

# Report of the Meeting of the National Advisory Committee on Institutional Quality and Integrity

June 8-10, 2011



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Cameron C. Staples, Chair

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**TABLE OF CONTENTS**

	<u>Page</u>
<b>EXECUTIVE SUMMARY</b> .....	4
<b>SUMMARY OF AGENCY-RELATED ACTIONS TAKEN BY THE ADVISORY COMMITTEE</b>	
<b>I. Petitions for Renewal of Recognition as Nationally Recognized Accrediting Agencies</b>	
A. Accrediting Bureau of Health Education Schools (ABHES) .....	7
B. Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) .....	8
C. Accrediting Commission of Career Schools and Colleges (ACCSC) .....	9
D. Accrediting Council for Independent Colleges and Schools (ACICS).....	10
E. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (ABA).....	12
F. American Osteopathic Association, Commission on Osteopathic College Accreditation (AOA-COCA).....	17
G. American Psychological Association, Commission on Accreditation (APA) .....	18
H. Commission on Accrediting of the Association of Theological Schools (ATS) ....	19
I. Council on Occupational Health.....	20
J. Transnational Association of Christian Colleges and Schools, Accreditation Commission (TRACS).....	21
<b>II. Request for Degree-Granting Authority</b>	
A. Air University.....	14

**SUMMARY OF THE COMMITTEE’S POLICY-RELATED DELIBERATIONS**

**I. Overview of the Committee Deliberations on the Reauthorization of the HEA..... 26**

**II. Issue One: Regulatory Burden and Data Needs ..... 26**

    A. Trainers..... 26

    B. Invited Guests ..... 26

    C. Public Commenters..... 27

**III. Issue Two: The “Triad” ..... 27**

    A. Invited Guests ..... 27

    B. Public Commenters..... 27

**IV. Issue Three: Accreditor Scope, Alignment and Accountability ..... 27**

    A. Invited Guests ..... 28

    B. Public Commenters..... 28

**OTHER COMMITTEE BUSINESS**

**I. Election of New NACIQI Chair and Term Length for the Chair and Vice-Chair ..... 28**

**APPENDICES**

- A. Letter from the American Psychological Association
- B. Transcript Concerning Issue One: Regulatory Burden and Data Needs
- C. Submissions and Written Comments Received Concerning Issue One: Regulator Burden and Data Needs
- D. Transcript Concerning Issue Two: The “Triad”
- E. Submission Received Concerning Issue Two: The “Triad”
- F. Transcript Concerning Issue Three: Accreditor Scope, Alignment and Accountability
- G. Transcript of the Oral Comments Made by the Public Commenters and Committee Discussion Concerning Issue Three: Accreditor Scope, Alignment and Accountability
- H. Submission and Written Comments Received Concerning Issue Three: Accreditor Scope, Alignment and Accountability
- I. Transcript Concerning the Committee’s Final Discussion of the Three Reauthorization Issues

## DISCLAIMER

This report was written as a part of the activities of the National Advisory Committee on Institutional Quality and Integrity (NACIQI), an independent advisory committee established by statute. The NACIQI is subject to the Federal Advisory Committee Act and the regulations implementing that statute. This report represents the views of the NACIQI. The report has not been reviewed for approval by the Department of Education, and therefore, the report's recommendations do not purport to represent the views of the Department.

## EXECUTIVE SUMMARY

The National Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee), was established by Section 114 of the Higher Education Act (HEA) of 1965, as amended by the Higher Education Amendments of 1992 and, most recently, Section 106 of the Higher Education Opportunity Act (HEOA). Chief among its statutory functions is the Committee's responsibility to advise the Secretary of Education, or his designee, the Senior Department Official (the Assistant Secretary for Postsecondary Education), regarding the recognition of specific accrediting agencies or associations, or specific State approval agencies, as reliable authorities concerning the quality of education and training offered by the postsecondary educational institutions and programs they accredit. Another function of the NACIQI is to advise the Secretary on the establishment and enforcement of the Criteria for Recognition of accrediting agencies or associations under Subpart 2, Part H, Title IV, of the HEA. It also provides advice to the Secretary regarding policy affecting both recognition of accrediting and State approval agencies and institutional eligibility for participation in programs authorized under Title IV of the Higher Education Act of 1965, as amended. The NACIQI is required by law to meet at least twice a year.

The HEOA made changes to section 496 of the HEA "Recognition of Accrediting Agency or Association" and suspended the activities of the NACIQI upon enactment on August 14, 2008. It also changed the composition of the Committee by increasing the membership from 15 to 18 and shifting appointment authority that had been vested solely in the Secretary to the Secretary, the President pro tempore of the Senate, and the Speaker of the House, each of whom may appoint six members. Also, rather than having the Secretary appoint the Chair, the HEOA required the members to elect a Chair.

In July 2010, new regulations went into effect that govern the process by which accrediting agencies seek to be recognized by the Secretary as a reliable authority regarding the quality of education and training provided by an institution (or program) they accredit.

The regulations specify that if a recognized agency fails to demonstrate compliance with or effective application of a criterion or criteria, but the senior Department official concludes that the agency will demonstrate or achieve compliance with the criteria for recognition and effective application of these criteria within 12 months or less, the Senior Department official may continue the agency's recognition, pending submission by the agency of a compliance report, and review of the report. In such a case, the Senior Department official specifies the criteria the compliance report must address, and a time period, not longer than 12 months, during which the agency must achieve compliance and effectively apply the criteria. The compliance report documenting compliance and effective application of criteria is due not later than 30 days after the end of the period specified in the Senior Department official's decision.

The regulations also specify that the Senior Department official approves recognition if the agency complies with the criteria for recognition and effectively applies those criteria. If the Senior Department official approves recognition, the recognition decision defines the scope of recognition and the recognition period. The recognition period does not exceed five years,

including any time during which recognition was continued to permit submission and review of a compliance report.

At the June 8-10, 2011 NACIQI meeting, held at the Holiday Inn and Suites in Alexandria, Virginia, the Committee reviewed petitions for renewal of recognition from ten accrediting agencies; a request for degree-granting authority from one Federal institution, which is based on the Federal Policy Governing the Granting of Academic Degrees by Federal Agencies and Institutions, dated December 23, 1954; and followed up on the Secretary's request for a report containing the Committee's recommendations on the reauthorization of the HEA. Nine of the agencies are recognized for Title IV purposes. Of these, five accredit both programs and freestanding institutions. The other four are national institutional accrediting agencies. The remaining agency accredits programs. The Secretary's recognition of its accredited program is a prerequisite for programs/graduates to participate in non-Title IV federal programs and/or federal employment.

Three agencies requested an expansion of the scope of their recognition. The Accreditation Commission for Acupuncture and Oriental Medicine requested an expansion to include accreditation of professional post-graduate doctoral programs in acupuncture and in Oriental Medicine; the Accrediting Board of Health Education Schools requested an expansion to include the accreditation of baccalaureate programs; and the Accrediting Council for Independent Colleges and Schools requested an expansion of scope to include a wide range of professional doctoral degrees (those "designed to educate students for professional, technical, or occupational careers").

The NACIQI agreed with the Staff recommendations concerning every agency/institution and in all but one instance, the American Bar Association, Council of the Section of Legal Education and Admissions to the Bar, the vote was unanimous.

During the policy-related portion of the meeting, the Committee heard from panelists concerning the following three areas:

- Issue One: Regulatory Burden and Data Needs III. Issue One: Regulatory Burden and Data Needs;
- Issue Two: The "Triad;" and
- Issue Three: Accreditor Scope, Alignment, and Accountability.

Panelists were asked to educate the Committee on one of the above issues. They were also asked to help frame the Committee's discussion in ways that provide a broad range of perspectives on the issues and on considerations for potential solutions or paths forward.

In addition to the review of agencies and the deliberations on the reauthorization of the HEA, the Committee also elected a new Chairperson, Jamiene Studley, effective July 1, 2011 through September 30, 2011. The members also voted that the term length of the Chair and Vice-Chair will be three years. Therefore, Vice-Chair Rothkopf's term will also expire on September 30, 2013.

Members in attendance for all or part of the meeting included Cameron C. Staples (Chair), Arthur J. Rothkopf (Vice Chair), Arthur Keiser, William "Brit" Kirwin, Earl Lewis, Wilfred McClay, Anne D. Neal, William Pepicello, Susan D. Phillips, Beter-Aron Shimeles, Jamiene S. Studley, Lawrence N. Vanderhoef, Carolyn G. Williams, Frank H. Wu and Federico Zaragoza.

U.S. Department of Education personnel who participated in the meeting included: Committee Executive Director Melissa Lewis, Accreditation Director Kay Gilcher, Program Attorney Sarah Wanner, Accrediting Agency Evaluation Unit (AAEU) Chief Carol Griffiths, Intern Stephanie Xu and other Accreditation Division staff: Elizabeth Daggett, Karen Duke, Jennifer Hong-Silwany, Joyce Jones, Charles Mula, Steve Porcelli, Cathy Sheffield and Rachael Shultz. The Committee was also very pleased that Under Secretary Martha Kanter attended the meeting on Friday afternoon, June 10, 2011.

SUMMARY OF AGENCY-RELATED ACTIONS TAKEN BY THE COMMITTEE

**I. PETITIONS FOR RENEWAL OF RECOGNITION AS NATIONALLY RECOGNIZED ACCREDITING AGENCIES (INCLUDING THREE EXPANSIONS OF SCOPE REQUEST)**

**A. Accrediting Bureau of Health Education Schools (ABHES)**

Action for Consideration: Petition for Renewal of Recognition and Expansion of Scope to include Bachelor's Degrees.

Current Scope of Recognition: The accreditation of private, postsecondary institutions in the United States offering predominantly allied health education programs and the programmatic accreditation of medical assistant, medical laboratory technician and surgical technology programs, leading to a certificate, diploma, Associate of Applied Science, Associate of Occupational Science, or Academic Associate degree, including those offered via distance education.

Requested Scope of Recognition: The accreditation of private, postsecondary institutions in the United States offering predominantly allied health education programs and the programmatic accreditation of medical assistant, medical laboratory technician and surgical technology programs, leading to a certificate, diploma, Associate of Applied Science, Associate of Occupational Science, Academic Associate degree, or Baccalaureate degree, including those offered via distance education.

Committee Recommendation: Vote of 12-0 (no recusals) to recommend that ABHES request for an expansion of scope that would now include Bachelor's Degrees be granted, and that the agency's recognition be continued to permit the agency an opportunity to within a 12 month period bring itself into compliance with the Criteria cited in the staff report and that it submit for review within 30 days thereafter, a compliance report demonstrating compliance with the cited criteria and their effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed below. They include 34 C.F.R. §602.14(a)&(b) §602.15(a)(2)&(5) §602.16(b-c) §602.17(f) §602.22(a)(1) §602.22(a)(3) §602.22(b) §602.24(c)(2) §602.24(c)(5) §602.25(f)

The issues included the areas of organizational and administrative requirements, required standards and their application, and implementation of required operating policies and procedures. Specifically, the issues concern the agency's definition of a public member; commissioner and evaluator training; review of distance education; and the need to provide a detailed report regarding student achievement. In addition, the agency needs to amend policies and provide documentation of its effective application of policies regarding substantive changes and teach-out plans and agreements.

There were no questions for the agency and the third party briefly spoke in favor of the agency.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

**NACIQI Primary Readers:**

Beter-Aron Shimeles  
Jamiene Studley

**Representatives of the Agency:**

Linda Swisher, Chairman  
Carol Moneymaker, Executive Director  
Michael White, Director of Legal and Regulatory Affairs  
Delores Gioffre, Member, ABHES Committee on Degree Policies and Procedures

**Third-Party Oral Comments:**

Omar Franco

**B. Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM)**

Current Scope of Recognition: The accreditation and preaccreditation ("Candidacy" status) throughout the United States of first-professional master's degree and professional master's level certificate and diploma programs in acupuncture and Oriental medicine, as well as freestanding institutions and colleges of acupuncture or Oriental medicine that offer such programs.

Requested Scope of Recognition: The accreditation and pre-accreditation ("Candidacy" status) throughout the United States of first-professional master's degree and professional master's level certificate and diploma programs **and doctoral programs** in acupuncture and Oriental medicine, as well as freestanding institutions and colleges of acupuncture or oriental medicine that offer such programs.

Action for Consideration: Petition for Renewal of Recognition and Expansion of Scope to include Doctoral Degrees

Committee Recommendation: Vote of 12-0 (no recusals) to recommend that ACAOM's recognition be continued and require the agency to come into compliance within 12 months, and submit a compliance report that demonstrates the agency's compliance with the issues identified in the staff report. Further moved that its request for an expansion of scope of recognition to include its accreditation and pre-accreditation of professional post-graduate doctoral programs in acupuncture and in Oriental Medicine (DAOM) be granted.

Comments: The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed below. They include 34 C.F.R.

§602.15(a)(2)(3)&(4)	§602.15(b)	§602.16(a)(1)(i)	§602.17(e)&(f)
§602.18(b)	§602.19(b)	§602.19(c)&(d)	§602.20(a)&(b)
§602.21(a-b)&(c)	§602.22(a)(2)(ix-x)	§602.22(b)	§602.23(c)
§602.24(b)	§602.24(c)(2)	§602.24(c)(5)	§602.25(f)&(g)
§602.26(d)			

The issues fall into the areas of organization and administration, required standards and their application, and required operating policies and procedures. Specifically, the agency needs to provide more information about its site visitor pool and appeal panel pools, including the pool members' qualification, assignments and training; and its records retention policy and file management. The agency needs to provide more information on its assessment criteria for evaluating student achievement standards set by an institution, and on the report that it provides its accredited entities on student achievement. Additionally, it must provide information about the materials reviewed by the commission during the decision-making process; and the standards review process; its commissioner training and the commission review process; and the standards review process; as well as information and documentation regarding its annual reports, follow-up actions, and timelines. The majority of issues related to the area of required operating policies and procedures involve the need for policy revisions and additional documentation in the areas of substantive change, review of complaints, changes in agencies and the appeals panel process.

Committee members had no questions for agency representatives or staff concerning the ACAOM.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

**NACIQI Primary Readers:**

William Pepicello  
Susan Phillips

**Representatives of the Agency:**

Mark S. McKenzie, Chair  
William W. Goding, Interim Executive Director

**Third-Party Oral Comments:**

None

**C. Accrediting Commission of Career Schools and Colleges (ACCSC)**

Current Scope of Recognition: The accreditation of private, postsecondary, non degree-granting institutions and degree-granting institutions in the United States, including those granting associate, baccalaureate and master's degrees, that are predominantly organized to educate students for occupational, trade and technical careers, and including institutions that offer programs via distance education.

Action for Consideration: Petition for renewal of recognition.

Committee Recommendation: Vote of 11-0 (no recusals) to recommend that ACCSC's requested renewal of recognition with its current scope of recognition be granted for a period of five years, based on the agency's compliance with the Secretary's Criteria for Recognition.

Comments: There were no issues raised in the petition submitted and the NACIQI found the agency to be in compliance with the Criteria for Recognition.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

**NACIQI Primary Reader:**

Wilfred McClay

**Representatives of the Agency:**

Ronald S. Blumenthal, Chairman  
Michale S. McComis, Executive Director  
Christopher D. Lambert

**Third-Party Oral Comments:**

None

**D. Accrediting Council for Independent Colleges and Schools (ACICS)**

Action for Consideration: Petition for Renewal of Recognition and Expansion of Scope to include Professional Doctorate Degree

Current Scope of Recognition: The accreditation of private postsecondary institutions offering certificates or diplomas, and postsecondary institutions offering associate, bachelor's, or master's degrees in programs designed to educate students for professional, technical, or occupational careers, including those that offer those programs via distance education.

Requested Scope of Recognition: The accreditation of private postsecondary institutions offering certificates or diplomas, and postsecondary institutions offering associate, bachelor's, master's **or professional doctoral degrees** in programs designed to educate students for professional, technical, or occupational careers, including those that offer those programs via distance education.

Committee Recommendation: Vote of 10-0 (2 recusals - Kirwan and Williams) to recommend that ACICS's recognition be continued to permit the agency an opportunity to, within a 12 month period, bring itself into compliance with the Criteria cited in the staff report and that it submit for review a compliance report demonstrating compliance with the cited Criteria and their effective application. Further moved that the NACIQI recommend deferral of a decision concerning the agency's request for expansion of

scope pending receipt of the compliance report and consideration of the materials contained in it, to such time that the agency submits said request for expansion of scope.

Comments: The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed below. They include 34 C.F.R.

§602.12(b)	§602.15(a)(3)	§602.16(a)(1)(i)	§602.17(e)&(f)	§602.19(b)
§602.19(d)	§602.20(a)	§602.21(a-b)&(c)	§602.22(a)(3)	
§602.24(c)(5)	§602.25(f)(1)	§602.26(d)		

The issues concern the areas of accrediting experience, organizational and administrative requirements, required standards and their application, and required operating policies and procedures. Specifically, ACICS needs to document the comparability of its doctoral standards and its experience in accrediting programs for which it is seeking an expansion of scope. Additional issues concern the composition of the agency's review teams and decision-making bodies; the commissioners' access to institutional files; and the agency's review and monitoring of student achievement and reporting of the results of its assessment to the institution. Further, the agency needs to clarify the point at which an institution is non-compliant with a threshold and ensure compliance within the mandated timeframes, and demonstrate that its regular systematic review process effectively involves all relevant constituencies. Remaining issues involve documentation concerning the agency's substantive change policy; evaluation of teach-out agreements; lack of clarity in due process elements, and examples of the required adverse action summary statements.

The agency took exception to the staff's findings on 602.12(b), 602.15, and 602.16(a)(1)(i) and the deliberations focused on those three areas. Concerning the expansion of scope request, the committee concluded the agency lacked experience developing and monitoring the range of doctoral programs that ACICS sought approval for. The agency's policies concerning the composition of the agency's committees needs to include the definition of academic personnel and administrative personnel for consistency and that it includes more than one representative from each of the two categories on its decision-making bodies. While outcome measures at program levels were compared to the regional's requirements, the point was made that ACICS is a national accrediting entity that primarily accredits institutions that grant degrees that are for specific skill sets and practices.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency, and the Department staff analysis and report.

**NACIQI Primary Reader:**

William Pepicello

**Representatives of the Agency:**

Gary R. Carlson, Chairman  
Albert C. Gray, Executive Director and CEO  
Roger Swartzwelder, Chair Elect  
Kenneth Ingram, Counsel

**Third-Party Oral Comments:**

None

**E. American Bar Association (ABA), Council of the Section of Legal Education and Admissions to the Bar (Council or agency)**

Current Scope of Recognition: The accreditation throughout the United States of programs in legal education that lead to the first professional degree in law, as well as freestanding law schools offering such programs. This recognition also extends to the Accreditation Committee of the Section of Legal Education (Accreditation Committee) for decisions involving continued accreditation (referred to by the agency as "approval") of law schools.

