
19 intent that that program falls under the purview of NASAD.

20 And NASAD during the comprehensive review or
21 plan approval, or substantive change will look at that program. So
22 in practice what that means is take University of XYZ, who has art

1 and design programs in the school of education, and art history
2 programs in the Department of Humanities.

3 And design programs in the school of design, and
4 fine arts programs in the school of fine arts. NASAD will accredit
5 the entire institution for all programs in art and design regardless
6 of their geographic location, and all of those programs need to be
7 submitted in the self-study, and discussed in the self-study.

8 So we review the competency development,
9 acquisition of skills and knowledges of all of the art design
10 programs. With regard to compliance as an example, if a student
11 had a complaint about the biology department, we'd find that
12 outside of our discipline specific purview, we wouldn't look at that.
13 I hope that provides clarification.

14 R. SHIREMAN: Yeah. That is helpful. In the case
15 of a freestanding institution, could there be circumstances where
16 freestanding institution is offering courses or a program that you
17 get a complaint about that are outside of your scope?

18 K. MOYNAHAN: Well, typically a freestanding
19 institution that falls under our purview as a freestanding institution,
20 offers a single discipline, except art design is two disciplines. So a
21 freestanding institution that falls under our purview as an
22 institutional, a body that can receive institutional accreditation, has

1 to stay within the discipline.

2 So let me give you an example. If freestanding
3 institution XYZ offered art design programs, and it decided it
4 wanted to offer a culinary arts program, in all practical -- for all
5 practical purposes it becomes a multipurpose institution, two
6 purposes. Art and design and culinary arts.

7 And then the institution is no longer eligible to be
8 reviewed by NASAD as an institutional accrediting body. It has to
9 move over to two discipline specific, it's specialized.

10 R. SHIREMAN: Great. I think I get that. Thank
11 you.

12 K. MOYNAHAN: You're most welcome. Thank
13 you.

14 CHAIR PRESSNELL: Mary Ellen?

15 M. PETRISKO: Thank you for all this information,
16 and I have a couple questions. You have a very interesting
17 structure in that there are actually four agencies that work together
18 as it were, the stats are the same. Executive Director is the same.
19 You have separate Commissions. You have separate boards to
20 actually take the actions.

21 So I'm wondering how it works when you are as
22 one staff body, working actually with four different Commissions.

1 And maybe in some cases there are institutions that have a
2 program in music and a program in art and design. When you have
3 a -- do you try to bring those together to have one self-study visit,
4 but with different evaluators on campus at the same time?

5 How did the staff, you mentioned one staff member
6 looking at websites, so if NASAD has 200-some institutions, I
7 don't know what music, theater and dance have, the dashboard has
8 like two institutions, four institutions. The dashboards are clearly
9 off in that regard.

10 I'm just wondering how you as staff, and you as
11 Executive Director in particular, work with all those different
12 Commissions. In my experience working with one Commission is
13 a lot. Having all those meetings, having all those conversations,
14 how do you do it?

15 K. MOYNAHAN: With great passion. I appreciate
16 the question, and it's good to see you again. It's been decades I
17 think since we've last worked together. Let me start with a bigger
18 picture, and then work down if I could.

19 There are actually five accrediting bodies in our
20 national office in Reston. There's the National Association of
21 Schools of Music, the National Association of Schools of Art and
22 Design, the National Association of Schools of Theater, and the

1 National Association of Schools of Dance. These are
2 postsecondary accrediting bodies.

3 And then there's a very tiny body for community
4 arts and preparatory schools which we call ATPAS, and I think
5 there are 16 members to that. Each of those bodies, and this is
6 something that we've talked with the Secretary of Staff about, or
7 the Department staff quite often.

8 Each of these bodies is independent. There is no
9 crossover in the business of any of these entities. Music can't
10 inform dance. Dance can't inform art and design and so forth.
11 There is an opportunity for the Presidents and Vice Presidents to
12 come together in a body we call CAA, the Council of Arts
13 Accrediting Associations, as trustees as an advisory body if you
14 would.

15 So the eight, the four Presidents, the four Vice
16 Presidents and I get together once a year, the first weekend in
17 January, which offers them an opportunity to discuss issues of
18 common concern, or common nature, or common issues. But that
19 is an advisory body that doesn't have to do with the business of the
20 associations.