Action for Consideration: Petition for renewal of recognition

Committee Recommendation: Vote of 9-4 (1 recusal - Wu) to recommend that the Council's recognition be continued to permit the agency an opportunity to, within a 12 month period, bring itself into compliance with the Criteria cited in the staff report and that it submit for review, within 30 days thereafter, a compliance report demonstrating compliance with the cited Criteria and their effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed below. They include 34 C.F.R.

§602.15(b)	§602.16(a)(1)(i)	§602.16(a)(1)(ix)&(x)	§602.17(g)
§602.19(b)	§602.22(a)(2)(i-vii)	§602.22(a)(ix-x)	§602.22(b)
§602.23(b)&(c)	§602.24(c)(2)	§602.24(e)	§602.26(a)(b)(c)&(d)

The Council needs to develop or revise its standards or procedures and demonstrate their effective application in the areas of organizational and administrative requirements and required standards and their application. The identified issues relate to records retention; the agency's expectations regarding placement data in its evaluation of student achievement; its review of an institution's or program's record of student complaints, loan default rates, financial audits and compliance reports and of an institution's processes for verifying the identity of distance education students; and the effective date of substantive changes it approves. In addition, the agency needs to provide documentation of its effective implementation of its policies and procedures in the areas of monitoring, substantive changes, solicitation and consideration of third party comments during its accreditation review, timely review of complaints, teach-out plans, notifications of agency actions, and review of its requirements regarding transfer of credit.

Members asked staff if the any non-compliant items persisted from the agency's 2006 review by the Department. Kay Gilcher indicated that staff had performed a cross-walk between the issues previously cited and the current citations. There were three criteria that were cited in this report that were previously cited. However, the reason for concern

is different in each case so it is not the same finding. Members also were interested in what type of law degree(s) was requested in the scope of recognition - the Juris Doctorate degree. Staff assured members that institutional accreditation, by regional accreditors, provided law students seeking advanced degrees with Title IV eligibility.

In their presentation, the Council emphasized that of the 17 citations, nine resulted from the HEOA or from the related new regulations. Of the eight remaining citations, some concern policies and procedures that have been in place for many years and the agency was not aware they were non-compliant. The agency accepted the staff's recommendations and they intend to bring themselves into compliance and report back to the Department within a year.

The members asked about the Council's review of their student learning outcome standards and agency representatives responded that they were in the second of a three-year project to revise the outcome standards. Currently, the primary measure of student achievement is the bar exam passage rate for law school graduates. In terms of placement, the agency collects annual questionnaires and employment placement and salary data from every law school. Agency representatives indicated that they already collect and publish employment data as a matter of consumer information and are moving to collect even more detailed information. In response to additional questions concerning student outcomes, agency officials elaborated that they take a hybrid approach in considering student outcomes that combines both inputs and outputs. The Council requires legal writing and an ethics or professional responsibility class, plus a live client clinic in the school's curriculum.

In response to members' questions about the 17 findings from 2006 and the 17 findings currently, agency officials agreed with staff that they are not the same as those in 2006. They want to work with Department staff to use the loan default data collected and apply it to making judgments about the school's law program.

With respect to employment placement and salary information, the agency does not have a trigger in their standard for what are acceptable or unacceptable employment statistics. Because the salary data is self-reported data, it is very difficult to collect from recent graduates. The agency is trying to improve the self-reporting process or to produce regional state-wide data for students who are considering law or matriculating to law school to have reliable information about their employment prospects from the last graduating class before they enrolled and what may happen in terms of their employment three years in the future. They are considering asking for more granular data about employment in their questionnaires and the Council's Standards Review Committee is reviewing what law schools are currently required to publish on their websites about employment. Agency representatives explained that the bar passage- and employment-related information collected is included in the Council's official guide, which is both on-line and in hard copy. While the agency does not require schools to publish the same data, when they do, it must be in an accurate and fair manner that is consistent with the Council's standards.

Agency representatives also explained that the Council does not audit the data schools provide on placement or salaries, but there are opportunities during the site visit review to verify data that's being reported, but not employment data.

Concerning faculty, the Council looks at the course hours they have to teach, committee assignments, what kind of work they have to do for the university and the community, among other items. To obtain a sense of the quality of teaching, the Council looks at the student evaluations of all faculty members, including part-time faculty. During visits, all members of the site team sit in on classes, and there is a standard sheet that site visitors complete to provide comments in various areas, e.g., were the professors and students prepared, did the professor follow up with questions, and press the student to think more deeply about the matters at hand? Other factors are also considered such as an abnormally high academic attrition rate or a low bar passage rate. With institutions "there's something just not right," the Council looks more carefully at the quality of teaching, whether or not there's both formative and summative assessment as well as at the academic support programs and their effectiveness. In terms of the number of faculty and teaching loads, it is very rare for a school to be cited for that. Most law schools have lowered the faculty to student ratio to basically better position themselves with the rating agencies, as opposed to meeting agency requirements.

Concerning the separate and independent requirement, Council officials explained that their funding comes from three sources: school fees, the sale of "take offs," and the ABA's 501(c) arm that funds educational activities – the Fund for Justice in Education (FJE Fund). For the past five years, the FJE Fund has provided the contributions requested. Also, agency officials assured members that the ABA Executive Director and leadership understand the separate and independent principle and is very sensitive to it. The officials also assured members they knew of no instance in which the Council had accepted direction from ABA leadership or felt pressured in any way to accept such direction, including the review of the Council's standards. The ABA leadership is free to comment on the development on standards just like any other entity and if received, the ABA's comments would be processed the same as others. The recommendations concerning standards are considered in light of a document that articulates the goals of accreditation, the goals of the Standards Review process, and the criteria applied in reviewing the standards.

There were two third-party commenters. Jenny Roberts, who represented the Clinical Legal Education Association (CLEA), supported the Council's petition but had concerns about the Council's compliance with 602.13, concerning standards, policies, and procedures that are widely accepted, and 602.21, concerning a systematic program of review for relevant constituencies that affords them meaningful opportunity for input. Ms. Robert questioned the consistency and transparency of the process and characterized the process as one insufficiently attentive to stakeholders. She pointed to how the proposals were developed behind closed doors by a Subcommittee and without any involvement from stakeholders. She asserted that the regulations contemplate that all groups within a profession will be participants in the process of developing the standards of professional education. In sum, the CLEA hoped the Department will encourage the

ABA to develop a more inclusive, transparent, and collaborative comprehensive review process that comports with the intent of the criteria.

Gary Palm, a retired law professor at the University of Chicago Law School, spoke next to advocate that the Council's recognition should not be renewed based on several reasons. The first reason relates to public members and how the Council appointed at least two university presidents to its decision-making bodies. He indicated that once pointed out to the Department, it intervened. Secondly, Mr. Palm alleged there were conflicts of interest with how faculty members are elected to serve on the Council and how all but three or four of the 19 free-standing law schools accredited by the ABA have also elected to seek accreditation through an institutional accreditor, such as a regional body. Thirdly, Mr. Palm does not think the ABA monitors accredited programs or institutions between reviews since the questionnaire does not ask about litigation brought against the body in the interim.

While acknowledging attention around the security of position issues, the agency disagreed with Ms. Robert's comments citing how the postings on the Standards Review Subcommittee's work reflected adequate notice given by the comments received. Agency officials indicated the Subcommittee had not submitted their proposals to the Council yet and when they do, the Council will publish them again for comment. They considered the work to be at a preliminary stage in the process given that the Standards Review Committee had not voted on the proposals. Officials explained that in April the Committee held a three-hour open forum where anyone could come forward and speak on any issue. Many speakers addressed the security of position issue and the Committee is accepting written comments as well. The Standards Review Committee had nine drafts of the student learning outcome changes and the various changes arose from the comments received.

In response to a member's questions concerning complaints about the Council's process and the integration of the Subcommittee's separate proposals, agency officials explained that their standards consist of eight chapters and the Standards Committee is doing a chapter-by-chapter review. Once the Subcommittee completes an individual chapter, it sends the work to the Council for review. The Council can either publish it for notice and comment or return it to the Standards Committee because they do not agree with some of the content. Because one or more groups may not agree with the outcome does not mean that the process that started three years ago should be stopped, restarted, and built around a community-wide consensus building process. Rather, the Council asserted that it has to meet Department criteria and it will ultimately have the decision whether to adopt the proposed standards.

Another member asked about how a number of specific standards advance the accreditor's responsibilities of ensuring educational quality and protecting the taxpayer dollar. Agency officials related how several of the referenced standards are under review by the Standards Review Committee, but no decision has been made on them. The Standards Review Committee is attentive to the costs as they develop the proposed standards. They cited the Government Accountability Office's (GAO) 2009 report that examined whether the cost of an accreditation drive the increased costs in legal

education. The GAO concluded that accreditation was not the driving factor, but that a number of other items were identified as the source of increased costs. The GAO viewed the accreditation costs, both the direct costs (e.g., school fees) and indirect costs (e.g., cost of compliance) as “rather minimal compared to other factors.”

Another member shared his concern about how the Council was cited for 17 issues earlier, had several years to comply with them and then, during their next review were cited for 17 other issues after five years of intense scrutiny. Although he intended to support the motion, he found it troubling that a group of lawyers could not understand and comply with the federal requirements, but was willing to provide the Council with another year to comply. Yet another member indicated she was not supporting the motion because of the above reasons and she did not expect the agency to comply with the criteria given its history of continuing problems with the criteria. A third member expressed similar concerns and asked whether other members had ideas about expressing the deep concern some members held in the motion.

In response, a member indicated that the discussion before the agency representatives and the motion itself expressed the deep concern the Committee members have about the agency’s compliance with all the criteria within a year. The NACIQI concluded the deliberations with reminders about the need for consistency in the NACIQI’s reviews regardless of the type of agency under review or the constituency it represented. What the motion language expresses is not a sentiment, but a process in that an agency that does not comply with all the regulations must produce a report that demonstrates compliance within a year and its request for renewal of recognition will be considered again at that time.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency, and the Department staff analysis and report.

**NACIQI Primary Readers:**

Anne Neal  
Jamiene Studley

**Representatives of the Agency:**

Christine Durham, Chair of the Council, Section of Legal Education and Admissions to the Bar  
Hulett “Bucky” Askew, Consultant on Legal Education, ABA  
Dan Freeling, Deputy Consultant on Legal Education, ABA

**Third-Party Oral Comments:**

Jenny Roberts, Board Member, Clinical Legal Education Association, and Associate Professor, American University,  
Gary H. Palm, Attorney and Professor Emeritus of Law, University of Chicago

F. **American Osteopathic Association, Commission on Osteopathic College Accreditation (AOA-COCA)**

Current Scope of Recognition: The accreditation and preaccreditation ("Provisional Accreditation") throughout the United States of freestanding, public and private non-profit institutions of osteopathic medicine and programs leading to the degree of Doctor of Osteopathy or Doctor of Osteopathic Medicine.

Action for Consideration: Petition for renewal of recognition.

Advisory Committee Recommendation: Vote 12-0 (no recusals) to recommend that AOA COCA's requested renewal of recognition with its current scope of recognition be granted for a period of five years, based on the agency's compliance with the Secretary's Criteria for Recognition.

Comments: There were no issues raised in the petition submitted and the NACIQI found the agency to be in compliance with the Criteria for Recognition. The third party commenter contended that the agency failed to comply with 34 CFR 602.22 concerning substantive change, any class size change must be first given approval by the agency, and that graduation requirements were changed at the institution after he enrolled there. The agency pointed to how they processed the third party commenters complaints concerning his agency and that they found no evidence that the college had violated any standards of accreditation. They also pointed to how the State of Florida's Appellate Court had also essentially found as facts the same facts upon which the AOA COCA had relied upon when it evaluated the initial complaint.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

**NACIQI Primary Readers:**

William "Brit" Kirwan  
Carolyn G. Williams

**Representatives of the Agency:**

Kenneth J. Veit, Chair  
Konrad C. Miskowicz-Retz, Secretary  
Andrea Williams, Assistant Secretary  
Joshua L. Prober, General Counsel

**Third-Party Oral Comments:**

Dr. Massood Jallali

**G. American Psychological Association, Commission on Accreditation (APA-COA)**

Current Scope of Recognition: The accreditation in the United States of doctoral programs in clinical, counseling, school and combined professional-scientific psychology; pre-doctoral internship programs in professional psychology; and postdoctoral residency programs in professional psychology.

Action for Consideration: Petition for renewal of recognition.

Committee Recommendation: Vote 9-0 (2 recusals – Phillips and Williams) to recommend that APA’s recognition be continued to permit the agency an opportunity to, within a 12 month period, bring itself into compliance with the Criteria cited in the staff report and that it submit for review, within 30 days thereafter, a compliance report demonstrating compliance with the cited Criteria and their effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the seven issues listed below. They include 34 C.F.R. §602.15(a)(1) §602.15(a)(5) §602.15(b) §602.19(b) §602.20(a) §602.20(b) §602.23(a)

The agency needs to address outstanding issues in the areas of fiscal and administrative responsibilities, monitoring, enforcement of standards, and required operating procedures. Specifically, the agency needs to provide more information regarding its current and projected financial viability, demonstrate that its public members meet the Secretary’s definition and amend its records retention policy. In addition, the APA-COA must incorporate mechanisms into its monitoring procedures to help it identify potential problems with a programs’ financial capacity; review its policies and procedures to ensure that its decisions will not allow noncompliant programs to exceed the maximum enforcement timeframes; clarify how it uses the good cause exceptions to extend accreditation of a noncompliant program; and document that it has made available to the public information regarding the credentials of its senior staff.

The Committee’s deliberations centered on the financial viability of the APA-COA. To that end, the APA-COA representatives submitted a letter from Norman B. Anderson, Chief Executive Officer of the APA, that explained the APA-COA’s Fee Stabilization Fund was established to maintain excel revenue in a given year to provide enhancements and increased expenses while preventing yearly fluctuation in program fees. (See Appendix A for a copy of the letter.)

The members were also concerned about the indirect methods used by the APA to monitor the programs they accredit. The agency monitors whether a program has sufficient resources to provide the education and training needed for its students, interns, and post-doctoral residents. The agency collects data on key resources such as: faculty, staff, students and trainees as well as looking for significant changes from one year to another.

In addition, the members noted the APA-COA concern of how the agency’s use of deferral decisions may allow programs to exceed the regulatory timeframes for a program to take corrective action because it will change how they deal with institutions, including the timetables for institutions to take corrective actions.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis.

**NACIQI Primary Readers:**

Arthur Rothkopf  
Larry N. Vanderhoef

**Representatives of the Agency:**

Joyce Illfelder-Kaye, Associate Chair for Program Review  
Elizabeth A. Klonoff, Associate Chair for Quality Assurance  
Susan F. Zlotlow, Director, Office of Program Consultations and Accreditation

**Third-Party Oral Comments:**

None

**H. Commission on Accrediting of the Association of Theological Schools (ATS)**

Current Scope of Recognition: The accreditation and preaccreditation (“Candidate for Accredited Membership”) of theological schools and seminaries, as well as schools or programs that are parts of colleges or universities, in the United States, offering post baccalaureate degrees in professional and academic theological education, including delivery via distance education.

Action for Consideration: Petition for renewal of recognition

Committee Recommendation: Vote of 11-0 (2 recusals – Kirwan and Williams) to recommend that ATS’s recognition be continued to permit the agency an opportunity to, within a 12 month period, bring itself into compliance with the Criteria cited in the staff report and that it submit for review, within 30 days thereafter, a compliance report demonstrating compliance with the cited Criteria and their effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed below. They include 34 C.F.R.

§602.15(a)(2)(3)&(4)	§602.15(a)(6)	§602.15(b)	§602.16(a)(1)(i)
§602.16(a)(2)	§602.17(d)(e)(f)&(g)	§602.18(b)	§602.19(a)(b)(c)&(d)
§602.20(b)	§602.21(a)(b)	§602.22 (a)(2)(i-vii)	§602.22(a)(2)(ix-x)
§601.22(a)(3)	§602.22(b)	§602.22(c)(1)	§602.23(b)(c)(d)&(e)
§602.24(c)(2)(3)&(5)	§602.25(f)	§602.26(a)&(b)	§602.28(d)&(e)

The agency needs to demonstrate that it has, and it trains, the required personnel on its evaluation, policy, and decision-making bodies; establish a compliant records management protocol; show that it has and applies criteria for assessing the quality of an institution’s program planning and assessment, and for determining that the level of student achievement is acceptable; revise its policy on good cause and clarify what would constitute good cause, including time limits to come into compliance; and modify several of its substantive change policies and procedures. The agency also needs to provide documentation to demonstrate its effective application of its standards, policies and procedures for numerous criteria in the areas of administrative and fiscal

responsibilities, required standards and their application, and required operating policies and procedures.

The members' only questions fell outside the criteria and concerned: 1) the increased "granularity" in recognition reviews and 2) whether schools were complaining about the "burden" of accreditation and whether cost and efforts that go into the accreditation process were worthwhile.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency, and the Department staff analysis and report.

**NACIQI Primary Readers:**

Wilfred McClay

Frank H. Wu

**Representatives of the Agency:**

Dan Aleshire, Executive Director

David Esterline, Chair, Board of Commissioners

William Miller, Director, Accreditation and Institutional Evaluation

**Third-Party Oral Comments:**

None

I. **Council on Occupational Education (COE)**

Current Scope of Recognition: The accreditation and preaccreditation ("Candidacy Status") throughout the United States of postsecondary occupational education institutions offering non-degree and applied associate degree programs in specific career and technical education fields, including institutions that offer programs via distance education.

Action for Consideration: Petition for renewal of recognition

Committee Recommendation: Vote of 12-0 (no recusals) to recommend that COE's recognition be continued to permit the agency an opportunity to, within a 12 month period, bring itself into compliance with the Criteria cited in the staff report and that it submit for review, within 30 days thereafter, a compliance report demonstrating compliance with the cited Criteria and their effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed below. They include 34 C.F.R.

§602.16(a)(1)(i)	§602.16(c)	§602.17(f)	§602.20(a)
§602.21(a-b)&l	§602.22(a)(1)	§602.22(a)(2)(i-vii)	§602.22(a)(3)
§602.22l(1)	§602.23(b)	§602.24(a)&(b)	§602.24(c)(2)&(5)
§602.25(f)	§602.26(b)&(c)	§602.28(c)	

The above issues consist primarily of the need for documentation regarding the agency's application of policies that were revised in accordance with the draft staff analysis. The agency must also address more substantive concerns, for example, by demonstrating implementation of its revised student achievement standard, that incorporates program-level outcomes data; documentation of its systematic review of standards; implementation of its revised substantive change procedures; revisions to its teach-out policies; and documentation of its application of its teach-out procedures. The agency must also amend its published materials to accurately reflect its accreditation of distance education as defined by the Department; and provide a thorough and reasonable explanation, consistent with its standards and in accordance with the regulations, of why the action of another accrediting agency does not preclude the agency's grant of accreditation to an institution.

Agency officials agreed with the staff analysis and expressed confidence that COE would comply with the above cited criteria within a year. For at least 12 issues they need to produce documentation, but for the several issues that involve student outcomes and substantive change they already have a plan developed for making the needed changes.

In response to members' questions, agency officials indicated that the agency has collected completion, placement and licensure and are looking at how it can apply it at the program level. The Council does not require that the institutions publish the data collected, but some states are now mandating that the data be posted to the schools' websites. Additionally, data for institutions that fail to meet the agency's requirements is made available to the public. The agency also considers institutional cohort default rates in its decisions and requires institutions that are "triggered" to have a default plan. Officials explained that they recognized secondary institutions because of the postsecondary programs in traditional occupations recognized as trades, such as auto technology and welding that would qualify those schools for eligibility as COE members. The agency confirmed they had placement rate triggers based upon an institution's peer group, e.g., comparing public institutions to other publics, etc.

Concerning issues that were cited currently and previously, the agency provided the example of substantive change and indicated that the acceptable method for making substantive changes was different now and they may have brought a different finding in that same general area. There was also concern about whether the agency accredits correspondence programs. The officials explained that after surveying members, only one institution had a correspondence program and the school was phasing it out. As a result, the agency decided not to include correspondence in the requested scope of recognition and at this point, it is mainly an editorial issue associated with removing all correspondence programs references from the agency's publications.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency, and the Department staff analysis and report.

**NACIQI Primary Readers:**

Earl Lewis

Anne Neal

**Representatives of the Agency:**

Gary Puckett, President/Executive Director  
Jody Hawk, Commission Chair  
Cindy Sheldon, Associate Executive Director

**Third-Party Oral Comments:**

None

**J. Transnational Association of Christian Colleges and Schools, Accreditation Commission (TRACS)**

Current Scope of Recognition: The accreditation and preaccreditation (“Candidate” status) of postsecondary institutions in the United States that offer certificates, diplomas, and associate, baccalaureate, and graduate degrees, including institutions that offer distance education.

Action for Consideration: Petition for renewal of recognition

Committee Recommendation: Vote of 11-0 (2 recusals – Kirwan and Williams) to recommend that recognition be continued to permit the agency an opportunity to, within a 12 month period, bring itself into compliance with the Criteria cited in the staff report and that it submit for review, within 30 days thereafter, a compliance report demonstrating compliance with the cited Criteria and their effective application. Such continuation shall be effective until the Department reaches a final decision.

Comments: The Committee found the agency to be operating in compliance with the Criteria for Recognition, except for the issues listed below: 34 C.F.R.

§602.13	§602.14(a)&(b)	§602.15(a)(1)(2)&(3)	§602.15(a)(5)
§602.16(a)(1)(i)	§602.17(f)	§602.19(b)	§602.19(d)
§602.21(a-b)&l	§602.22(a)(1)	§602.22(a)(2)(viii)	§602.22(a)(3)
§602.22l(1)	§602.22l(3)	§602.22(d)	§602.23l
§602.24(a)			

In the area of basic eligibility requirements, the agency needs to provide documentation showing acceptance by practitioners and employers of the agency and its standards, policies and procedures as reliable authority on the quality of the educational institution. In the area of organizational and administrative requirements, the agency must demonstrate it acts in accordance with its own policies to elect and seat additional commissioners and provide evidence regarding the education and expertise of its commissioners and site visitors. It must also provide more information regarding its finances. In the area of required standards and their application, the agency must provide additional documentation regarding student achievement, site review information and follow-up, and program-level growth monitoring. It must also provide additional documentation regarding its standards review process. In the area of required operating policies and procedures, the agency must provide additional information or

documentation regarding substantive changes, complaint policies, and the establishment of branch campuses.

Agency representatives indicated that the issues concerning the commission members would be resolved in the next month when new commissioners filled vacancies. Concerning their finances, the representatives explained that they increased school fees by five percent and reduced staff by cutting several part-time positions, which actually resulted in an increased level of service.

Members noted that the agency's financial reserves had decreased and that the agency decreased its salary costs by almost 25 percent by cutting part-time positions. Agency representatives explained that when they analyzed the employees and what the different individuals were doing, they realized their institutions needed staff who were in the office sufficiently to ensure that needed work was completed in a timely manner. In response to a member's inquiry, it was also noted that having a Christian postsecondary education meant that in addition to traditional accreditation standards, the agency also has what it calls "foundational standards" that define what would be a Christian institution so that Christian refers to the nature of the institution and not to the nature of the education program or content.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency, and the Department staff analysis and report.

**NACIQI Primary Readers:**

Arthur E. Keiser

Larry N. Vanderhoef

**Representatives of the Agency:**

T. Paul Boatner, President

James Flanagan, Chair of Commission

Barry Griffith, Acting Vice President, Business Services

Tom Diggs, Legal Counsel

**Third-Party Oral Comments:**

None

**II. REQUEST FOR DEGREE-GRANTING AUTHORITY**

**A. Air University**

Action for Consideration: Request for Authority to award a Doctor of Philosophy degree in Military Strategy,

Advisory Committee Recommendation: Vote of 14-0 to recommend to the Congress that Air University (School of Advanced Airpower and Space Studies) be authorized to award a Doctor of Philosophy degree in Military Strategy and strongly request that the current

students in the pilot program be grandfathered in and allowed to receive their doctoral degree.

Comments: After meeting with the administrators, faculty, and students, and reviewing additional materials on-site, the NACIQI site team was satisfied that the proposed terminal degree program met the requirements of the federal policy governing the granting of academic degrees by federal agencies and institutions, including assurances that it is a unique program that could only be offered in an environment such as Air University. Members also confirmed with Air University officials that the program requirements included a dissertation.

Based on the “extremely high quality” of the program, the site team unanimously recommended to the NACIQI and to the Secretary that he approve the Air University’s request to grant a Doctor of Philosophy degree in Military Strategy and signaled their intent that the current class in the program be eligible to receive their degrees even though Congress may not be able to act before the current class graduates.

Written Materials Reviewed by the Committee: Degree-granting application and supporting documentation submitted by the National Defense University and the NACIQI site visit team’s report.

NACIQI Site Team:

Arthur E. Keiser (Site Team Chair)  
Cameron Staples

**Representatives of the Agency:**

Major General David Fadok, Vice Commander (Commander and President designee)

Colonel Timothy Schultz, Commandant

Mary Boies, Member, Air University Board of Visitors (a federal advisory board)

Bruce Murphy, Chief Academic Officer

**Third-Party Oral Comments:**

None

## SUMMARY OF POLICY-RELATED DELIBERATIONS BY THE COMMITTEE

### **I. Overview of the Committee Deliberations on the Reauthorization of the HEA**

The Committee began in December 2010 with a very broad charge from Assistant Secretary Eduardo Ochoa to provide advice to the Secretary on the Reauthorization of the Higher Education Act. The NACIQI began by casting a very broad net, inviting the opportunity to learn about a variety of dimensions and perspectives. In February 2011, the Committee considered points from federal and state interests, from accreditors, from presumed beneficiaries of quality in higher education, from accredited institutions, from inside and outside the box, and from inside and outside the Beltway.

The different perspectives received, and the agenda-setting exercise that followed served as a launching point for the Committee's discussion for the policy-related portion of the June 2011 meeting. At that meeting, the NACIQI spent a day and half to consider the issues and areas it saw as most important to consider for refining and developing recommendations. The NACIQI chose to focus on: regulatory burden and data needs; the "Triad;" and Accreditor Scope, Alignment and Accountability.

The policy-related deliberations of the Committee on the reauthorization of the HEA began with an invited set of speakers for each issue, then included the opportunity for the public to make comments, and concluded with discussion among the members about what they envisioned as emerging recommendations on each particular issue. The Committee discussion period focused on what is working well on each issue, what members wanted to keep as well as what is getting better and what they would want to see grow. The Committee also considered opportunities for correction or change. To conclude the meeting, the Committee then discussed what those sets of observations mean for recommendations that it may develop. See Appendix I for the portion of the transcript that contains the summary discussion portion of the three Reauthorization Issues.

### **II. Issue One: Regulatory Burden and Data Needs**

Issue One focused on the concerns about the regulatory burdens and costs of accreditation to institutions, students, and taxpayers. Also included are questions about the nature, quality, and quantity of data gathering and reporting required on the part of institutions and accrediting agencies.

See Appendix B for the portion of the meeting transcript that contains the trainers' and invited guests' presentations and the Committee discussion concerning Issue One.

#### **A. Trainers:**

Bryan J. Cook, Director, Center for Policy Analysis, American Council on Education

Terry W. Hartle, Senior Vice President, Division of Government and Public Affairs,  
American Council on Education

Christine Keller, Executive Director, Voluntary System of Accountability, Association of  
Public and Land-Grant Universities

**B. Invited Guests:**

Mollie Ramsey Flounlacker, Associate Vice President for Federal Relations, Association of American Universities

David Rhodes, President, School of Visual Arts

Robert G. Templin, Jr., President, Northern Virginia Community College

**C. Public Commenters**

1. **Oral Commenters**

There were no oral comments made by the public concerning Issue One.

2. **Written Comments Received**

Appendix C contains the submissions and written comments received from the trainers, invited guests, and the public concerning Issue One or any combination of issues that included Issue One.

**III. Issue Two: The “Triad”**

Issue Two focused on clarification of the roles, responsibilities, and capacities of federal, state, and accreditor entities in issues of accreditation and institutional aid eligibility. Included are questions about the link between institutional aid eligibility and accreditation.

See Appendix D for the portion of the meeting transcript that contains the invited guests’ presentations and the Committee discussion concerning Issue Two.

**A. Invited Guests:**

Peter Ewell, Vice President, National Center for Higher Education Management Systems (NCHEMS)

Marshall Hill, Executive Director, Nebraska Coordinating Commission for Postsecondary Education

**B. Public Commenters**

1. **Oral Commenters**

There were no oral comments made by the public concerning Issue Two.

2. **Written Comments Received**

Appendix E contains the written submission from one of the Committee’s Invited Guests for Issue Two, Marshall Hill. Also, two written comments were received from the public concerning Issues One, Two and Three and since multiple issues are involved, those comments are referenced in Appendix C.

**IV. Issue Three: Accreditor Scope, Alignment, and Accountability**

Issue Three focused on questions about the sectors and scope of varying accrediting agencies, the alignment of standards across accreditors, and accountability for accreditation decisions.

See Appendix F for the portion of the meeting transcript that contains the invited guests' presentations and the Committee discussion concerning Issue Three.

**A. Invited Guests:**

Judith S. Eaton, President, Council for Higher Education Accreditation  
Kevin Carey, Policy Director, Education Sector  
Shirley Tilghman, President, Princeton University  
Ralph Wolff, President and Executive Director, Western Association of Schools and Colleges Accrediting Commissions for Senior Colleges and Universities

**B. Public Commenters**

**1. Oral Commenters**

Appendix G contains the portion of the meeting transcript that contains the public commenters' presentations concerning Issue Three and any discussion with the Committee that followed.

**a) List of Oral Commenters:**

Bernard Fryshman, Executive Vice-President, Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission  
Joseph Vibert, Executive Director, Association of Specialized Schools and Professional Accreditors  
Susan Zlotlow, Director, American Psychological Association, Office of Program Consultations and Accreditation

**2. Written Comments Received**

Appendix H contains the written comments received concerning Issue Three. Some written comments concerning Issue Three are also contained in Appendix C since those comments concern multiple issues.

**OTHER COMMITTEE BUSINESS**

**I. Election of New NACIQI Chair and Term Length for the Chair and Vice-Chair**

Members unanimously elected Jamiene Studley as the new NACIQI Chair effective July 1, 2011 through September 30, 2013. Cameron Staples is accepting new employment and in light of that, decided to resign as Committee Chair.

In addition, members unanimously voted that the term length of the Chair and Vice-Chair will be at least three years. Therefore, Vice-Chair Rothkopf's term will also expire on September 30, 2013.

**Appendix A**  
**Letter from the American Psychological Association**

Below is the letter from the American Psychological Association provided to the NACIQI on June 8, 2011.



AMERICAN  
PSYCHOLOGICAL  
ASSOCIATION

June 7, 2011

National Advisory Committee for Integrity and Quality Insurance (NACIQI) and  
Office of Accreditation  
Office of Postsecondary Education  
1990 K Street, NW  
Washington, DC 20006

Dear USDE Accreditation Staff and Members of NACIQI:

The American Psychological Association (APA) is recognized by the Internal Revenue Service as a scientific, educational and charitable tax exempt organization under Section 501 C(3) of the Internal Revenue Code. Among other things, APA's mission is to improve the quality of psychology services and the qualifications of psychologists through its educational standards. APA began its accreditation function in 1948. Much has changed in education and accreditation since that time. What has not changed is the APA's commitment to its accrediting body – the APA Commission on Accreditation (APA-CoA).

In reviewing the staff comment regarding APA's application for re-recognition by the Department of Education, there seems to be some confusion regarding a special fund that APA established to allow stabilization of fees paid by accredited and applicant programs who seek accreditation by APA through its Commission on Accreditation (CoA). In a nutshell, APA established a segregated fund within its accounting system for CoA fee revenues to allow excess revenue to be carried over from year to year for accreditation activities. The fund allows the Commission on Accreditation to maintain excess revenue in a given year to provide for enhancements and increased expenses while preventing yearly fluctuation in program fees. The Fee Stabilization Fund has been very successful in this regard, in that there were no adjustments in the fee structure for programs and internships participating in the accreditation program for over 10 years.

From the time of its establishment it was expected that the fund would be drawn down over time. Indeed, significant expenditures have been made in the last several years to build the accreditation data systems and to hold open forums for accredited programs. Even with these increased expenses, there is close to \$1 million in the Fee Stabilization Fund at the end of 2010 (based upon a final budget that was not available at the time of the initial submission of the petition). Given the current status of the Fee Stabilization Fund, and the high probability of increased fees following a review of the fee structure this year, there is not an issue with the stability of funding for the APA-CoA.

Aside from amplifying the description of the Fee Stabilization Fund established by APA, however, it is critical to understand that the Commission on Accreditation is an integral part of

750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-5500  
(202) 336-6123 TDD

Web: [www.apa.org](http://www.apa.org)



Please Recycle

APA. Accreditation is a core mission of the American Psychological Association which is carried out by the Commission on Accreditation, a continuing committee of APA, established and defined in the Association Rules and APA policies and procedures. As such, the Commission has the full backing of the Association to assure continuity of its activities. With an overall 2011 budget of \$113.5 million and in 2010, \$39.7 million in net assets, with a 2010 Operating Margin of \$8.4 million, there is no question but that APA accreditation has all the resources it will need to continue its important work.

APA has historically fully supported its accreditation program and will continue to do so.

Thank you for time and interest.

Sincerely,

A handwritten signature in black ink, appearing to read 'NBA', with a long horizontal flourish extending to the right.

Norman B. Anderson, PhD  
Chief Executive Officer

## Appendix B

### Transcript Concerning Issue One: Regulatory Burden and Data Needs

#### Trainers' Presentations

MR. HARTLE: Thank you very much, Mr. Chairman, I'll start. My colleagues and I have looked at the list of questions that you were kind enough to share with us to give us some ideas of the issues that you're interested in discussing as part of this session.

And I think what we'll do is offer some general comments at the start about the broad issue that you've raised for this panel and then hope to take up the individual questions as part of the discussion period.

I'd like to begin on behalf of Bryan Cook and myself by making five points. Point number one, accreditors have a central role to play in determining institutional eligibility to participate in Federal Student Aid programs, but they do not have the sole role to play.

Under the Higher Education Act, both the states and the U.S. Department of Education play an equally important role. Indeed, we commonly refer to the Triad as a way of underscoring federal, state and accreditation responsibilities for determining eligibility.

Now I note that you're going to have a session on the Triad tomorrow. It's easy and convenient to assign new tasks and responsibilities to accreditors, but in many cases they may not be the most appropriate parties.

But it would not, for example, be a good idea to ask accreditors to determine compliance with Federal Student Aid regulations because accreditors lack the expertise and the knowledge to make such judgments.

In addition, adding more requirements to accreditors runs the risk of diverting them from their central tasks of institutional improvement and academic quality.

So as you think about what changes might be necessary in the Triad in general and accreditation in particular, I encourage you to think about the role that the Department of Education and the states have to play.

I think as we've recently learned from the Department State authorization regulations, at least the states may not have been playing the role in the Triad that the Government envisions.

Second, the information that the accreditors collect and the analysis that they perform as part of their central mission, again, institutional improvement and academic quality, is by definition focused on individual colleges and universities. Or on specific programs at individual colleges and universities.

And may not appropriate itself or lend itself to easy comparison with other institutions. Policy makers and the media often want nationally comparable data in order to draw comparisons.

But because accreditors examine each institution according to specific missions and goals, it can be difficult to generalize across institution. It's not to say it's impossible. But accreditation is designed to permit careful evaluation of individual institutions, according to their role and mission as they define it.

If we want to maintain the diversity that we celebrate as a defining feature of American higher education, we have to ensure that evaluations, especially those focused on academic considerations, are tailored to goals and missions of the individual institution.

Third, Federal Government already collects a fair amount of data about institutions of higher education. Some of this comes from the National Center for Education Statistics through IPEDS, Institution of Post Secondary Education Data Survey, this is one year's IPEDS.

It is 350 pages of surveys that institutions are required to fill out. This is not all the data the Department of Education collects. Data such as the campus crime statistics go

through the Office of Post Secondary Education. This is simply the data collected by the Department of Education through IPEDS.

That 350 pages, of course, requires 350 pages of guidelines to fill out the information. So as you think about information that you think the Department of Education might collect I think it would also be very helpful and desirable for you to think about what information the Department of Education doesn't need to collect.

Data costs, people have to fill out the reports, people have to analyze the reports. There's often a burden associated with collecting information. The more information we collect, the more burdensome it becomes, the more costly it becomes.