21 So coming back, they're all independent and
22 autonomous. And we work very hard to make sure that stays the

1 same. It's a busy office. There's a lot that goes on. We conduct a
2 lot of visits. We do work with a lot of Commissions, but we also
3 have a very thoughtful staff, a staff of 14, well-trained, and the
4 new ones that come in -- the new staff members that come in are
5 quite eager to learn, so they do a wonderful job.

6 We also have a good number of systems that have
7 been built in the office, and these past two years we took
8 advantage, a little bit of advantage of COVID down time, if you
9 could call that. And we are re-platforming our heads data services
10 project, which will allow institutions to search on institutional data
11 in a very granular and sort of microscopic way.

12 So we released it just a handful of weeks ago. It's a
13 wonderful tool for our members. We're also moving from a file
14 maker piece of software, a file maker approach to sales force. And
15 I imagine many will shake heads, sales force seems to be a
16 platform that many of the accrediting bodies are using.

17 It is going to -- this doesn't solve the problem now,
18 not that there's a problem. It doesn't address the issue now, but it
19 will do things such as send the letters directly from sales force.
20 That for us will be fabulous, just fabulous. But in the meantime
21 those are coming from staff desks.

22 And they're coming from staff desks in due time. If

1 there are concerns that institutions hold they usually bring them to
2 our attention, but we are not -- and they will do that if something is
3 of a concern, but we seem to be keeping up with it because we plan
4 very carefully and very well. And we seem to stay on task and be
5 able to balance all of the responsibilities.

6 We also have an extraordinary group of volunteers.
7 Our Commission members, our board members, our executive
8 committee members, our evaluators, who have given an enormous
9 amount of time to this process, and take a yeoman's share of the
10 work.

11 We have a national office who will of course
12 manage the administrative affairs of the association, but these
13 individuals are involved in the policy, and they're involved in the
14 accreditation, and they're involved in professional development
15 aspects, and active in decisions with regard to the new platforms,
16 the new software platforms.

17 M. PETRISKO: Thank you.

18 K. MOYNAHAN: And you as well.

19 CHAIR PRESSNELL: Jennifer?

20 J. BLUM: I'm going to save mine for the
21 Department staff.

22 CHAIR PRESSNELL: All right. Kathleen?

1 K. ALIOTO: I was curious. Well first of all, I
2 think your presentation has been wonderful. It's such a pleasure to
3 see substantive thinking and work being done. And I was curious
4 in the student achievement that you talked about, new curricular
5 and innovative activities. It sounds like these websites or what
6 you're doing right now are in that category.

7 But can you talk about artistically what the new
8 curricular innovative activities are, so that we can be thinking
9 about it in terms of the artistic future of, and having more fun in
10 the artistic future, whether it be music or art, or dance, or anything
11 so that we could be ahead of the pack in terms of some of the
12 things that you're doing?

13 K. MOYNAHAN: Oh, that's a very interesting
14 question, thank you. And very good to see you again. To that end,
15 I'm going to sort of jump to the end if I could, Kathleen, and then
16 come back. This is such an important topic for us. Curricular
17 development, and the future of art, of programs in art and design,
18 it's such an important conversation for us that one of the sessions
19 that we're going to conduct during the upcoming annual meeting, is
20 going to focus on what we call innovative curricular programs.

21 Now the question is what does that look like? And
22 the answer is it depends, and it can be across the board. It can be a

1 new way to deliver course work in a well-tuned bachelor of arts
2 degree in art. It can be a new subdiscipline within the major area
3 of design.

4 When I first started with NASAD, some of the
5 design degrees that we now have in our handbook, and some of the
6 design degrees in the field is bubbling up, didn't exist. And so,
7 what we're very positive about this. We feel that the development
8 of innovative and new curricular programs must come from the
9 field. They are the experts.

10 The faculty members are the experts. The students
11 come in now with ideas. So they must bubble up there. And when
12 they come to a point where they have become somewhat ubiquitous
13 in the offer by institutions. We'll memorialize those, or we'll work
14 with the membership to memorialize standards in those areas. But
15 innovative can be a new track, a new design track.

16 Innovative can be a new design major. It can be
17 innovative can be moving an on ground program from on ground
18 to distance learning. And that's not an easy thing to do in the arts,
19 and not a lot of institutions do that because art is -- making art is
20 making art there, and it's going through the critique process, and
21 it's going through the portfolio process, so that students could get
22 feedback often throughout their coursework when they're making

1 their art, feedback through the critique process.