I'd also point out that for all of the data the Federal Government collects, the Federal Government really doesn't get very much data related educational outcomes. I think there are five pieces of data that could reasonably, not necessarily entirely accurately, but reasonably referred to as outcome data.

The first are graduation rates. We know that graduation rates are highly inaccurate. The second are retention rates. Retention rates are also highly inaccurate, particularly for any student who transfers from one institution to another.

Third thing the Federal Government collects is placement data. This is inaccurate and it's often collected on a scatter-shot basis. Fourth thing, student loan defaults. Most people wouldn't really regard this as outcome data, but if we define this broadly the Federal Government has treated it as outcome data.

Ironically perhaps, student loans defaults data tends to be very accurate because we know when somebody goes into default. But we've also learned recently that schools have determined how to manipulate student loan default data so that they can change the results for their school.

And finally, the last piece of outcome data that I think the Federal Government gets are the number of degrees awarded. This is a relatively basic statistics. It has the advantage of being highly accurate, but it doesn't tell you much about the individual institutions and how they're doing with individual students.

Not only do we have relatively little data about outcomes, the rapid changes in post secondary education delivery systems and learning modalities has greatly outpaced our ability to think about how to keep track of student enrollment, attendance and completion patterns.

Fourth point I'd make is that imposing new regulations or data collections on institutions or accreditors carries a

cost. Partly it's a financial cost associated with the time and effort needed to collect and analyze the information.

And partly it's opportunity costs associated with other activities that might not be doable as a result. I think a good example of this are the Department of Education's new requirement that accreditors review institutional credit hour policies using a specific federal definition of credit hour.

According to the Department of Education accreditors can use sampling to assess an institutions compliance with the federal definition.

One mid-size private university that I'm familiar with has 5,550 courses. If the regional accreditor analyzes just ten percent of those courses at the school, that'll mean 550 courses, and if they spend 15 minutes determining that each course is consistent with the credit hour policy it will work out to 137 hours for a single federal requirement.

This will require accreditors to add staff, which will mean higher costs to the schools, or it will require accreditors spend less time on other issues. There is no way around this.

Ironically in 1998 the Congress decided, in statue, that accreditors should not evaluate credit hour decisions and removed that provision from the law. In 2010 the Department of Education decided to put that provision back into regulation.

I might mention something where NACIQI could be very helpful to accreditors is that we have asked the Department of Education for guidance on what level of sampling will be required to meet the regulation of the statute.

One senior Department of Education official, when presented with the above case, 5,500 courses, said it would only be necessary to sample ten to 15 courses. And we'd appreciate knowing from NACIQI if NACIQI believes that sampling ten to 15 courses on a base of 5,500 would be satisfactory.

We have to start imposing or applying that regulation on July 1st and having guidance on what's acceptable from the Department's point of view would be most useful.

Finally, it's hard to imagine any single outcome measure, or measures, that will work equally well for all institutions of higher education. It's hard to imagine an indicator that will work equally well for St. Johns College in Annapolis, with its Great Books programs, for the Julliard School in New York with its many programs in fine arts performance.

For Colorado Christian College which includes inculcation in the values of Christianity as part of its mission. And Northern Virginia Community College, which provides open access to a large number of students, many of whom may not be prepared academically or emotionally for colleges.

Accreditation has served American colleges and universities in our society quite well for a very long period of time. And it's benefitted us to have a diverse array of institutions that are evaluated on their own terms and conditions, based on the mission of the institution.

And I think any federal template on these schools will inevitably and fairly quickly homogenize higher education. I'll stop there, thank you very much.

CHAIRMAN STAPLES: Thank you.

MS. KELLER: Thank you. Good afternoon. My colleague, Terry, has set the stage with a broad overview of some of the issues within the topic of regulatory burden and data needs.

And what I want to do is focus my comments more directly on student learning outcomes measurement. And pick up some of the themes that Terry and Bryan have already referenced.

Because I think that all of us can agree that the appropriate assessment of student learning is a topic of utmost importance for all of us.

As some of you may remember from my remarks in February I manage the Voluntary System of Accountability on behalf of the Association of Public and Land Grant Universities and the American Association of State Colleges and University. As well as our 320 participating public institutions.

Just as a brief recap, and to give you some context for my remarks, the VSA was created in 2007 through the joint work of leaders from APLU, AASCU and our member of colleges and universities.

The VSA effort has three primary objectives. To provide a college search tool for students, families and high school counselors through the College Portrait website. To provide a mechanism for public institutions to demonstrate accountability and transparency, particularly in the areas of access, cost, student progress and student outcomes.

And third, the VSA works to support institutions in the measurement of student learning outcomes through research and by providing a forum for collaboration and exchange.

So a very central component of the VSA is the four year pilot project to measure and report student learning outcomes in a common and comparable way. And it's from that experience that I want to briefly share some key lessons that we have learned. Some ongoing challenges and some observations about the future of learning outcomes assessment.

First, it's important to recognize that there are three essential elements, indiscrete elements, of student learning outcomes assessment. And that's measurement, reporting and use.

Second, it is important to understand the different purposes for collecting learning outcomes data. And generally these reasons fall into two broad categories. Formative assessment, and this is usually tied to institutional or program improvement, and summative assessment which is typically used for accountability.

Although there is significant overlap between these two reasons for gathering learning outcomes data the purposes are very distinct. And each purpose can, and should, inform the choice of measurement, reporting and use of assessment data.

So to illustrate these first two points a primary purpose of reporting student learning outcomes on the VSA College Portrait is accountability and the ability to compare across institutions. So a more summative type of assessment.

So in terms of measurement, VSA participating institutions use one of three standard instruments and a common methodology. The results are publicly reported on the College Portrait. And the results can be used by several different audiences.

Students and families, for selecting a college. State legislators for accountability reporting. And institutions for bench marking as compared with peers.

Now if the VSA Institution would like to use the results from one of these standard instruments for more formative

purposes, for instance, to improve learning in a particular program, the institution will typically combine the test results with other types of assessment measures.

Such as student survey data, electronic portfolio data, program review results, et cetera. This allows the institution to better understand and to segregate the test results.

Then this combination of results from the different measures can then be reported and discussed across campuses to determine appropriate interventions or strategies to improve learning outcomes in a particular program.

And this illustration points out a third lesson that we have learned. There are different levels of assessment. Institution, discipline, program, course level, just to name a few.

The VSA focuses on institution level assessment, which is valuable for summative accountability purposes. Individual institutions also collect data to document student learning, for professional accreditation, through program review and general education evaluation.

And for assessment work to have a meaningful effect outcomes data should be collected across all these levels, through a variety of methodology and instruments and be combined to paint a comprehensive picture.

A fourth lesson is that context matters. Size of institution, age of institutions, characteristics of the students, institutional mission and instructional delivery models are examples of key factors for selecting the appropriate combination of assessment approaches.

Now the challenge that arrives from all of these lessons is that the effective assessment of student learning is complex and multifaceted. A top-down approach that imposes a one size fits all instrument or method will be counterproductive for both purposes of student outcomes assessment.

Both the accurate documentation of student learning for accountability and the application of useful information to enhance student learning and improve institutional performance.

Another challenge is that student learning assessment is an evolving and dynamic field. Methodologies and systems are struggling to keep pace with increasing external demands for evidence, new educational delivery models and shifting student and institutional characteristics.

The lessons and challenges learned from our experiences with the VSA lead me to the conclusion that regulation or enforcement of common standards at the federal level is a mistake. I am convinced that the process must be owned by the higher education community in partnership with accreditors.

In this way flexibility is built into the system and the system can evolve as new methods and techniques are tested and refined. It should not literally take an act of Congress to implement new, more innovative techniques.

And we have evidence that such a flexible, voluntary system can work. Four years ago the VSA was created in response to the desire for more understandable and transparent data. The project is now getting ready to enter into its next phase of development in light of the lessons that I just described to you.

This fall we will evaluate the effectiveness and the value of the VSA approach to measuring and reporting student learning outcomes for our various target audiences, including accreditors, institutions, policy makers and students and families.

As we did at its inception we will convene a group of assessment, data and policy experts as well as senior university leaders to review the evaluation results, examine alternative assessment models and make future recommendations for the direction of the project.

In the next year you will see a new and improved version of the VSA in response to the changing needs for different types of accountability data. And I should point out that the VSA is not the only such model.

The American Association of Community Colleges is working with their member institutions to develop the voluntary framework of accountability. The project is currently in the pilot stage and includes appropriate student outcomes measures for the two year college sector.

Institutions with adult and online degree programs have developed the Transparency by Design Program. It includes the public reporting of student learning outcomes at the program level. Again, focusing on outcomes most appropriate for its particular schools.

So I urge the committee to support broader recognition within the accreditation process of the contributions of these accountability systems already in place.

It is right and proper to more broadly recognize the high level of commitment by institutions participating in these systems to greater transparency and reporting outcomes and to improving student learning on campus.

Thank you for the opportunity, I look forward to your questions and further discussion.

CHAIRMAN STAPLES: Thank you. Mr. Cook.

MR. COOK: My comments were provided by Mr. Hartle.

CHAIRMAN STAPLES: Okay. So Susan would you care to, you want to start with questions, or Arthur?

MS. PHILLIPS: Yes, I'd open it to questions both from responding to the questions that we sent you earlier and also from our group.

MR. ROTHKOPF: Yes, thank you all for being here. Let me start with the premise that when taxpayers put \$150 billion out to support students in higher education that there needs to be some sense of accountability. And I would hope that everyone agrees with that, if you don't please say it.

There's also some evidence, including a recent book by Professor Arum, who appeared before us, and his colleague that students are not learning very much. Or not learning as much as we would hope. And I appreciate the efforts that are being made in the voluntary system.

Without saying, and I know we hear about, you know, we can't have a system that's one size fits all, because no one wants one size fits all. But we have sectors in higher education of the 33 or 34,000 institutions out there. Everywhere from the research universities that want to get out from under the regionals and have a separate analysis there, to community colleges to faith based schools, to everyone else.

I guess I'd ask the question, if you're prepared to accept the view that yes, taxpayers need accountability here is, the broad and maybe I'll put it to you, Mr. Hartle, you represent all of higher education.

That there needs to be a concrete, specific effort to develop sector based learning outcomes which will give some assurance to taxpayers that they're getting their money's worth for the \$150 billion.

MR. HARTLE: I certainly support your premise that with that much money being provided accountability is necessary, important and desirable.

I think that the question about developing it for sectors is a little more complicated than we might like. I will think about private four-year colleges, a sector you're familiar with as a way to illustrate the point.

The standards that we might use at a place like Lafayette would be, perhaps, quite different than a place we might use at a Christian college, where inculcation of values of faith is a central part of the institution's mission. That simply wasn't part of what many private liberal arts colleges do.

I could complicate it further by pointing to places like St. Johns, which emphatically does not make any promises about jobs, indeed tells you don't come here if you're looking for a job. An unusual marketing strategy I might say.

And the Olin College of Engineering in Massachusetts, which is very emphatically focused on providing jobs. I think the issue needs to be that there should be an expectation that individual institutions, or institutional systems if you're

talking say like the University of Maryland system, will develop their own accountability standards and make those data widely available to the public.

I brought along with me the accountability report that the University of Wisconsin system has developed for its institutions. Sixteen standards, everything from student enrollment patterns and access to graduates and completion. Also covers such things as jobs, communities, resources, operational efficiencies and collaborations.

So I think we can and should expect individual institutions to do that and I think many of them already are doing it. Challenges, it very hard to generalize from what, say, the University of Wisconsin system might come up with because their accountability report is keyed to the state of Wisconsin.

And say what the University of Maryland system might come up with because they would, of necessity, should be and would be keyed toward Maryland.

MR. ROTHKOPF: And I agree with you that even, you know, within the private non profit sector that there are many different models there.

What has somewhat troubled me, and be interested in your reaction to this, that in efforts to kind of get more disclosure about outcomes and more disclosure about the results of accreditation reports, which may disclose in some cases some

wants at a particular institution that sector and I guess ACE has really objected to making those accreditation reports public.

And is that a position that you think is the right one? Because if someone wants to look at a website of a public institution, like University of Maryland, you can find an awful lot of data there on outcomes. You may or may not find it in the independent sector.

And that, to me, is a troublesome thing and I guess I'd be interested in your reaction to that.

MR. HARTLE: ACE has never been asked, nor have we taken a position on, public release of accountability reports. My personal position is that it's fine. Many accountability reports are already publicly released.

I think for just about any public college or university every accreditation document is covered under the state's Freedom of Information Act and therefore public.

We watch the news media pretty carefully and I never see any hard hitting stories about an accreditation report having been released on an institution. Now that might be because accreditation reports are long, often dull, often hard to interpret.

But I think the record would show that many accreditation reports are already released and that, frankly, for

whatever reason they don't' seem to make that much of a difference.

I am aware that at least one of the of the regional accrediting agencies is considering a policy in which they will make any of their actual reports public.

And I think all of the accreditors are increasingly aware of the desire for transparency and are moving in that direction. But from my own personal perspective I think what you have laid out is fine.

CHAIRMAN STAPLES: Art, you're next.

MR. KEISER: Welcome to this group. I would agree with you also, Terry, that the amount of data that's collected is just extraordinary and it comes from all different directions, it's not just the Federal Government but from state governments and, you know, we have five full-time people doing nothing but gathering and collecting data and sorting it.

I'm interested though in the concept of outcome assessment which, to me, has always been a way of avoiding the issue rather than dealing with the assessment of outcomes we're doing without an assessment which, as you said, is reporting measurement and use or measurement reporting use.

Now where does it say how well do the students do which is effectiveness of students. And do they accomplish the tasks that they've set out for themselves.

And I think higher education as a whole is missing what Congress is sensing and feeling in that it's not about data, it's about performance.

It's not about, you know, institutions that can determine that they can improve, that's great but why are they bad. And what are the, you know, should we be supporting institutions that don't perform?

And how can a, you know, an institution with a 12 percent or a 13 percent or a ten percent graduation rate, or completion rate, you know, what's its purpose?

And yet it has gone through an outcome assessment process. So how do you get an abridges disconnect between outcome assessment and the assessment of outcomes?

MS. KELLER: A couple of thoughts as everyone was talking. I think sometimes that we get confounded in our mind, and you've done a good job of laying out the differences, is that the implementation of standards and bench marks and bright lines and whatever words you want to use, and also the putting in place of assessment processes on an individual basis by institution.

When I was talking through, you know, the different types and purposes of assessment and the measurement and reporting and use I didn't do that just as an academic exercise.

In my thought process and some of the things we've learned from the VSA, I could see that as becoming a framework for what would be required for institutions.

So an institution would need to have to have some sort of summative assessment measure that is reported publicly and they are held accountable for.

But it's also necessary for an institution to have some sort of formative assessment that's appropriate to the institution that is reported in an appropriate way and is used to address issues that are uncovered during the assessment.

So to me that provides a framework for looking at how an assessment process or system, what are the key parts, without necessarily trying to put standards in place that, as Terry pointed out, may be different for different types of institutions.

MR. HARTLE: Art, let me add that I agree with exactly what Christine said, I think that low graduation rates are a very bad thing. I think low graduation rates out to be a great big warning light that we ought to be looking.

I think any of the outcome indicators that we do have suggest we ought to be looking at an institution if they have either high or low rates depending on what would constitute bad.

But I think the problem we have with graduation rates, as we all know, is they're wildly inaccurate. If you transfer

you are a dropout forevermore. You're never counted as a college graduate. Forty percent of college students and 40 percent of graduates transfer, or don't graduate from the institution they start from.

I sometimes tell people it's very hard to think of things that President Obama and Sarah Palin and John Boehner have in common. One thing they do have in common is they're all college dropouts according to the Federal Government. It's nice that the Department of Education has given them some common ground.

We might wish they had more. But until we can get accurate data we have to be very careful about saying that any specific number by itself is meaningless. Particularly for community colleges.

My daughter started at a community college, spent two years there, transferred to a four-year university from which she graduated. She's a dropout from the community college and she never graduated from the university she attended. And that's just a big problem.

The federal definition of graduation rates was sort of modeled on the mid 1980s and at that time it might have been okay, but as post secondary education has changed dramatically, with the new learning modalities, new institutions, it just doesn't work very well anymore.

Nonetheless, I'd say that a low graduation rate ought to be a warning sign to somebody.

MR. KEISER: And that's exactly my point, I think, I'm trying to make. Probably not as clearly as I could, is that we, the institutions, need to quickly come to grips and rather than push the ball or kick the can down the can down the road. And I think this is what we're wrestling with.

Is because accreditation has become less than a stamp of approval. Because when an institution and a public community college in Chicago has less than one out of ten students graduate, whether there is multiple definitions of why they didn't graduate, the public loses very significant confidence in our ability, and I speak as part of the community, our ability to provide accountability for the \$150 billion we're spending.

MR. HARTLE: I think you've made an excellent point. A couple of quick observations. One is the first point I made that we don't necessarily have to assume that getting to the point that you have suggested is simply a matter for accreditors.

There are other gatekeepers. A community college in Chicago would be a public institution in the State of Illinois. The Department of Education has emergency power authority to shut down any institution of higher education overnight.

In the last five years regional accreditors, who would deal with 3,000 institutions, have closed down more schools than the U.S. Department of Education, which deals with 7,000.

So I take your point. Graduation rate is a federal indicator and arguably if anybody ought to be looking at graduation rates and saying does this make sense, it's the Department of Education, not simply expecting accreditors to take on everything.

MR. WU: I have two questions, but there's a little preface. And the preface is, I wonder if everything that we do is in some sense, at least for some segments of higher ed, overshadowed by an entire system that's not a governmental system but there's no oversight on, and that's rankings.

Specifically U.S. News ranking. So I wanted to ask you about your view on that since it all involves data. Let me just set the stage for this.

There's been a lot of publicity recently about law schools, and about law schools gaming the numbers. Specifically, whether or not law schools misrepresent employment data. How many graduates are employed, what they make, that sort of thing.

And the premise of the press coverage is typically that law schools are luring people into law schools and that's why they want to boost all these numbers. They hire their own students, they just outright lie and so on and so forth.

I have a different hypothesis. I don't think that most law schools, even the ones that are willing to cross the line and do things, that most of us would agree are just wrong, I don't think they're doing it to attract students. The reason I say that is almost every law school is highly selective.

They could easily fill every single seat. What they're doing is they're trying to attract more highly credentialed students. So they don't just want to fill the seats, they want to rise in the rankings. Because there is a tremendous amount of pressure.

There are studies that show for legal employers the number one determinate of starting salary for law school graduates is where they went to law school and its rank. Not their rank in the class at that school.

For perspective students the number one factor in determining where they will go is rank, there's studies that show that. Financial aid is number two, but rank is number one.

So rankings are this driving force that is causing a lot of manipulation and distortion with the data that is gathered. So my two questions are.

First, what's your view? How do U.S. New ranking affect the process of data collection, data reporting, data accuracy, all this data? Reams and reams of data that are being generated. Most of which is used not only for purposes of

determining is the school, is it one that should be accredited, but also goes into rankings.

Second question is, how should we, as a body, think, if at all, about rankings? And it may just be it's beyond our purview and we just shrug and say it's out there.

MR. HARTLE: Well rankings have been around, as you know, for 20 or 25 years. They've always been somewhat controversial within the higher education community. They're just a fact of life, they're not going to go anywhere, they sell a lot magazines for people.

Is this a matter that this particular body ought to concern itself with? In my judgement no. I think you guys work longer and harder than just about any federal advisory body I've ever seen.

And I think just doing what you have to do, the in-depth review of the accreditation reviews, takes so much time and energy that you probably should stick to the knitting and focus on what you're assigned to do.

I think you're absolutely right about law schools and rank being the thing that drives them. In fact we brought a young man from our office who's interning with us this summer who's a law student because you were going to be looking at the ABA this morning.

And I think that whatever indicators get set up some institutions will find a way to try and manipulate. I hope it's a small number but I don't know. I can't tell you about the calculation of placement rates because I don't know what the definition is that the law school community uses to define things.

I too read the article in the New York Times and was horrified. There is simply no excuse for providing that sort of data if you're actively misleading your students. There's no justification for it at all.

In terms of the rankings, ironically, I think much of that data is reasonably accurate and comparable. Because about 20 years ago a U.S. News and World Report was sort of first but then lots of other people got into the business and there were so many requests coming into institutions that the institutions actually sat down with the guide book publishers, in fact, I think they did at Lafayette College, and agreed on how they would define many of the terms and statistics that show up in the guide books.

So, in fact, that's not to say that some schools don't manipulate them, but at least they're starting with a common definition. And again, that's something that the higher education community, thanks to Dr. Rothkopf, took the lead on.

MS. KELLER: And just a little more information, Terry's exactly right, it's called the common data set, and in fact I sit on that advisory board and it's very closely watched by the Association for Institutional Research. And it also is the basis for much of the data we report on the College Portrait.

MR. ROTHKOPF: If I could just --Terry's right in that we did hold a conference and get everyone to agree to a common data set. It was the second piece, which actually I urged in a couple of articles which I think were still useful, and that was that I think some of the data submitted that doesn't go to the Federal Government is manipulated I think it ought to be audited by the outside auditor for the institution.

Things like admissions rates, faculty, I mean alumni giving and others I think are often not accurately done. I think it ought to be a lot better on that data on that stuff that doesn't go to the Federal Government if outside auditors actually were required to look at it.

CHAIRMAN STAPLES: Thank you. Any more questions?

MR. WU: Just one quick comment on all this. I think some of it does fall within our purview to the extent that institutions are cheating, I think you're right.

It is not, I think, beyond what we do in overseeing their accrediting authorities to ask is there an audit function. You know, how do we know that any of this data is any good? A

lot of this is just the honor system and the incentives are just so strong.

In some cases not to cheat, you know, you can get really close to the line without cheating, but doing things including collectively, so just a norm arises where all the schools are not quite cheating but they're all doing more or less the same thing that we might be troubled by.

It think some of that would, at least arguably, fall within our purview when we ask accreditors what they're doing in terms of the reliability of the data that they get.

CHAIRMAN STAPLES: Brit, you're next. And then Ann.

MR. KIRWAN: I had three relatively quick questions. First one is that at some point I was told that one way of getting around this graduation rate issue, which you have explained very well, is to use the National Clearinghouse data, which apparently you can track students from day of entry in one school to graduation from another.

So I just wondered if that would be a useful replacement or a more effective way to measure graduation rates?

The second question, Terry, is you mentioned how much data we collect through IPEDS but only, I think, six items related to outcomes and none of them very meaningful in your mind. And I just wondered, did you have any ideas about what

would be some meaningful outcomes data that the Federal Government might collect?

And then, third, I think you make a very persuasive comment, in my mind, about the impossibility, or impracticality, of having sort of uniform outcomes assessment because of the great diversity of our institutions and I think I really get that point. But I'm just wondering if any of you have thoughts on the following question.

Should there be some entity that determines whether, you know, you don't have uniform assessments but, you know, is there a threshold level of institutional performance or learning outcomes that would prevent them from getting federal financial aid?

In other words could the standard be so low, even though there's not a uniform standard, could the standard be so low that you would not be eligible for financial aid? And should someone be in the position to determine that?

MR. COOK: Well I would first respond to the possibility of clearinghouses being one of the vehicles for this information. As you know one of the things with the Clearinghouse is that participation is voluntary so they certainly don't have information on all colleges and universities. But the other issue is that --

MR. KIRWAN: But don't they have it on something like 70 or 80 or 90 percent of the students? A very high percentage I thought, but I could be wrong.

MR. COOK: They do the numbers a bit, or the way in which it's presented is a bit misleading. They have 70 percent of the enrollment of the institutions for whom, for the reintegrated degree-granting institutions.

The larger issue is the fact that until recently they did not capture a degree seeking status. So they essentially would be looking at anyone who entered post secondary education and whether or not that individual got a degree and whether or not they were seeking a degree.

That is one of the benefits of IPEDS that at least it's limited to degree seeking students so that you don't conflate those students who are just enrolled for a class or some other sort of exponential learning with those who are actually seeking a degree.

MR. KIRWAN: Just to clarify that point. Let's say somebody enters as a full-time freshman at the University of Maryland. How does anybody know that student really wants a degree?

How do you know that student is degree seeking? I mean he or she may be just going to have a freshman year experience.

MR. COOK: Well and that gets to a larger issue with the IPEDS data, which on the one hand, and someone had raised the issue of the possibility of gaming or providing incorrect information. At least in terms of IPEDS that information is very much audited.

So the extent to which institutions can provide misleading information is somewhat limited. Now on the other side there's a lot of leeway in how you interpret the way in which the data has to be presented.

And so, to your example, the way one institution would define a degree seeking student could be different than the way another institution defines it.

There are specific guidelines of how you determine that, but they're broad enough that institutions could have their own sort of nuance interpretation and thus making what appears to be comparable data not in fact entirely comparable.

And that gets to the larger issue of trying to standardize any sort of data. Whenever you try to reach that level of comparability you're always going to have enough of a difference that it makes it very hard to interpret the outcomes of a particular institution and compare them to another institution.

So I think that's I think the point that Terry raised earlier is a key one, that because of the diversity of

institutions that we have and the fact that the accreditation process takes place at the institutional level, that's where you're going to get the most accurate assessment of exactly what institutions are doing.

The minute you try to broaden that, and again we're not saying that it necessarily shouldn't be done, but the minute you try to broaden that, even within what appear to be similar types of institutions within a particular sector, you start to raise the possibility of comparability diminishing.

MR. HARTLE: Based on research that's been done that Bryan indicated, federal graduation statistics are for full time, first time, degree seeking students. If somebody enrolls at the University of Maryland full time, first time, we assume they're a degree seeking student, even if they're not.

The advantage of the National Clearinghouse is it allows us to follow students who transfer. The disadvantage of the Clearinghouse is that until a year ago they didn't ask students if they were seeking a degree.

We, with the help of the Clearinghouse, actually analyzed data from some identical institutions to look at their federal graduation rate and their Clearinghouse graduation rate.

Their Clearinghouse graduation rate was a couple of percentage points higher, but not as high as it probably would

have been had we been able to focus on people who really were trying to get a degree.

So we know from data research we've done using the federal graduation rate and the National Longitudinal Studies that if we could follow students once they transfer then most students, once they transfer, that most institutions would have a graduation rate somewhere between seven and 15 percentage points higher.

Sometimes it'd even be higher than 15 percentage points sometimes, of course, it would be lower if they don't have many transfers. So that's sort of the extent to which we think federal graduation rates probably understate the job that institutions are doing with graduates.

Is there a level at which things are so bad that somebody should be ineligible for Federal Student Aid? Yes, especially if we know that we've got accurate data to make a decision.

The Department of Education says if your default rate is above a certain threshold, actually Congress says, it's above a certain threshold you're out of the Federal Student Aid programs.

Department of Education now says if your student loan repayment rate is below a certain percentage, you're out of the Federal Student Loan programs.

I think with respect to graduation rates the problem with it is that we know that they are inaccurate but I think a low graduation rate ought to be a big red flag for either the Department of Education or the states to be asking some very hard questions about. Yes?

MR. KIRWAN: Yes, just one and I'll stop. You mentioned the high default rate would put you out of the -- I'm only actually asking about academic standards. Should there be a judgement made by some entity or some, so that the academic standards are just insufficient to warrant Federal financial aid?

MR. HARTLE: Yes. And now let me complicate it. Accreditors do this now and that's part of what accreditors are there for is to determine to whether or not the institution meets basic threshold academic standards.

The second thing is, and this is why I keep backing away from graduation rates, is because we know graduation rates are so inaccurate.

What I think we have now with the modest amount of outcome data, loosely defined, that the Federal Government collects the best thing we are probably going to be able to do that, given the inaccuracies of it, is use it as a big warning light.

And at which point someone probably ought to be asking some very hard questions about what is happening at that

institution and why. We can argue the states ought to do it for public institutions and indeed I suspect if it was something in the University of Maryland's system you'd be doing it.

We could argue the Department of Education ought to be doing it because they are the ones that collect the graduation rate data, it goes to the Office of Student Financial Assistance, they're the ones that keep it.

And you could argue that accreditors ought to be doing it, if it's a very low graduation rate below a certain threshold. So, yes, I think at some point there are some educational institutions that none of us would want to send our kids to. And we shouldn't let anybody else's kids go there either.

CHAIRMAN STAPLES: Anne, you're next. And then Earl.

MS. NEAL: Lot's of good stuff going on here. I want to just pick up on various threads. Let's talk a little bit more about IPEDS since we've got the Education Department folks here.

Obviously there's a lot of dissatisfaction with the way IPEDS works. It's not always timely, it's hard to access, the definitions aren't great so it's hard to tell who's transferring.

You're saying that the National Clearinghouse has actually got some better ways of assessing transfer. Why can't IPEDS develop or adopt those same kinds of standards?

And correct me if I'm wrong, but don't you have to belong or pay money in order to access the National Clearinghouse?

I mean if we have a Federal IPEDS database why can't it be a good one, timely and accessible so that all this data can actually be used in an effective way?

MR. HARTLE: The National Clearinghouse was originally created about 15 years ago as a way of tracking students, institutions tracking students, for purposes of Student Financial Aid eligibility.

There are annual and cumulative limits in terms of how much Federal Financial Aid you can get and without the National Clearinghouse institutions had no way of keeping track.

So the Clearinghouse was created by state guarantee agencies and institutions as a way of providing information across institutions. So that if Bryan enrolled in my school I could go into the Clearinghouse and see what his student aid eligibility was in terms of money he's borrowed, Pell Grants he's received and so on.

The reason that that can't work at the federal level is because the National Student Clearinghouse is a unit record database. Individuals are put in that database by a unique student identifier, I think Social Security number.

The Federal Government is explicitly prohibited, Department of Education is explicitly prohibited by law from creating a student unit record database because of privacy concerns.

Congress put that provision in place in 2008. This is an issue that's been widely debated within the higher education community, the policy analytic community and it's very much a trade-off between much more accurate data and the fact that if you have a database with 20 million students in it it will very quickly be used for other purposes.

MS. NEAL: Are you saying that the transfer cannot be tracked except through a student unit record?

MR. HARTLE: No, because -- Well you can't track individual students without a unit record system. You might, through the National Longitudinal study, be able to get some basic estimates about the percentage of students who transfer but you wouldn't get any information from a National Longitudinal Study about individual institutions. That's how we know the percentage of students who transfer.

MS. NEAL: But is there something that IPEDS could do tomorrow that would improve the situation? No?

MR. COOK: Certainly not tomorrow. And as someone who participates regularly in the technical review panels for IPEDS this is a conversation that has come up numerous times. Everyone

is well aware of the issues with graduation rates and the population of students that they don't account for.

But the reality is there is no easy solution. And any solution inevitably would certainly require significantly increased burden to institutions.

Because primarily from a transfer perspective, in order to be able to account for those students you have to track them down and find out did they in fact transfer or did they drop out.

At the two year level, because most students to transfer are attempting to transfer credits, you know what students are transferring. But at a four year institution if the student just stops coming, and never requests a transcript or credits to be transferred, you have no idea what happened to them.

So unless the institutions are going to go out and seek what happened to those students the ability to do that is very difficult, as Terry said, without some sort of unit record system.

One of the other issues that inevitably comes up whenever we have these conversations in the technical review panels, which is a little less of an issue than the ability to track students, is who ultimately then gets credit?

So if a student has attended four different institutions and graduates from the fourth, do all four institutions get some sort of credit or just the one that they finally obtained a degree from?

So there are a lot of little complexities that, you know, that occur when you try to do this. But it's not anything that has completely been disregarded.

The conversation continually comes up and people are making efforts to figure out a better way to measure this type of information. But it's not one that's very easy to come up with a solution for.

MS. NEAL: So we're faced then with what Terry has suggested, that if you see low graduation rates knowing that it's a faulty data you still have to say this is something that should make us be worried?

MR. COOK: Yes, I think that certainly a level, I mean given what Terry said, that when you look at the longitudinal data you see it usually about anywhere between a eight to 12 percentage point bump for graduation rates.

So you know, if you see an institution that has a 35 percent graduation rate, even with a bump, it's probably not going to be that great. So now there are certainly contextual reasons why it could be that low. But something that low, I

think, as Terry alluded to, does send up a flag that you should be a bit concerned.

MS. NEAL: Yes, I asked, and this will relate a little bit to our discussion of the U.S. News ratings. Why is it that U.S. News gets up-to-date tuition for it's rating and IPEDS remains a year behind?

MR. COOK: There are a couple of reasons. The first of which, and College Board is another example of an organization that gets up-to-date information, but it's because of the way in which they survey, and essentially they survey the information and are able to sort of turn it around.

As most of you know regarding the process of disseminating information through the Federal Government there are a lot of little loop holes and things that you have to go through before you can release the information.

And one of the things that is a part of NCES they're a very statistically rigorous organization and so they collect the information in a timely manner, but the auditing process before they are able to then release the information does take some time.

And that's why there's the lag. That's one of the questions that I received a lot of time from individuals, why is there such a lag. And it's because of the data cleaning process.

And that's something that most likely will never change, IPEDS will always have about a year and a half lag between when the information is collected and when the information is actually released because of the level of accuracy that is contained in the data itself.

MS. NEAL: But why wouldn't it be a more effective system than to have the institutions supply the information at the same time as its supplying it to the College Board or U.S. News and have it certify and be, at that time, that it is providing correct information, much as we do with SEC.

And then if, in fact, they've lied you could go after them later on, but at least you would have that information in a time needed time frame.

MR. COOK: Well part of the challenge is that College Board, as well as those who participate in the common data set, is not the entire population of colleges and universities that IPEDS is dealing. IPEDS is dealing with all 66 --

MS. NEAL: No, but I'm not talking about just College Board, we could have every institution that currently provides information to IPEDS and they could do it.

And they could self-certify that they've provided accurate information and if they prove too and then you could go after them, as they do in the SEC, if people wrongly certify then

you could go after them and say that you've lied and have misrepresented to the public. Why not --

MR. COOK: Well the other issue is that when the data is collected, for example for College Board, it's often preliminary data. And they say that, it's preliminary data.

And because the Department information ends up on College Navigator I don't know that we would necessarily want, particularly as it relates to tuition, preliminary tuition going up on College Navigator for students that ultimately ends up changing.

Because sometimes tuitions are not set until a point by which it's too late to give up in the timely manner.

MS. NEAL: Well it seems to me where there's a will there's a way. But we can have that debate another time. Let's talk about the rating again a little bit as well. I mean I know lots of people do blame the rating for perverting certain things.

And I'd like your reaction to this. It seems to me in a way the ratings have emerged, in large part in, response to the failure of accreditation and the higher education sector to provide data to the consumer on which it can make decisions.

And while it is largely input based and people may be submitting information that's not accurate, doesn't it underscore a craving on the part of the consumer to have information, much as the VSA is now providing, and that it's then really up to the

institutions to supply information as it would like to see it supplied.

So that if it's not happy with U.S. News and thinks that its wrongly focusing on various criteria, the institution has the ability to counteract that as the value added information it would like to supply, but in fact there hadn't been any.

MS. KELLER: I think there are couple of things kind of hidden within that. I think that the, first of all the data behind U.S. News, as we've talked about at length, is common information that institution gather all the time.

And that information is used in INPEDS, it's used for the ranking, it's also used for guide books and recruitment materials by the institution.

So I think it's a little bit of an exaggeration to say that the institutions don't that data, don't use this data, don't try to communicate that data to the public.

I think that what U.S. News and World Report has is the platform to provide that information to a public in the way that our public institutions, or all of our institutions, really don't have. They have the magazine, they have the resources, they have the website to do that.

And they also do another thing that I think, for better or for worse, that those of us in the higher education

community don't like very much, and that is they boil it down to a single number.

They boil down all of our work, all of the complexity of our institutions to one number, to one ranking, in a list. And I don't know, is that good, is that bad?

Those of us who try to provide alternatives like the VSA say that's not what we want. We want to provide the information to consumers and let them rank.

So they can pick up whatever is important and rank the institutions based on that. U.S. News does it for the consumers.

So it's kind of that tension between, you know, the consumers want something easy and simple and I think what we offer is not often easy and simple as one number.

MS. NEAL: So in just following up on that. What if institutions then, given your desire, and using the VSA as a model, why not have a situation where institutions supply certain baseline data, accurate data, to the consumer to look at?

Graduation rates, however you want to come up with the standard. But graduation rates, retention rates, you could do student achievement. For instance you could pick a particular, just as do in VSA, it's not necessarily one metric but any metric, but the school has a metric and it shows what it's finding in those metrics.

Why not have just a voluntary data system by colleges and universities that is uniform, that's self certified and audited and let the consumer then decide rather than having this vast apparatus and federal intervention that we have now.

MS. KELLER: I guess I would argue that a lot of that information is in College Navigator for consumers. I think that there's data there. The challenge is communicating it in the way that the consumers want. What platform do we use to get that information out there?