2 And understanding to know whether or not they are
3 meeting expectations with regard to the development
4 competencies, the acquisition of skills, and the appropriate
5 acquisition of knowledge. So I'm not giving specific examples, as
6 might be wanted, but it is very broad and very open, and it's an
7 area where our membership is really engaged in this conversation.

8 We are very much looking forward to our annual
9 meeting this coming October for many reasons, one of which is
10 this session, which again is new.

11 K. ALIOTO: Thank you. I mean it's wonderful to
12 have this depth. When I go to your website I can't find the
13 different schools. How do I do that because if I don't know the
14 name of the school, then how do I get it? How do I see all the
15 schools in California that you work with, or the schools in
16 Massachusetts, or wherever I happen to be.

17 K. MOYNAHAN: Let me do it by memory, but I
18 think I'll be pretty spot on. One would type in arts-accredit.org and
19 what would pop up is the arts accredit website.

20 K. ALIOTO: I have the website in front of me, but
21 like I was looking for RESKY, but wasn't there.

22 K. MOYNAHAN: So once you're in the arts

1 accredit website you can see NASAD, NAST, NASD I believe.

2 K. ALIOTO: Right. You can. Yes. That's correct,
3 but above it says directory list okay.

4 K. MOYNAHAN: Yes. That's it.

5 K. ALIOTO: No. It doesn't tell you what they are.
6 You have to go through that same thing.

7 K. MOYNAHAN: There's a search function, and I
8 believe you can default in the search function and get the entire list
9 if I'm not mistaken.

10 K. ALIOTO: Just submit. Anything that I try to do
11 technology never seems to work. Thank you. Thank you, I don't
12 want to waste the time of people, but thank you. It's inspirational.

13 CHAIR PRESSNELL: Thank you. Molly, that will
14 be your task upon adjournment is to give it. Other questions from
15 the Committee?

16 K. ALIOTO: Oops there it is.

17 CHAIR PRESSNELL: And Kathleen gets the list.
18 All right. Cool. Did you Art?

19 K. ALIOTO: She found it.

20 CHAIR PRESSNELL: Oh good. Are we done with
21 the agency?

22 A. KEISER: I have a question. In making the

1 motion it was not clear to me, and I don't think it would be clear to
2 the SDO how many institutions are recognized by this agency
3 because in the report it says only 23. So, I would hope -- I don't
4 think it has to be a recommendation to the Commission, but a
5 recommendation to staff I think it was a typo, but just to put that
6 in.

7 CHAIR PRESSNELL: More of an administrative
8 recommendation.

9 A. KEISER: Yeah. I don't know how they do that.

10 CHAIR PRESSNELL: Yeah.

11 A. KEISER: You just accept that. Because it says
12 there are only 23 institutions for this agency, and then the
13 dashboard shows only six, which really frustrates me.

14 CHAIR PRESSNELL: Yeah.

15 A. KEISER: So you know, the SDO they need to
16 understand this is a substantial agency. Because when you look
17 and I see they have 12 staff members in the report, and they only
18 had 6 schools. I said that was -- and they had a surplus. I really
19 wanted to work this one out. I want to work there.

20 CHAIR PRESSNELL: What I would recommend
21 is that when you vote for the motion, you can make that comment,
22 which would then inform the SDO to take a closer look, rather than

1 making it a part of the motion.

2 A. KEISER: Well I hate to make it part of the
3 motion because it kind of affects the agency. I think --

4 CHAIR PRESSNELL: Well, your comment now is
5 being recorded, so.

6 A. KEISER: I'll leave it at that.

7 CHAIR PRESSNELL: Okay.

8 K. MOYNAHAN: Mr. Chairman, would it be
9 agreeable if the agency worked directly with the Department staff
10 to check our numbers and amend them?

11 CHAIR PRESSNELL: Yeah. I think that's always
12 advisable, especially as you take a look at different issues. For
13 instance, this body is not necessarily the one to update the
14 accreditation panels, but nor the scorecard, but they could take it
15 into account through the accreditation process. Bob?

16 R. SHIREMAN: I'll just add that the other source
17 of information is the DAPIP, the accredited postsecondary
18 institutions database, it actually shows 357 accredited institutions
19 and locations by the agency, but it's really hard -- difficult there,
20 and on the NASAD website to figure out which are the ones that
21 are the freestanding ones.