The VSA is one way but of course we're a non for profit entity so we don't have the marketing skills and tools to get it out there. The Department of Ed and NCES has done an amazing job with College Navigator in the changes they've made over the past I would say three or four years to try to make it more consumer friendly.

I think this is something we've been struggling with for a very, very long time. We have all this data, but how do we get it in front of the consumers to allow them to make an informed choice.

And even more so if we got it out there, would they use that data to make a choice. Or would the choices be based on other factors. And that's a whole other conversation.

CHAIRMAN STAPLES: We've got a couple more questioners, I'd like to make sure we get that time in. I know I

have Earl and I have Jamie and Kaye. If anybody else, I have a question myself, so why don't we go to Earl.

MR. LEWIS: Just a quick followup to both the comments to date and in this last set of questions. Given the institutional diversity in American high education, 4,200 or so institutions of higher education, and given the things that you've all said, especially the flaws in sort of some aspects of the current data collection system and let alone how you go about interpreting them.

Let me ask you a much harder question then, which is if you were forced to come up with three, five, ten categories where it would be important for us to sort that information available to a broader public, what would those three, five or ten categories look like?

MS. KELLER: We did a little of this when we did the background for the VSA, we tried to come up with a more limited set. And as background to make those decisions we did have student focus groups. We worked with the other higher education associations to do that.

And some of the information that students and parents told us they wanted were finance data. So tuition, fees, financial aid available. That was very important. They also wanted information on kind of the characteristics of the student body.

So if I go to this institution will there be students like me, is a very important piece. They also wanted to know information about location, is it the right distance from home, whether that be down the street or 1,000 miles away.

They were also interested in outcome information, particularly job placement rates. What will I be able to do with this particular degree. So those are some of the things that we saw and that we chose to put some of those within the College Portfolio.

MR. HARTLE: I think any of us who have talked to 17 or 18 year old about why they want to go to what particular college realizes how hard it is to distill this down to a small number of items.

But I think consistent with what Christine said, you'd want some information about the characteristics of institutions you'd want some information about financing, cost, student aid and so on. And you'd want some information about institutionally specific information about outcomes.

CHAIRMAN STAPLES: Jamie. Are you done, Earl? You're done. Okay. Jamie and then Kay.

MS. STUDLEY: I'm reminded of a colleague of mine who every time we need to buy something that costs more than a few dollars says to me, "Remember, we can't have good, fast and

cheap." And I hear a lot of this as being similar to the desire to have good, fast and cheap.

What do I mean by that? When you think about data the Feds are held to an unbelievably high standard of accuracy and precision and pay a huge price if they ever get the numbers wrong.

So in the desire for accuracy and precision, which I'm sure you would applaud, it becomes hard to have speedy and non-burdensome as well. Somewhere there'll be a question in my comments, or Terry, Bryan and Christine will intuit a question they can answer, but I'm trying to see some of these strands and good questions that people have raised.

So one is how to get the data to do all those things at the same time. We heard Bryan talk about the balance question between, and Terry, unit records and privacy. We want both, but somebody, Congress made a decision in this case that one over the other is more important because they made a risk assessment.

So speaking of risk assessments, Brit had a great idea about thresholds and trying to have some either threshold or maybe threshold for a trigger or a flag, if this then somebody else should look more closely. And that takes me to a balance we've got between a peer driven system and third party driven decisions.

A peer system has a strong history, it's got advantages for knowledge. And for the ability to make those distinctions between type and style of education, goals, institutional setting. And yet the closer we get the harder it is to say to your peers, who have often become your friends, I'm sorry this just isn't good enough.

It may be easier for a new entrant than somebody already in the field who seems a part of it and you want to kick them. So we have who makes which decisions questions and who can build on those strengths better.

And I'm fascinated, and we are struggling a lot with regulation and consumer information. How much can be accomplished by regulation hard lines, bright lines, clear standards that can be applied consistently to people. What can be handled by consumer information?

And let me add one more that nobody has used because it is terrifying in a conversation like this. And that's discretion. In order to be consistent and accurate and seem to be fair and not playing favorites, we often deny ourselves, systemically and this is an everybody problem, the kind of discretion that would allow us to say, you're right, these two places have the same number but they mean different things because of who's coming or how long they've been doing it or the rate of change of this problem.

And yet to try and write regulatory standards accreditation standards that incorporate all of what can be in human discretion becomes impossible, or takes so long, or is so burdensome to report about that we can't do it.

But we have other reasons that we're not allowed in a federal process to exercise more than the tiniest bit of discretion because of our views about the role and predictability of the Federal Government, the dangers of discretion.

And that way lies this incredibly tight circle of, we deny ourselves all sorts of choices by under funding, not trusting, not allowing discretion, having multiple players, all of whom have to be satisfied.

With 6,000 institutions that are, every one of them will tell you why it is special and shouldn't be measured the way the others are. And if you try and get out of that box and say well let's just give people information and make it a consumer based choice.

Sandy Baum, just yesterday, was testifying once again about the limits of the market and the difficulty of making these judgements. I can tell if a hamburger tastes good but I'm not very good at knowing whether it's contaminated with E. coli.

I can tell whether the campus feels congenial, but I can't even evaluate the net price let alone what's going on in the English department or the graphic design program. So of that

maybe you could talk to whether there's a little room for discretion.

Whether the peer process has great strengths but certain limits that would help you know where you would put some of the functions that might not fit with peers, and any other piece of that that intrigues.

MR. HARTLE: Let me just say, if you eat a hamburger with E. coli there's an outcome measure that will point that out to you. You actually will know that pretty quickly there.

I think accreditation and peer review is designed to accommodate discretion. That's the very nature of the accreditation is it provides a discretion to the peer review team to look at an institution in its entirety and to make judgments about whether or not they're going a good job or a less than good job.

The challenge is that federal policy, not simply NACIQI or accreditation policy, but federal policy has wrung discretion out of the process and we increasingly go to a very detailed set of standards that you want accreditors to meet and to apply to every institution that they do.

This is natural given the stakes that are involved. But what we're systematically doing is taking discretion out of the process. I'll give you an example in something I spoke about my remarks. I've mentioned that as of July 1st accreditors

have to review and approve institutional policies with respect to award of credit hours.

Department of Education has said creditors can use sampling to determine whether or not the institution is doing this appropriately. My guess is that before very long the NACIQI will tell the accreditors what they mean by sampling in very specific terms, as opposed to allowing the accreditors the discretion to figure it out for themselves.

And so I think that all the elements of wanting more data, more accuracy, more outcome information, are ringing discretion out of the process in ways that's not helpful to institutions or to accrediting agencies.

And it might be that if you had a series of flags or of markers that you would use as a basis for looking more carefully at specific institutions you could permit more discretion for some institutions.

In the same way I think some of the very highly selective academically superb institutions that feel that they're over regulated by accreditors, would be a little better off if accreditors felt they had more discretion to design separate and unique approaches for such institutions.

But again I think if an accrediting agency came before NACIQI and said, okay for the top five percent of our institutions we're going to do a pretty once over lightly, we're

going to have an expedited accreditation process. That would get a great deal of attention as probably being something that was going to be a bad idea.

MS. STUDLEY: Brief comment about the discretion and your reference to academically superb institutions. One thing that's good about consistency and predictable standards, and that distinguishes from U.S. News, is that you're not operating by reputation.

So I would say one difference that I think is appropriately not our business or the Department's business, is that one reason that U.S. News rankings are attractive is that they include reputation information, which have a street value. A common sensical desire for the public to know.

But not our business in appraising whether an institution meets our standards or not. And the comment that you made, in a way, reminds us why we don't want too much discretion. Because I think there are many institutions whose reputation is strong who may not be leaders in student outcome assessments or in some of the kinds of thing, and Christina's nodding, without naming names.

And there is something nice about a system that does not make those judgements, it doesn't do this in a blinded review fashion. They have to go see the actual school, but that too

much discretion would go the other way and risk reifying existing expectations about who's good and who's not.

And we wouldn't find the leaders and the people that should be admired by their peers for what they're doing in a continuous improvement way if we stuck to what we thought we already knew. And that, I think, is a good thing about the accreditation system that we have.

MR. HARTLE: Well just to follow up on your point and a flip side to Brit's point about is there at level at which things are really so bad that we simply say no. Is there a level above which things are so good that we simply say yes?

You know, if a accreditor were to come to you and to say, okay, any of our institutions that have a graduation rate that they can document, a graduation rate above 85 percent, a placement rate above 85 percent, we're just going to check off.

Would NACIQI accept that? I don't know. But if you're willing to say below some level is automatically a problem it seems to me above some other statistical level ought to automatically be okay.

MS. STUDLEY: I don't know what NACIQI will decide. I can tell you some people over a beer were talking about that. And as the person who guided the process that led to the Department's fully passed financial responsibility, clearly fail financial responsibility and a gray area for further analysis.

I think it's well worth thinking about that strategy.

CHAIRMAN STAPLES: Kay, for our last question.

MS. GILCHER: Mine's just a technical question. In terms of the Clearinghouse data, you said there is some sort of protected identity for a student at the unit record level. Have there been significant issues with privacy violations given that particular way of doing things?

MR. COOK: There have not. Because ultimately the institutions control and own the data. So the extent to which the Clearinghouse can disclose any of that information is dependent on whether or not the institution gives them permission.

But there has not been any sort of issues related to the actual use of identifiers at the Clearinghouse.

MS. GILCHER: Okay. And I'm not a data person so how would that be different from, I understand the Department of Education would control the data if we had it at the unit record level.

But if there's that sort of separation of the unit record from the name of the student, I mean, they were talking about doing kind of a bar code and the record would be completely separate from the identity of the student. Is that a similar thing that happens in --

MR. HARTLE: Probably not because there'll always be a key that will enable you to go back and find the individual student. When Congress was thinking about whether or not to permit the creation of a the unit record system the decision was essentially that as soon as it's there people will want to use it for other purposes, even purposes that we can't think about right now because we're not that clever.

The most likely one was that if a unit record system is available lists every college age male in America somebody will very quickly want to use it to determine if they've registered for the Selective Service.

And that's just the sort of thing that I think led Congress to say, wait a minute we're not ready to give the Federal Government this sort of authority to create such a database because we don't know where it will stop.

MR. COOK: And we've seen a bit of that, you know, sort of the concerns raised at the state level where you do see the emergence of state data systems based on some sort of student identifier that have been linked with things that you would never imagine them being linked to.

There was an example given at a presentation a few years ago of a state in the south where they actually, one of the data elements linked to the identifier was teen pregnancies. So whether or not a student had been pregnant.

So that's just an example of the kinds of concerns that were raised in going down this path. And as Terry said, things that would want to be linked to that that we can't even imagine right now.

CHAIRMAN STAPLES: Thank you very much. Really appreciate your appearance before us, presentations and answering our questions. And I'm sure we'll have a continuing dialogue with you.

MS. PHILLIPS: So to whet our appetites that's our first course of a multi-course banquet. Our next set of commenters, we just have about a half an hour with before we move to public comment.

Can I ask Melissa to introduce the next set of guests?

#### Invited Guests' Presentations

Would Molly Ramsey Flounlacker, who is the Associate Vice President for Federal Relations Association of American Universities. David Rhodes, President of the School of Visual Arts. And Robert G. Templin, Jr., President of the Northern Virginia Community College.

Please come forward to the presenters table. Thank you, and welcome.

CHAIRMAN STAPLES: Good afternoon. Feel free to proceed in whatever order you would like.

MS. FLOUNLACKER: Well thank you, Chairman Staples, and it's good to be here. The Association of American Universities very much appreciates the opportunity to provide additional input to NACIQI today.

As stated in AU's written comments submitted in February the system of regional accreditation has played a critical role for more than a century, providing a basic quality assurance to students and their families, the public and the broader public.

It reflects a fundamental responsibility for all institutions to demonstrate the ability to provide a quality education in return for Federal Student Aid.

While this largely non-Governmental process of peer review has historically been controlled and managed by institutions, as the Federal Student Aid budget has grown, so has federal involvement in the process.

With such a diverse higher education system many have concluded that the accreditation process is not effectively meeting its core functions of assuring basic compliance for the purposes of Federal Student Aid eligibility and effectively facilitating quality improvements through accreditations, peer review evaluation process.

For the purposes of today's panel I'll focus my comments on issue one, regulatory burden and data needs,

recognizing that all of the issues on the agenda for this meeting are interrelated and must be addressed if we are to improve our overall system of accreditation.

In particular, it will be critical to clarify the role of the Federal Government and NACIQI in establishing institutional accountability for the use of federal funds, and in contrast the role of accreditors in carrying out the necessary judgements about academic quality, a complimentary but quite distinct role to that of NACIQI.

My comments are designed to provide the committee with a snapshot of the concerns that AAU is hearing from its members as well as begin to outline steps that NACIQI might take to address these concerns.

As higher education institutions are operating in a highly regulated economy, we the higher education community and the Administration have placed a high priority on reducing regulatory burden across the board.

But make no mistake, the burdens associated with the accreditation process are real and not just a by product of this over regulated environment. Our informal survey of institutions shows that accreditation reviews have led to many positive development.

But in the last decade these reviews have become increasingly onerous, time consuming for senior administrators

and faculty and expensive. With, on average, costs for major research universities beginning at \$1 million for the first year of a three to six year process, at a time when institutional resources are either flat or declining.

It's our understanding that several individual institutions have provided you with specific details on direct costs in dollars and faculty time. AAU believes that it's very important to avoid drifting into a system in which the cost of data collection and reporting requirements outstrip their benefits.

As a result of the increased regulatory and data burdens we now see an increasing cost/benefit disparity that calls into question whether the current accreditation system is sustainable, much less effective.

Regional accreditors are clearly caught in the middle. They're forced to constantly revise their procedures to handle the new demands from Department in the form of regulations and guidance, often translating into more bureaucratic layers of reporting and prescriptive demands for specific outcome measures.

As a casualty of these demands many institutions report that faculty participation on a site visit team has become unappealing. This trend is very troubling. To work effectively the system must rely on a site visit team comprising the

necessary balance of qualified faculty and administrators from peer institutions.

But an increasing number of institutions are reporting that this, in fact, is not the case. NACIQI should take a comprehensive look at what is currently being asked of accrediting agencies and institutions of all sectors they accredit with the goal of developing models of evaluation and accreditation review that simultaneously decrease the burden imposed on institutions while meeting accountability goals.

It is there, for example, a more nuanced approach, a tiered approach to re-accreditation review that would meet the external demands of accreditors and reduce demands on institutions. Particularly those that have demonstrated success.

Related to regulatory burden is the assessment of student learning outcomes and the definition of institutional continuous improvement in meeting set student learning outcomes.

It's increasingly clear that there's been a shift from the assessment of inputs to the evaluation of outputs which can be a step in the right direction of strengthening the culture of learning assessment.

But while the Federal Government is prohibited from regulating on student achievement standards, in practice, many institutions are being required to conform to a common set of

standards were encouraged to use general, value added assessment instruments, such as the Collegiate Learning Assessment.

The CLA is a relatively new instrument though and needs more refinement to effectively demonstrate its reliability and validity. Even then these instruments don't necessarily work for all institutions. And in their current formulation will not necessarily advance the goal of improving student outcomes.

In general, establishing a baseline set of data for all institutions is unlikely to be workable or effective and we should be careful not to make qualitative judgements based on quantitative information alone.

NACIQI should explore ways in which the Federal Government can achieve greater accountability, not through prescriptive Government established learning outcome measure, but by basing eligibility and other capacity in financial considerations.

These measures should, if properly designed and implemented, curb fraud and abuse. At the same time regional accreditors should work with institutions to develop meaningful assessment tools that evaluate student achievement according to their own mission and student body.

Perhaps developing standards that are relevant to sectors of institutions rather than applying standards across very different institutions. Many institutions are, in fact,

very open and interested in thinking through a range of new measures to gauge student achievement.

Such as higher graduation rates, alumni surveys of greater satisfaction over time, among others. And please be clear in that AAU is not, at this point, recommending a new set of standards, but asserting that institutions are very open to a discussion about what standards make the most sense to the them within their sector.

As we wrestle with identifying the most appropriate set of data we need to remind ourselves that the U.S. Higher Education System is based on diverse institutions being able to manage their own academic programs, while also maintaining credibility with their funders and the public.

This system should allow for different treatments of institutions with different missions and varying levels of quality. Effectively weeding out those that do not meet basic fiscal and operational thresholds and work with others to improve their academic programs.

In conclusion, it is increasingly clear that applying a one size fits all set of standards, data requirements and review procedures, regardless of type, size and mission of an institution is not an effective model for accreditation.

We must work to reduce regulatory burden and reassess the call for adoption of metrics that purport to quantify student

learning outcomes in ways that are not meaningful or may be inconsistent with the educational mission of a college or university.

Again, AAU greatly appreciates the opportunity to provide input and very much looks forward to ongoing discussions. Thank you.

CHAIRMAN STAPLES: Thank you.

MR. RHODES: Mr. Chairman, members of the committee, good afternoon and thank you for the invitation to appear before you today. Although I'm not exactly sure who I'm supposed to thank for that invitation.

I've been President of the School of Visual Arts for almost 33 years. I was the Middle States Commissioner from 2003 to 2007. I was asked to rejoin the commission in 2010, although I'm a commissioner I do not represent the commission today.

I'm also Vice Chairman the Regents Advisory Council on Institutional Accreditation and have served in that capacity for nine years. However, I do not represent the Regents nor the New York State Department of Education today.

In my career I've been on 12 visits for MSCHE, 11 as team chair. Four visits for NASAD, once as team chair. Two visits for WASC, and served as team chair a recent MICD readiness visit this past November.

I trust the members of the committee are familiar with President Tilghman's letter to Provost Phillips of January 14th, 2011. I think it best to begin my remarks by quoting briefly from President Tilghman's letter.

"As the members of this sub-committee and full committee consider ways that the accreditation process can be used to improve the overall quality of the education available to post secondary students I urge them to do adopt a do no harm approach to a sector of our society that contributes so significantly to American competitiveness."

Without putting to fine a point on the issue, President Tilghman was concerned that an emphasis on collecting data on student learning outcomes had distorted the accreditation process and not for the better.

Implicitly she seems to be asking the committee to reconsider the emphasis it has apparently placed on the development of learning outcomes assessment methodology that is exemplified in Questions 8 and 14 of the questions forwarded to the panel this last week.

And I believe President Tilghman has identified a serious problem. To quote my former colleague on the commission, Daniel Chen who is the chair of the Department of Sociology at the Hamilton College, the problems with learning outcomes

assessment is, "There is no zero order correlation of assessment programs with the market success of the college."