22 And I don't know if there's an easy way of doing

1 that, but just for our future development of data tools it would be
2 great to be able to get those kinds of lists easily.

3 CHAIR PRESSNELL: I've never even heard of
4 that one. Yeah.

5 K. MOYNAHAN: We've had a long history with
6 DAPIP and Herman and I have talked about this a bit, but not
7 recently. Originally we added all of our freestanding institutions
8 with DAPIP and then I believe it was the Department, I'm not sure.
9 Herman can correct me if I'm wrong, asked that we enter all of our
10 institutions, and we thought that's probably not the best idea since
11 we are not the gatekeeper for these multipurpose institutions.

12 That institutional data stayed in DAPIP, but we can
13 no longer access it. Our desire, our great desire would be to take
14 all the multipurpose institutions out of DAPIP and bring us back to
15 what we -- those we serve as a gatekeeper for.

16 So L.G. Corder, who is working with us in music,
17 has been very helpful in helping us to work through that process. I
18 know that many staff members are taxed for their time, but that's
19 an issue that's on the top of my list to make clear, because it's not
20 as clear as we would like it to be right now.

21 CHAIR PRESSNELL: Very good. Yeah I think
22 consistent counting is important. Any other questions for the

1 agency? Herman do you? No. Okay.

2 A. KEISER: I would like to make a motion.

3 CHAIR PRESSNELL: Well if we could go ahead
4 and allow the --

5 R. SHACKELFORD: I think Jennifer had a
6 comment.

7 CHAIR PRESSNELL: So we'll do the motion after
8 our discussion. But Jennifer, did you have a question for the
9 agency?

10 J. BLUM: No, no.

11 CHAIR PRESSNELL: Okay. So thanks. So now
12 we'll focus on Reha, and so Herman did you want to make an
13 introductory comment?

14 H. BOUNDS: Reha can go first.

15 CHAIR PRESSNELL: All right. Reha go ahead
16 and respond to what you've heard, and then Jennifer and others
17 might have questions.

18 R. SHACKELFORD: No. I was just going to defer
19 to Jennifer. I know she was waiting. That was it.

20 CHAIR PRESSNELL: Okay. Jennifer?

21 J. BLUM: So, and I think this is going to be a
22 combination of Reha, Herman and Angela. So I just feel like we

1 need to resolve this. They're seeking a waiver. They've asked that
2 we put it back on -- I think they've asked that we put it back on the
3 table as a waiver.

4 So I do want to, and I know it feels like I know, a
5 little bit of a beating of a dead horse, except for that it's not
6 because we have another agency coming up, and I think we need to
7 understand what separate and independent, how it works. And so,
8 I'm spending some time looking at the statute too, because that's
9 where this is all from.

10 And so I have a couple of questions. One is related
11 to this agency in particular, why is it allowed to seek a waiver if it
12 has -- I thought that I saw that it has at least one institution for
13 which it is the Title IV gatekeeper? So if it's an agency for on
14 which institutions are relying for Title IV, then my read of the
15 statute is they don't fall under the ability, as you were saying
16 before Herman, I don't see that they get to ask for a waiver.

17 But I don't want to -- I know they said that they've
18 been getting it, but I just want to understand. Part of this is just so
19 we understand when an agency can seek a waiver.

20 H. BOUNDS: Look under the regulation, and I'm
21 glad you brought that up because I wanted to make sure that I cited
22 the correct regulation. If you look under 602.14-A4, when you're

1 reading A4 it says, and I won't read the whole thing, I'll just jump
2 down to A4-BII it says, satisfies the separate and independent
3 requirement in paragraph B of this section, or obtains a waiver for
4 those requirements under D of this section.

5 That's why I was saying earlier in order to qualify
6 for a waiver, you have to seek recognition under 602.14-A4. If
7 you are under A2 or any of those other ones, you don't have that
8 option because the regulation doesn't say that you can apply for the
9 waiver in those other sections, and I'm under again category of
10 agency, under 602.4, excuse me, 602.14 purpose and organization.

11 First under course there is about state agencies. We
12 don't have anymore since New York let its recognition expire.
13 And of course you have A-2, which is folks that are participating
14 in the accrediting for ATA. Then we have 9 ATA, and then we
15 have 4, which really says you have to be, you know, accrediting
16 programs, institutional programs of folks participating in a
17 profession, or you accredit a program for Title IV purposes.

18 That's the only way you can get a waiver under 4.

19 J. BLUM: Well I understand that, so my question is
20 I thought that I saw on the federal link, and again I could be
21 completely wrong, so that's why I'm asking for the clarification. I
22 thought that they are a --

1 H. BOUNDS: They are.

2 J. BLUM: So then they can't seek --

3 H. BOUNDS: No, no, no. That's not what 4 says.

4 J. BLUM: Okay. That's what I'm asking for.

5 H. BOUNDS: 4 says an accrediting agency
6 therefore the purpose of determining eligibility for Title IV
7 programs, ATA. So they have to accredit for Title IV, and if those
8 institutions offer programs in a profession, they can fall under 4.

9 K. MOYNAHAN: As a point of clarification, I
10 believe we fall under 602.14-A2.

11 H. BOUNDS: Well I'm just saying -- yeah, I'm just
12 saying 4 in general Karen. I just want to get everybody to 4.

13 K. MOYNAHAN: Okay. But if I could just take us
14 back to 2 because 2 says satisfies the "separate and independent
15 requirements in paragraph B of this section." So 2 does, again,
16 we're where we should be. We're looking at language and trying
17 our very best to understand it collectively, and I would offer just a
18 small plug that maybe a little bit of study to iron this out would be
19 a very helpful thing before decisions are made.

20 H. BOUNDS: Yeah. I'm just saying if you decide,
21 if you wanted to come in under 2, you would have to meet separate
22 and independent. There would be no option. There would be no

1 option for you to take a waiver. You have to be under 4 in order to
2 qualify for the waiver.

3 J. BLUM: And does the agency get to decide
4 whether they're under 2 or 4? I guess that's my question.

5 H. BOUNDS: The way that their scope of
6 recognition, they accredit programs, institutions with programs in a
7 specific profession, so they could qualify under 4. I mean if they
8 wanted to come in because they know we want to be 2, then they
9 would have to be totally separate and independent.

10 J. BLUM: Okay. This all seems, and I guess I'm
11 going to look to Angela too. Because they actually it does seem
12 like they are the -- and maybe I'm wrong about this, but I thought I
13 saw that because when I read 4 it says that other agencies are the
14 primary gatekeeper, so they can be programmatic, they can be Title
15 IV, but there are other accreditors on which.

16 H. BOUNDS: That's under B though. So if you
17 look at 4B, and you have an or between A and B, right? So or
18 says, has as its principle purpose of accrediting programs.

19 J. BLUM: Got it.

20 H. BOUNDS: To higher education. That's two
21 separate requirements there.

22 J. BLUM: Got it. Okay. Okay.

1 K. MOYNAHAN: But that's not us.

2 J. BLUM: Right.

3 H. BOUNDS: No. You're not yeah, that's not you.
4 You're correct.

5 J. BLUM: Got it.

6 H. BOUNDS: I'm sorry. I should have took this
7 down.

8 J. BLUM: So then my other question, so okay, so I
9 think I'm sort of clear as well, but I think I'm a little bit clearer.
10 But then my other question is so the statute, so this waiver process,
11 is it the Department has traditionally -- what I'm trying to get at
12 here with this line of questioning is just in fairness to the agencies.

13 This seems like a twist, a new twist on things that
14 somehow their waivers are not being accepted. So the statute says
15 that the Secretary may grant a waiver. Do you guys have required
16 traditionally that the agencies actually seek the waiver. You don't
17 determine it.

18 H. BOUNDS: No. We don't determine it. The
19 agency then has to seek the waiver, and then we would review.
20 Again I'll say, you know, there are decisions that are made in the
21 past that were made in the past. We have to look at an agency as
22 we review them now, and take in those factors and make that

1 decision.

2 Again, the SDO can decide hey, well I think they
3 need the waiver. Myself and AG staff as we talked about this as a
4 whole, we just say look, this is now, this is today, and we bring
5 forth the agency's review, I'm sorry. But at this point we said look,
6 they meet separate and independent, it was just our determination
7 within our group that I don't know how we put forth the
8 recommendation for the waiver if they can meet separate and
9 independent.

10 If there was something in their organizational
11 structure that prevented them from being separate and independent,
12 then we would have said you know, super, super Swiss cheese,
13 let's give them the waiver.