So it is not clear why we should be doing the kind of assessment we should be engaged in rather than the sorts of assessment President Tilghman suggests would be more valuable for Princeton and I would argue would be more valuable for all institutions.

In my 33 years as president of VSA I've received visitors from MSCHE on four occasions, visitors from NASAD on five occasions, the AATA twice FITA, which is now CIDA, three times. As I think it is evident the majority of visits to SVA are not from my institutional credit, MSCHE, but from my programmatic accreditors, and the costs follow the number of visits.

I think, therefore, from my experience the bulk of SVA's accreditation costs are self inflicted. So with respect to cost and efficiencies SVA has chosen its additional burdens, and appropriately so, as have most institutions with programs that lead to licensure or certification.

So it does not appear to me this excessive cost should be overly concerning to NACIQI. I would hope that we're all mindful that the integrity of financial aid programs is the responsibility of the Triad, voluntary accreditation that ensures

program quality, state authorization that is far more varied in its rigor than any of the institutional accreditors.

And the department that has the ultimate responsibility for ensuring the truly bad actors, those who are paying commission to recruiters and financial aid officers, those who are falsifying data and altering student records, those are deceiving students with false promises, are ousted from program participation.

What is of concern to me is that lately the Triad seems to have ignored and many of the responsibilities that belong other members of the Triad are devolving onto institutional accreditors. As the premise of Question 12 seems to imply.

But this premise is not correct. An accreditor is recognized by the Secretary because it is a reliable authority regarding the quality of education and training provided the institutional program it accredits.

Finally, you've asked about data, I have two remarks. The first is obvious, too much data is collected. There is a simple standard that should be used to decide what data should be collected. First question to be answered is why is the data being asked for at all?

And second and more importantly, what will be done with the data when it's received? How will it be used in

actionable ways? If there is not plan to use the data in important and truly informative ways, the presumption should be that the data request is unnecessary and therefore burdensome.

With that said, there is a rather glaring omission in the data we as institutions are asked to provide. We are asked to provide retention and graduation data for full time, first time freshmen, exclusively.

It is as if part-time students and transfer students do not matter even though they are ever increasing share of students most colleges and universities enroll.

If there's one data set that all institutions should be asked to collect, and publish, it is the retention and graduation rates of all the students, first time and transfer, full time and part time, who matriculate at our institutions. Thank you. I'll try to answer your questions as best as I can.

MR. TEMPLIN: Good afternoon. My name is Bob Templin, I'm the President of Northern Virginia Community College. Welcome to my service area.

NOVA, as we're known, have six campuses and this academic year we'll enroll about 78,000 students. My students come from 190 different nationalities and territories. We're a minority majority school.

I want to thank you first of all for focusing attention on this issue of the burdens and costs of

accreditation. All too often oversight bodies are insufficiently sensitive to the cost and data requirement imposed through various reporting requirements.

In some cases information provided by us is not used sufficiently to really justify the expense. Today I have seven quick points that I'd like to make to you from an institutional perspective. I don't represent an association, but just as an individual institution.

First, I believe that the cost of accreditation, while significant, are worth the expense. In our own case, in Northern Virginia Community College, is at the midpoint of its reaffirmation process right now. We've submitted our materials, we're waiting for the team to arrive.

And though this is an expensive process I'm one of those presidents that feels that the accreditation process is a value to our institution. And I feel that it's worth the money that we spend.

Given that an institution only goes through reaffirmation of accreditation every seven to ten years, depending on which region you're in, the resources required on an annual basis to come into compliance and actually do the self study and compliance certification, while significant, if it's done appropriately over a seven to ten year period is quite manageable and quite reasonable.

In our regional accreditation process, which is the Southern Association of Colleges and Schools, we've streamlined the process significantly and we've moved from kind of an input focused standards where we had 450 requirements and we've moved now to a set of principles that guide institutions that have 75 standards.

And it's much improved for the institutions. The burdensome nature of it has been significantly adjusted. But even within that process, increasingly because of the requirements desired by the Department of Education for the Southern Association, has created some onerous reporting requirements that I'll talk about in a moment.

My second point as an institution is that I applaud and would encourage both the Department of Education and our accreditors to continue the discussion and the focus on outcomes. I know it's very controversial, I know it's very complicated.

But at the end of the day that is what our institutions need to articulate what we're about and whether or not we're achieving it. And the fact that it's difficult and sometimes expensive really shouldn't dissuade us from that purpose.

And my third point is that in many places community college officials feel that accreditors are imposing a heavy hand when it comes to this issue of student learning outcomes. But I

believe that we have to be accountable for assessment and that the accountability needs to come through accreditation.

We, as you've heard today, I joining others, resist the efforts to overly standardize these matters. When it becomes reductionist and bureaucratic we lose sight of what our original intention is. I think there has to be a great deal of flexibility in this area.

Fourth, with regard to the issue of tracking employment for career and technical programs, and this is controversial with community colleges too, I think we have no choice but to make that assessment of that outcome.

To track those outcomes and to reveal those to the public to the best of our ability. It is expensive and time consuming but I do believe that we have to do it.

I don't believe that we know how to do that completely yet. But I think we are on a journey. Your work and your discussion helps push us in that direction and I urge you to continue.

My fifth point is that, as has been already mentioned, wherever possible we should have our data sets be compatible for both Department's review and for our regional accreditation review, wherever that is possible.

And we have to have a discussion on clarifying data sets where we're not talking about outcomes of the minority of

our students, but open the discussion to the majority. We used to call them non-traditional students. They're not non-traditional, they're the majority of the students.

When are we going to focus the higher education model on the majority of our students rather than a subset of 18 to 21 year olds who are engaged in first time, full time higher education activity.

Even the notion of transfer that we've discussed today is a complicated one, even more so than has been already mentioned. Northern Virginia Community College provides transfer students to universities in Virginia than any other institution, but we receive more transfer students than any other institution in the commonwealth of Virginia also. And it's very difficult to understand which way the transfer is happening sometimes.

Sixth, the accreditation processes should be sufficiently flexible to require different levels of data gathering and reporting. And it seems that I'm hearing that theme here today, and from an institutional perspective it makes great sense.

Outstanding institutions that have been able to demonstrate positive outcomes should not have the data reporting burden that an institution that time after time after time is indicating that it has these flags that you're talking about.

Those flags should be an indicator that more needs to be reported, more work needs to be done by those institutions. And I say that coming from a community college that does not have a high graduation rate.

Those institutions that are among community colleges that are at the bottom of that group we need to look at them more closely than those who are demonstrating greater success.

There is, finally, the common perception by institutions that the accreditation process is being micro managed by the Department of Education. We believe that the guiding set of standards that should be used by the Department are those that our outlined in Section 496 of the Higher Education Act.

These criteria are the product of discussions, debate and refinement and remain of intense interest to the academic community. The regulatory apparatus built around these standards should be limited.

And agencies seeking recognition should have the responsibility, and the flexibility, to prove to the Secretary that they meet these criteria rather than the Secretary having an elaborate set of very specific criteria.

I'll give you an example of how this has created an onerous burden upon institutions and just give one specific example and it deals with the issue of substantive change. As a

community college one of our attributes is that we have to be responsive and very flexible.

And yes because of the new reporting requirements if we're going to go to an off campus location to work with an employee to deliver a program, I have to six months notice and I have to file a very thick report with regard to what our intentionality is.

That program might be over before -- in order to respond to the needs of the employer the program could be over before I've even heard back from the Southern Association of Colleges and Schools. In the last year and a half we've done 23 of these reports and my job is to be responsive to the changing needs of the community.

Twenty-three reports and I can tell you it is a paper chase, it has made no outcome difference with regard to the quality that we do or with regard to the standards and accountability of the institution. But it has created a very thick file. Thank you very much.

CHAIRMAN STAPLES: Thank you very much. We don't have much time allotted for questions but I certainly will allow a few and I just ask that if members have questions make them pointed and relatively brief. Anybody have a question? Arthur?

MR. ROTHKOPF: Let me pose a thesis to you as to why all this is come about and I'd be interested in your reaction to

it. I think there's probably general agreement that the accreditors do a fine job on their traditional role of continuous improvement.

Self studies that go on I think you'll find, at least historically, and let's leave aside recent times as the burdens have gotten greater, they've done a very good job of helping institutions look at some of their problems, get help as to what challenges exist and, in some cases, where there are real problems start dealing with those.

But I would pose the thesis that the difficulties that we're now seeing is coming about because of the gatekeeper role. Which really came later than the origination of most of the organizations which go back into the 19th Century. Now they're gatekeepers.

And the gatekeepers, again, for \$150 billion of taxpayer money in what really amounts to entitlements. They're officially entitlements but they're as much of an entitlement as Medicare and Social Security in many ways.

And that's where the burden is coming from, I mean at least that's the thesis I put to you. That because of all the money the Congress puts burdens on the Department of Education and then those burdens get pushed onto the accrediting agencies who'd just as soon probably not have them, and then they get pushed down to you.

One, do you believe based on your own experience that that's the case? And if so should this organization consider, or should we consider, separating the gatekeeping role from the accreditation role?

MS. FLOUNLACKER: Well I think there's actually a lot of merit to the thesis that you outlined and certainly the blurring of the gatekeeping responsibilities has been an issue that we've all been discussing.

I think it really goes back to the fundamental purpose of the Federal Government and NACIQI with respect to student aid accountability and looking at the fiscal eligibility decisions. And so just speaking with respect to what I've been hearing from my membership is, is there a way to strengthen the fiscal criteria that the Federal Government relies upon in making their eligibility decision.

With respect to looking at capacity, financial considerations, whether that's resource, adequacy, obviously student loans is already very much in the mix.

But can these criteria be strengthened. Then, more importantly perhaps, can there be a better or stronger mechanism for the Department to enforce these mechanisms.

You know, these are obviously just posing questions and the more difficult part is really coming up with what the new metrics might look like.

But I think it's really important to separate, again, the role of NACIQI with that of the regional creditors who are supposed to be, and a large extent do a very good job of working with peer reviewers in the academic quality and continuous improvement aspect of the accreditation process.

Having said that, a footnote about the continuous improvement piece here is that I think there has been concern with some institutions and that increasingly, because of the pressures from the Department with respect to very specific outcome measures, there's been more pressure for institutions to define continuous improvement according to very narrow, quantifiable standards versus what has been historically a more nuanced institutional mission specific goal.

MR. ROTHKOPF: Any other thoughts?

MR. TEMPLIN: Well I would actually go back to Brit's point about there's a point in the academic community where peer institutions, in effect, have the obligation to indicate that a member of that community is no longer meeting their expectations.

And that should be a definite trigger to any funding source that brings into question the academic integrity and quality of the program.

I think that's an appropriate thing for accreditation to do and I think it's an appropriate thing for the Federal Government to take note of.

So in that respect I do think that it plays a role, and should, in the gatekeeper function. I think it's an appropriate function and an appropriate expectation of the Federal Government to have regional accreditation.

The question is how much farther beyond is the responsibility of the regional accreditor versus the responsibility of the Federal Government itself and state government, as the regulator? And I think you've asked a key questions, I think accreditors should be a part of the process.

The question is should they have that much responsibility for what you're talking about. Because in jeopardy is the process of peer review and continuous improvement if we move too far to the other direction.

If it becomes a regulatory arm of the Federal Government, and that's it's primary function to the institution, then it's going to lose it's effectiveness as an institution helps with continuous improvement.

And perhaps even the function of identifying a member of the academic community who doesn't meet the expectations of the academic community.

CHAIRMAN STAPLES: Any further comments or questions?  
Jamie.

MS. STUDLEY: I thank Dr. Templin for a wonderful example. It's really valuable to have a very crisp example like

the substantive change example you gave us. I've got a quick question for President Rhodes.

Why do you schools seek programatic accreditation, which you described as voluntary and a nice way of putting it.

MR. RHODES: Well it's quasi-voluntary, in the case of one of the accreditors, I'm an independent college of art, all of the other independent colleges of art have NASAD accreditation and it gives me entree to a group of like peers in an organization called AICAD, Association of Independent Colleges of Art and Design.

We do a kind of wonderful data exchange amongst ourselves. And so in order to be part of that group I have to go through that process. I think it's worthwhile.

With respect to the AATA, the American Art Therapy Association, there's a benefit to my students to have that, which is they are allowed to sit for licensure with half the amount of practice time that's available.

CIDA, which is interior design, open again as a value to some students, it opens scholarship opportunities where there are foundations that will only give monies to CIDA accreditation.

And RATE isn't voluntary, it was mandated by the State of New York that they either do RATE -- any teacher ed program in the State of New York either have RATE accreditation NEASC or

TEAC, who are now merging anyway so we're going that route. But it's a requirement under state regulation.

MS. STUDLEY: Both you and AAU seem to describe student learning outcomes in much more narrow and quantifiable terms than I expect to hear them talked about.

And I think that there's been less imagination about what this might be. That the, in some initial resistance in some sectors of higher education to any discussion of outcomes beyond the individual faculty members or possibly departments evaluation of learning.

The field was filled by quantifiable ones, it may be a good conversation to be had at a time when we're not under time pressure about how we should be thinking about student learning outcomes and accreditors.

But when you talk about student learning outcomes could you give me the brief answer about what you think populates that universe. Because you're very clear about the view that you aren't thrilled with them, you think they are causing bad things to happen.

I think this could be one of those places where different people imagine different things when they hear student learning outcomes and that that's part of the translation that we want to be doing in our policy conversation.

MS. FLOUNLACKER: I'll start. I think it's really important to be clear that we absolutely are in favor of student outcomes. And continuing to work with regional accreditors and peer reviewers and outlining a set of standards that make sense for an individual institution according to their mission, so that's very important to state from the start.

And I think what's happening is that institutions are reacting to pressures and news standards and regulations that are being put in place by the accreditors that are defining student outcomes in different ways and so it's not the institutions that are now defining outcomes in quantifiable ways.

It's pressures from outside entities doing so and not necessarily in consultation with the institution itself versus a more decentralized approach perhaps many institutions have whetted to that really allows for a deeper assessment perhaps of some of the very complex set of skills with respect to critical thinking, analytical reasoning, et cetera, et cetera.

So I don't know if that's helpful. But I think it's very important to say we're absolutely in favor of student outcomes. It's a question of who defines them and how are they measured with respect to their reliability and validity.

And many would say that they're not being defined and measured in a way that is for the better good of all of us. Want to add anything?

MR. RHODES: What I would be concerned about is something that a former colleague of mine did when he left another institution. Which was he tried to satisfy his accreditor, he tried to make a numerical scale for creativity and a whole set of other things.

The concern is, you put it very well, discretion. My students work is reviewed generally every semester by not just the faculty member who's rendering the grade by the faculty at large, the typical portfolio review.

The student work is sitting up on the website for any perspective student to look at and if it isn't good enough I'm going to see a shortfall in the next incoming class so that it's out there for all to see. But what I'm concerned is that I'm going to have to reduce my judgements, or better, my faculties judgements or even outside evaluators judgements, most of the programs I have have a thesis review and they're usually outside evaluators.

Have those reduced to some kind of number and that concerns me because I don't think that, at least the stuff I do, is reducible to that and the best example I can give you of it is, I have a department chair who has decided that he's going to grade portfolios on a scale of one to ten, except he uses ten plus, plus, plus, plus, plus and so forth.

So he's undermined his own system, which is okay, it's his system and it allows him to give awards as appropriate based upon the quality of the student work. But the judgement is essentially one of discretion rather than one that's arrived at by formula.

And it also allows us, in some measure, to measure gains over a substantial period of time because we keep work from year to year to year, and we also require students to keep work from year to year so that they can see, the most important thing actually, is they can see that they've actually gotten better at what it is they came to do over time.

The best thing that ever happened to me as an undergraduate was a week before graduation a faculty member in my freshman writing seminar gave me my last freshman paper, that was really embarrassing, but a great lesson.

CHAIRMAN STAPLES: Thank you. I think we're out of time. In fact we're actually after time, I hope you all understand, members of the committee, we're trying to stay on track for our committee discussions.

I want to thank you very much for your time and your presentations, I sincerely appreciate it. We'll take a short break and then we'll begin our committee discussions.

Committee Discussion

CHAIRMAN STAPLES: Okay, now we proceed to the committee discussion on our agenda. And I think what I'd like to do is I'll be happy just to manage in terms of coordinating the hand raising and discussion part of it.

But Sue Phillips is really running what we're doing and helping us get to hopefully a consensus on where we want to go next. And so I'll let her sort of summarize where you'd like to go and how you'd like the discussion to proceed.

MS. PHILLIPS: Thank you, Cam. I'll begin by saying that I'm not automatically assuming that consensus will be achieved.

I realize there are at least 15 different people and 35 different opinions around the table so far, so we'll just see where we go with that.

The way that we've structured this to make it somewhat manageable is to take each of the three issues for the moment separately, realizing that ultimately they're not separate.

We've reserved a bit of time at the end of each set of discussions to be able to bring our thoughts together as a committee and to be able to discuss sort of where we see things now and where we see that we might want to go.

So for the next however many minutes, I wanted to focus on where we think we are relative to the question of

regulatory burden and data needs, this set of issues that we've been focusing on just for the last hour or so.

In talking this over with some folks, it seems like a very smart idea to begin our conversation by getting a fix on what we think is working well that we want to keep, what we think is getting better that we'd want to keep growing before we start talking about what we want to change.

So what I'd like to do is open for discussion first the question of what, with regard to the question of regulatory burden and data needs, what do you think is working well that we'd want to keep? What do you think is getting better that we want to grow?

And keep your notes about what you want to change because that's going to be the next thing up.

I wanted to give everybody an opportunity to speak, get a feel for where we are as a group before we then move on to what we would do differently. And I hear Brit.

MR. KIRWAN: Before we start the discussion on the first topic perhaps you or Cam could remind me of what the end product is going to be.

What do we hope to have at the end of this process? Is it a set of recommendations that we're going to change potentially the accreditation process?

MS. PHILLIPS: Well, first of all, it is up to us to decide what it is that we want to offer.

Broadly framed, the Secretary offered us the opportunity to offer him advice about what should be changed in the Higher Ed Act, so that's pretty broad.

There was some discussion early on about whether it absolutely had to be constrained to accreditation, and we didn't hear any actual constraint on that, but I think many of us took that as a constraint, sort of the corral in which we should be working.

Part of what we conclude as a written document in December, which is our target date -- but let me just put a pause in that.

I don't believe that December will be the end of our conversations about what could be better, and there may well be time after that for us to carry on additional conversations.

But to get to the product time that they've asked us for we need to have a written document by December.