14 J. BLUM: Right. I'm with you. I'm actually I'm
15 with you because when you look at the statute actually I feel like
16 you're actually closer to I think the issue frankly is the regs, not the
17 statute. The statute is actually more clear.

18 H. BOUNDS: Yeah. The regs are more clear than
19 the statute. I agree

20 J. BLUM: Wow. Yeah.

21 H. BOUNDS: I agree 300 percent yeah.

22 J. BLUM: So the one other final thing I will say. I

1 mean I'm sympathetic to the agencies that are up with week with
2 the change in process, but I wasn't very sympathetic to the agency's
3 reply to Zakiya in terms of the why, you know, why they want the
4 waiver. Because to me, and again this goes back to our earlier
5 discussions since 2008, it was political with a little p to get the
6 exception, the grandfathering clause.

7 That was 15 years ago. It feels to me like agencies
8 ought to be separate and independent at this point, and if they meet
9 the requirement of separate and independent, then they don't need a
10 waiver. So I'm with you. Just wanted to say that.

11 H. BOUNDS: I just want to say real quick, and I
12 want to make sure again I cited the right regulations. So I cited the
13 A-4 about all the qualifications of the waiver, and then when I
14 talked about the requirements of 602.14, I just want to make sure
15 that when you go to D, that's what you have to meet if you want
16 the waiver. Right. So I wanted to make sure that that was stated
17 correctly, okay.

18 K. MOYNAHAN: Another question I had with
19 regard to this is that it seems to me that the Secretary may waive if
20 the agency demonstrates agency's choice to do this. But we're
21 found in noncompliance of something that's an elective for us.
22 And so Herman, could you clarify the relationship of does not meet

1 to something that we have the ability to request, but the
2 Department is suggesting that it's going to turn us down.

3 Is that a noncompliance issue, or is that agree to
4 disagree issue?

5 H. BOUNDS: So in a recognition what we really
6 need in these situations are three blocks. So number one if an
7 agency comes in and Reha please step in if I muddle this up.
8 When an agency comes in and they want to seek a particular
9 waiver, in this case we review in the draft, and then we come back
10 and say that you know, we don't recommend the waiver.

11 So we say any recognition they are compliant with
12 separate and independent, but in the waiver block if we were to say
13 not needed in the waiver block, that would wipe out most of the
14 analysis that you guys couldn't understand why we selected, why
15 we said that they met the waiver, so we could does not meet there,
16 just so you can see the dialogue.

17 And you can understand how we got from
18 determining that we want to recommend that they don't get the
19 waiver, and then you can see all those discussions. We try to
20 combat that by putting in the staff determination the part about that
21 we can't approve the waiver. That's how we kind of get rid of that.

22 If we had something that said you know, does not

1 meet, but then another block that said not needed, I mean that
2 might help it out, but that's just the way the system is. Reha, did I
3 explain that right?

4 R. SHACKELFORD: No. Yeah perfectly. I was
5 just going to echo that, you know, the purpose of just what Herman
6 is saying so that you guys can kind of see our walk through, kind
7 of give you bread crumbs of our thoughts. Without that you would
8 not be able to kind of see where our thoughts like, so that was the
9 point in that.

10 K. MOYNAHAN: That's very helpful, thank you.
11 I would like to mention thought that these reports are important.
12 They're important for our members, they're important for our
13 elected bodies, our executive committees, our boards, in this case
14 our board and our executive committee and Commission. And so
15 does not meet is a remedy to address a software issue I think if I
16 understand that correctly.

17 And I understand that if you don't put it in the rest
18 of it won't come out, but at the same time does not meet is
19 something that our constituencies are looking at as something that
20 NASAD doesn't mean, when in actual practice I'm not sure this is a
21 criterion to meet.

22 So that's just an observation. And the other is this is

1 one time when I will talk about all four of the agencies together,
2 and that is if we're going to revisit this again one year from now
3 because NASM, NAST and NASD are going through the draft
4 staff report process right now, and they will be before you a year
5 from now.

6 So it would be ideal, if not lovely to have this really
7 flushed out and clarified with just a little bit greater emphasis if I
8 could offer that request.

9 CHAIR PRESSNELL: All right.

10 A. SIERRA: Excuse me, can I say something.
11 From the Office of the General Counsel. I just wanted to clarify
12 that so this is the staff's recommendation, and then NACIQI is
13 making its recommendation, and those go to the Senior
14 Department Official. There's a comment period during a ten
15 business day comment period after the end of the NACIQI
16 meeting, during which you know, the staff or the agency can
17 submit comments to the SDO on NACIQI's recommendation.

18 And so, this is something that ultimately the SDO
19 would decide as to the separate and independent requirement and
20 the waiver, and it could be addressed in comments.

21 K. MOYNAHAN: Thank you very much.

22 A. SIERRA: Not to that discussion, but.

1 CHAIR PRESSNELL: Yeah. I think that's good
2 advice so. All right. I have Wally and then Mary Ellen I thought.
3 No more? Okay. Wally?

4 W. BOSTON: Yeah. So earlier someone raised the
5 issue, or asked the question for the agency as to why there were
6 only six institutions listed on the dashboard. I sent a note to Brian
7 Fu who responded to me that there are only six in the college
8 scorecard universe where the agency is derived from PEPS.
9 P-E-P-S.

10 Where are the other ones? In other words the
11 college scorecard only has 6 of the 23. Where do we find the other
12 17? I went to the agency's website, and you make it very difficult
13 to find out who you accredit. You have to put in the name of the
14 school. How the hell, if I'm a consumer, do I find out who you
15 accredit? You have to put in the name of the school.

16 K. MOYNAHAN: You don't have to put in the
17 name of the school. I apologize for that inconvenience. There was
18 an advanced search which you probably, I'm quite sure you don't
19 have access to. But it also may be that we have lost members
20 through COVID.

21 And so when we go back and look at all of these
22 numbers, those are the things that we'll check very carefully, but

1 I'm sorry for that inconvenience.

2 CHAIR PRESSNELL: And Karen, that's fine.

3 Actually we're at a point in our meeting where the discussion is
4 just among the members, so.

5 K. MOYNAHAN: I'm sorry.

6 CHAIR PRESSNELL: No. But I do appreciate that
7 very much. Zakiya?

8 Z. ELLIS: Just to clarify this piece. If you go to
9 their, I don't know, we should figure out why the issue is the way it
10 is on the dashboard, and I'm not really clear. There's a ton of
11 members. There's 300 and some odd members, you can find them,
12 you just have to press search. You don't have to actually put
13 anything.

14 It makes it seem like you have to put in something,
15 you don't. You just click search without putting in anything, and
16 all of them come up. Just a point of just based on this past
17 conversation though, I wasn't thinking about this before, but in the
18 response just now there was an issue with the joint use of
19 personnel, and the idea was that these bodies are all separate,
20 they're completely independent.

21 And in the response she just mentioned a combined
22 policy piece, which I kind of felt like made me feel like it's not so

1 independent, so I'm just raising that for other members to consider
2 as we think about the staff recommendation.

3 CHAIR PRESSNELL: Any other comments among
4 members? Questions? All right. We would entertain a motion
5 from the readers. Art?

6 A. KEISER: I move that NACIQI recommend that
7 the Senior Department Official accept all the recommendations of
8 the final staff report for this agency.

9 Z. ELLIS: Second.

10 CHAIR PRESSNELL: And it has been seconded.
11 Any discussion about the motion? Seeing none, we will take the
12 vote. So do you want to repeat that?

13 A. KEISER: It's just.

14 CHAIR PRESSNELL: Okay. Yeah you did a great
15 job following the language. We just indicated that it's best to go
16 ahead and read the final motion into the record, so I'll do that here
17 in a moment.

18 A. KEISER: Before she does that, it is a problem
19 for this agency, and I do recognize, and it needs to be maybe
20 brought to the attention of the SDO, but that's not, you know, not
21 met is technical, and not an agency problem. And it is confusing.
22 I'll tell you, I'm more confused now than I was before when I

1 started the entire discussion with this issue.

2 So I think it's just until she's ready we should just
3 make sure that the SDO listens to what I just said in this that you
4 told me that's being recorded.

5 CHAIR PRESSNELL: Could you turn your mic on
6 please?

7 Z. ELLIS: A point of clarification, and I know we
8 got these helpful pieces about making motions, and maybe one or
9 two meetings ago we had talked about being able to make a note or
10 something that people could align themselves with. And so I
11 wonder if this is an appropriate use of that mechanism to say that it
12 does not meet on the waiver is not an indication of deficiency,
13 rather it's a way to designate that we and the staff don't feel that the
14 waiver is needed.

15 CHAIR PRESSNELL: And you've just made that
16 comment that's being recorded.

17 Z. ELLIS: Okay.

18 CHAIR PRESSNELL: However, you can do that at
19 your vote when you vote.

20 Z. ELLIS: Okay.

21 CHAIR PRESSNELL: You can add that comment
22 in there, so and feel free to do that, and then that way it's in there I

1 think multiple times, but I'm going to do the best I can to read that.
2 The motion is NACIQI recommendation just move that, it seems
3 repetitive here. Move that NACIQI recommend that the Senior
4 Department Official accept the recommendation of the final staff
5 report for the National Association of Schools of Art and Design
6 Commission on Accreditation.

7 So that is the motion, and we will now vote on the
8 motion. Monica?

9 M. FREEMAN: All right. Kathleen?

10 K. ALIOTO: Yes.

11 M. FREEMAN: All right. And Kathleen votes yes.

12 And Roslyn is recused.

13 K. ALIOTO: Yes.

14 M. FREEMAN: Kathleen votes yes. Roslyn has
15 recused. Jennifer?

16 J. BLUM: Yes.

17 M. FREEMAN: Jennifer Blum has voted yes.
18 Wally?

19 W. BOSTON: Yes.

20 M. FREEMAN: Wallace Boston has voted yes.
21 Debbie Cochrane?

22 D. COCHRANE: Yes.

1 M. FREEMAN: Debbie Cochrane has voted yes.

2 Jose Luis Cruz Rivera?

3 J.L. CRUZ RIVERA: Yes.

4 M. FREEMAN: Jose Luis has voted yes. Keith

5 Curry has recused. David?

6 D. EUBANKS: Yes.

7 M. FREEMAN: David Eubanks has voted yes.

8 Art?

9 A. KEISER: Yes please.

10 M. FREEMAN: Art Keiser has voted yes. Michael

11 Lindsay?

12 M. LINDSAY: Yes.

13 M. FREEMAN: Michael Lindsay has voted yes.

14 Molly Hall-Martin?

15 M. HALL-MARTIN: Yes.

16 M. FREEMAN: Molly Hall-Martin has voted yes.

17 Robert Mayes?

18 R. MAYES: Yes.

19 M. FREEMAN: Robert Mayes has voted yes.

20 Mary Ellen Petrisko?

21 M. PETRISKO: Yes.

22 M. FREEMAN: Mary Ellen has voted yes.

1 Michael Poliakoff?

2 M. POLIAKOFF: Yes.

3 M. FREEMAN: Michael has voted yes. Bob
4 Shireman?

5 R. SHIREMAN: Yes.

6 M. FREEMAN: Bob Shireman has voted yes. And
7 Zakiya Smith Ellis?

8 Z. ELLIS: Yes. And I would like to add a
9 comment that the designation does not meet for the waiver as
10 technical designation required by the system when the waiver is
11 not needed under the determination of the staff and the NACIQI,
12 so hopefully this is helpful to the agency whenever this comes up
13 in your conversations you can refer back to this comment.

14 K. MOYNAHAN: Thank you.

15 CHAIR PRESSNELL: Thank you. The vote is 14
16 yes and zero noes, and so congratulations to the agency.

17 **Recommendation: NACIQI recommend that the**
18 **Senior Department Official accept the recommendation of the**
19 **final staff report for the National Association of Schools of Art**
20 **and Design Commission on Accreditation.**

21 CHAIR PRESSNELL: It pains me to do this, but I
22 think we're done for today. We have plenty of time to do another,

1 but we have some scheduling issues that we actually need to keep
2 it exactly as it is, and so we will meet back here at 9:00 a.m. And
3 we will start. Actually we will start sharply at 9:00, so please
4 come in earlier.

5 George, do you have any closing comments or
6 direction?

7 G. SMITH: Nothing at all. We'll just see you
8 tomorrow.

9 CHAIR PRESSNELL: All right. We will see you
10 all tomorrow. Have a wonderful evening.

11

12 (Whereupon, at 3:50 p.m., the NACIQI Summer Meeting
13 concluded, to be reconvened at 9:00 a.m., Wednesday, August 2,
14 2023.)

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