That document might include, Dear Secretary, things are going great. It might include Dear Secretary, please blow it up and start over in these ways.

It might include something in between or it might include places where we think that there are places where he or

we should study more to be able to be more coherent and thoughtful about what we think should happen.

So part of what that looks like when we get to that point will be shaped by this discussion now, by the discussion that we have tomorrow. We'll have two more of these as well as a summative one for all three issues.

And then as we try to sleep on it, pull it together, see what it looks like, we may have further thoughts about that.

MR. KIRWAN: Thank you.

MS. PHILLIPS: Yes, absolutely.

CHAIRMAN STAPLES: I want to add just briefly to that because I don't know, Brit, if you heard our discussion about this before. We have a September meeting of the subcommittee, and the subcommittee is hoping to draft up what they think this committee wants to focus on regarding policy recommendations.

And I think that to this point there hasn't been a broad engagement of every member of this committee in this subject, at least not enough I don't think to inform the subcommittee about where the direction is that we want to go.

So I'm hopeful that today everyone will take the opportunity to say as explicit or as specifically as you'd like, or as generally as you'd like what you think we ought to be doing in terms of recommendations, what you think the most significant issues are, where you think our recommendations ought to focus.

Because I think out of that, subcommittee will try to find that package of recommendations to bring back to us.

MS. PHILLIPS: So with that in mind, other questions about this? So the task at hand is, what is working well with respect to regulatory burden and data needs?

What do we want to keep? What's getting better? What would we want to keep growing?

MR. WU: I was going to suggest it may be difficult to address this in the abstract. That is, I think it's not an all or nothing proposition.

It's highly likely that any of us and a consensus of us would look and would find some parts of the data gathering objectionable and others not. We may all be calibrated differently.

But I'm going to guess that probably for most of us it's not just a blanket all or nothing. So that's my suggestion about how we think this through.

That is, in the abstract is less productive probably than if we try to break it down into smaller, more concrete pieces.

But from the two panels that we heard, I just wanted to sum up what I thought were four different concerns that were raised. They were different sets of concerns.

The first is, what are the standards? Are they measuring things that are measurable? Are they measuring what they claim to measure? Are they measuring accurately?

So the first is just is this particular thing, student learning outcomes let's say, is it quantifiable? Has it been quantified properly here, it's been quantified in a way that would meet social science centers?

So that's the first big piece, just what substantively are the standards. But the second is separate from the substance --

MR. VANDERHOEF: Excuse me, how does that fit in to what we're doing well?

MR. WU: Well, I thought the presentations we heard were, in particular the data gathering and whether the data gathering is what we're doing well.

MR. VANDERHOEF: All right.

MR. WU: So if the standards aren't measuring something that's useful to measure then we're not doing it well, right? Or if they're measuring, if they purport to measure something but those particular standards don't actually measure it properly then we're not doing it well, right? But the second, I'm just trying to sum up what I heard from the two panels just to try to group it to help me think this through. It may or may not be useful to the body.

Second though, is much of this was about the cost benefit analysis so it may be some things do measure. They measure what they purport to measure. They measure them well. They're useful, but they're just too onerous a burden for us to want to do it.

You know, there are a lot of pieces of data we'd like to have if we could have, but we assess and decide it's just not worth getting that piece of data.

It just takes too much person power, too much financial outlay. So that was the second thing, what's the cost benefit.

The third though that several of the people raised is, who develops the standard?

So they found particularly objectionable not necessarily the substantive standards nor their utility, but whether it had this quality of being imposed by the federal government, imposed by NACIQI or imposed by the accreditors versus somehow organically coming from peers.

But the fourth theme that ran through this was also diversity and flexibility, the notion that it doesn't work well to have one size fits all standards. That is, there are different types of institutions. And beyond different types of institutions there was a strand of all, not all, but of several of the presentations that had to do with some institutions at,

for lack of a better way to put it, at the high end let's say that are so consistently good that to impose upon them the same standards being imposed upon others is especially a societal waste.

So that's how I group the four different areas of comments as I heard them.

MR. PEPICELLO: Yes, if I can follow on that because I think this does fit, Susan, is what we're doing well is gathering data, all kinds of it, everywhere, for purposes that, any purpose you want.

And I think what Frank is honing in on is the other piece of that. I mean it goes hand in hand.

We're doing this well but the way to make it better is to look at the four things that maybe that Frank has put out there.

To say what we need to do is organize that better, put it into a structure that is flexible going forward. Because I didn't hear anybody, no one said we don't collect data well. They all said we collect too much of it and don't know what to do with it perhaps.

MS. STUDLEY: Anne said we collected a little slowly and we're not as sure about its reliability as we'd like.

MR. ROTHKOPF: But the other point though is perhaps -

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CHAIRMAN STAPLES: Let me ask a question.

Do you want me to actually try to manage this or do you want to just chime in?

I'm okay with just chiming in, I just wanted to make sure I understand the ground rules, because I've got eight people with hands up and others jumping in.

How about we just have a conversation? I won't try to manage this discussion.

MR. ROTHKOPF: Yes, I was just going to say I thought perhaps the most important piece of data we don't get, I mean Brit raised it in kind of this conversation about graduation rates, and we don't get graduation rates in the way that is useful. We get an awful lot of stuff and rules that are imposed by the department because of what Congress has done and rule making and all.

And the problem is this privacy issue. I happen to believe that it's important to get this information and I personally would recommend that Congress get rid of that privacy rule and say you can have a -- and there's got to be a way under our system.

You know, if American Express can do it then I think the federal government can do it. The IRS can do it. I think we can do it here.

That we ought to have a unit record system on students and follow them along so that we know we don't -- so that ACE can't say oh gee, we can't do it.

Well, we can't do it because we've said we've imposed a requirement that we can't overcome. I think we should have a unit record system.

And I think if that's the case then we could focus on completion rates which is perhaps the most important. I don't know that it's the most important, but I think it's a very important piece of information that we don't get, and we get perhaps a lot of other information which is less useful.

MR. KIRWAN: Could I have a real quick, just to this very point you're addressing because I resonate to it.

You know, there is this federal program called Race to the Top. And I don't know, 48 states, or no, 40 states applied for Race to the Top.

Now one thing you had to commit to if you were going to be an applicant for Race to the Top that you would have a longitudinal data system that could track students from preschool into the work force. You couldn't apply unless you committed to that.

So we've got 40 states out there that have committed to, and this is a federal program, so the federal government has created a program that requires a unit record.

And we're participating in that in Maryland, so I'm a little lost to understand why somehow in one area the federal government is willing to bless a unit record system and now here in another domain we're not going to use a unit record. So I'm just basically supporting what you're saying, Art.

CHAIRMAN STAPLES: It's not mandated though. You don't have to apply for Race to the Top Fund, right?

MR. KIRWAN: Well, that's true. That's true. But 40 states did and the federal government put the program in play.

CHAIRMAN STAPLES: No, I understand that.

MR. KEISER: But part of our problem is looking at things that we really should be looking at, which is I think Arthur brings up correctly, versus those things we are doing, because there was a problem in the past and there was a knee-jerk reaction. We created a regulation or a statute.

And if you look through those decisions we made today on many of the, well, the little items, they were a teach-out issue or they were substantive issue based on a small group of problems that occurred in the past but are now uniformly enforced.

And they've become incredibly burdensome as regulations pile on top of each other and then start competing with each other.

And frankly, I think the funny part is that the Obama administration is out there in the public talking about let's get rid of the bad regulation and they're piling on tremendous amount of regulation in education.

I mean just the credit hour is going to be a nightmare, an absolute nightmare. Misrepresentation, absolute nightmare to enforce.

But that's not my -- you know, and that's the political problem we need to be looking at.

And hopefully if we start talking about what are suggestions, we might want to compile all the regulations, those that really are not that beneficial in a true sense, and somehow, somehow move those to a different place and a different set of oversights.

CHAIRMAN STAPLES: One of the thoughts that I have about the data that I keep coming back to and I was thinking about it today.

I'm still not sure I know exactly what data we want to collect for what purpose. And by that I mean Arthur's comment, \$150 billion, what exactly do we want to know for the allocation of that money? What does the federal government need to know just for that purpose?

Forget about all the other ways we collect data for student outcomes and measuring educational quality. Is

educational quality relevant to that or is that about more some sort of fiscal stability?

And is it a much smaller set of issues that we're really trying to get at to track that money?

Are we really trying to say that we need to create a whole new measure for measuring the quality of educational systems for that purpose? In other words, what data for what purpose?

And for me it seems it's hard to know who should do those things until you've defined what it is you want and for what purpose.

MR. KEISER: The problem becomes the one-size-fits-all mentality. And I think our speakers really made that awfully clear.

Community college enrolls a different kind of student than this, you know, a law school and the state university system of California. Different problem, different set of standards, different set of students. And what happens is, and that's the real problem of all the regulatory pressures, it's hard to write rules for diverse groups. And it's hard to write multiple rules because then they become unfair.

I mean is it fair for an MIT, which is ultimately one of the best schools in the world, to follow the same standards as the small school, a Mom and Pop school in southern Alabama with 40 students?

It's no, but it's not fair not to and that's the problem that we face. And in the country we live in, fairness is important and it creates all kinds of challenges.

MR. LEWIS: One of the realities coming out of all of this, and it may be at a certain level of irony, is that in the presentations today we come to also realize that really we're not talking about a system but we're in some ways talking about an ecosystem, and where there are indeed those kinds of distinctions between the MITs and the small institution in Alabama.

And it may be forcing us to come with the realization that fairness and equity aren't the same thing and common sense is even something a little different.

And that if we have to regress to a mean, that mean may be common sense and that what we're coming back to is trying to figure out then, what really goes to the heart of ensuring the integrity of the higher education ecosystem in the United States with all of this diversity?

MR. KIRWAN: I'd like to associate myself with that comment. I thought it was right on the money, yes.

But just one comment about data. You know, I don't know if it's accurate or not, but as a starting point about collecting data I was very taken in Shirley Tilghman's letter where she said that really the basic purpose of accreditation is two-fold.

One is to ensure the institutions are eligible for financial aid. The second is to encourage institutional self-improvement. Now I don't know if that's the official doctrine or not but that makes a lot of sense to me, that those two components.

So therefore it seems to me that when we talk about data we ought to talk about categories of data aligned with those two functions.

We would collect certain kinds of data if we wanted to measure eligibility for financial aid. And you would collect different kinds of data if you were trying encourage self-improvement.

And if we could maybe sort of categorize the purposes of the data in some understandable way, that might help us then to find what data elements we actually need.

MR. ROTHKOPF: If I may pick up on that a couple points. One, I think President Tilghman -- and she'll be here tomorrow to further elaborate on the points that she made in her letter, and then there's a subsequent letter from her provost.

I think they had a very bad review by the middle states and I think that's what's kind of triggered all this.

But I think there are two points that follow up on you, Brit. Number one, I think the idea of looking at sectors makes sense.

And we have a system that's 100, 150 years old, it's kind of developed over time, particularly the regionals. And they're trying to do one-size-fits-all, in part because that's what's coming from the top. That's what's coming in the gatekeeper role. And so I think the idea of looking at sectors makes a lot of sense. It's not going to be easy.

I agree with Art that it's got the fairness issue, but even if -- and I use another analogy from K-12.

Secretary Duncan on K-12 in looking at No Child Left Behind is trying to create sectors, not in the Race to the Top but in other pieces of it.

There's the five percent who are in trouble, they have the turnaround schools, then there are the ones you're not going to look at and then there are the ones in the middle. So I think that's one.

And the point I raise right at the end, I must say if we step back and look at the gatekeeper function that we've given to these accrediting bodies

I think it has helped to screw up their role of self-improvement. I think somehow these two don't belong. They really don't feel comfortable with it.

They like it because it keeps them occupied and employed, but I think the truth is these are two very, very different activities.

CHAIRMAN STAPLES: Just a point on topics, we have tomorrow just to focus as well as we have The Triad, and Scope, Alignment and Accountability and we have discussion periods after each of those.

So if we can talk mostly today about regulatory burden. I know they all overlap and intersect.

But I just want to mention that so you don't feel you need to discuss all of that right now. Those are on tomorrow's agenda.

MS. PHILLIPS: So just to be the taskmaster for the moment, I want to come back to the question of, what are we doing well? What's happening well?

So we know that we are collecting data well maybe, and are we regulating well? Are there other things that we're doing well or that is getting better that we might want to consider?

I know that you'll get off topic again so not to worry. I'm just nudging you back on track for a minute.

MS. NEAL: I want to get back to the question, the two-part question that everyone's been talking about, ensuring the integrity of the federal dollar and self-improvement.

So are we collecting data that helps us ensure the integrity of the federal dollar and the integrity of the higher education system? I don't know.

I think Jamie mentioned a tripartite system of sort of yes finance, no finance and in between.

It seems to me, is there some basic financial data that we can determine that would ensure the integrity of the federal dollars which is a key responsibility?

Then getting to the self-improvement and following up on Arthur's point, it seems to me the self-improvement was a voluntary accrediting system at the very beginning.

And we took that and we made it gatekeepers so that the data is now that collecting is imposed on the institutions.

I mean if you look at Shirley Tilghman, she's saying there are two costs. There are the costs of just collecting and responding and there are the costs of having accreditors intrude on the institutional autonomy and basically second guessing or supplanting their judgement as to what needs to be done with the institutional judgement. So it seems to me you've got two different datasets, the ensuring the integrity of federal dollars and then you've got the data which will actually advance self-improvement.

And I think if you take away the gatekeeper role so that it is no longer a mandated, powerful if agent of the federal government but is in fact, simply acting as someone facilitating self-improvement then the data that will be helpful will flow in a voluntary system, I would suggest.

MS. GILCHER: I would just like to point out something that I've learned over the last number of years working in the federal government after having worked in higher education for many years.

I've discovered that the diverse system that we have is extraordinarily diverse.

And that the notion of sort of financial viability being the only way that you would determine whether or not an institution would participate in federal student aid does not guarantee that those monies are going to institutions that are doing anything that has any quality involved in it.

Because you could have an institution survive and be financially viable and be doing an extraordinary disservice to the students who come in there.

So the accrediting role has been one of looking at some baseline of academic performance. And I just would hate -- I just want to put that out there.

MS. NEAL: But I'll dispute that, because I think if we look at the academically adrift study, which shows that of accredited institutions 45 percent of the students are not having any cognitive gain in the first two years, obviously whatever has been this academic mission, we're not fulfilling it.

So I think we're asking, what is working, and I'm suggesting that this academic quality guarantee is not working.

MS. STUDLEY: I think there's something that connects what both of you are saying.

I think there's a time difference of whether on the ground it's working or not, but I think you'd be in agreement that you couldn't conduct successful, responsible eligibility or gatekeeping if you only looked at the financial stability of an organization. I could set up something tomorrow that might be fiscally sound, housed in an attractive building and capable of continuing to churn something, but not to produce quality education.

You may think some people have slipped through the existing system, but I hear you saying the same thing that Kay is, that you wouldn't just look at the department's current responsibility to do financial and say there's nothing about content.

It may not be done right now, different people may have different views about that, but doesn't there need to be something in the gatekeeping that says, and there is a program worth the federal government allowing its dollars to be spent on, let alone your time and the individual's time and money?

MS. NEAL: Yes, and I appreciate that because I think you're right.

I think the piece that I would think, having heard about the voluntary system of accountability, is some sort of

consumer information that institutions would make available on key factors.

And then if they wanted the self-improvement system they could employ an accreditor to help them improve themselves.

MS. STUDLEY: I think the possibility of separating or separating more than they are or having a minimum standard that then is given to the department or whoever's doing gatekeeping could then, and it might not be the department, there are other ways you could get to it that are separate from the voluntary peer self-improvement, that could then take the task of, could be told who's close to the line and do the more rigorous or the five percent or the troubled school in a nearing bankruptcy kind of, but not financial, academic bankruptcy, and make that kind of judgment. I'd like to try and answer Susan's question if only so that she can populate her, what's happening well.

This isn't data specific so I'm going to answer it as to the system. I think accreditation currently brings together leaders in each field of education and training to set goals and expectations, consider student interests and deal with new issues. They have had to deal with a lot of new issues.

People have made a good point that we keep, you know, when there are new expectations, whether for evaluating education performance or avoiding serious problems or coping with new methods of delivery like distance education, that although it

seems slow by some clocks, in fact there is a responsiveness and a desire to let students have access and quality.

And good people in a lot of different fields, and we see the representatives, half of them are doing it like we are as volunteers, who are putting their minds to the job of trying to get this right.

And I think that when we think about what are the good things going on, that we shouldn't lose sight of both the talent and the commitment to try and do it well.

MS. PHILLIPS: I'm going to add one of my own to that list of what we're doing well or what is working well, not us necessarily, and that is bringing to educators' attention the product of what they do.

For many years accreditation was simply the inputs. And a consideration of the inputs, it was a good thing if you had X number of volumes in the library and so forth. And the focus, however jarring it has been to the educational community of thinking about what the output is, what the product is and whether you call the product loan default rates or standardized learning outcomes or critical thinking or employed people, pick your outcome measure.

Those are all good things for an institution to be thinking about. What is it that I'm trying to accomplish here? And I think the accreditation system has done that well.

Let me get to the not so well part. I'll add some more points about that, but for bringing to our educational world a thought about "and then what." For our educational efforts that question of "and then what," is definitely on the table in all educational institutions.

MR. VANDERHOEF: This might be too practical out on the ground, but in follow up to what Susan just said, one of the first things that I bet we all noticed when we first got involved with this group is the number of, for example, problems that were raised in the case of each institution.

And the more we got to know the staffer, the more I got to know the staff and the same thing applied in other accreditation groups with which I've been involved.

You realize that they are very, very good people, but they have rules by which they have to operate and they have to bring forward particular kinds of data.

And the fact is that it doesn't really help us a great deal in making our decisions.

Look at how many have we really changed? They've come to fall to us with particular recommendations and we haven't changed them all that much.

So my point is we've got very good mechanisms for gathering data, I just think we're gathering the wrong data.

And I would think that it's not very satisfying, as a matter of fact, to the people that have to gather it in the first place.

And so I think what we do well is get the information to the table. But the follow up is what don't we do well with that data, and is I don't think we're using it well.

I don't think we're applying it to the things that we really believe are important in accreditation.

But I want to put the emphasis on the fact that I think we've got the mechanisms that we need to gather the information.

Again I'm trying to make sure that we get on the table the things that we are doing well.

MR. ROTHKOPF: Is there something -- a point Larry made and sort of thinking this, this is just thinking out loud, but much of higher education is devoted to training people to do a particular job whether it's a career college, whether it's a law school, whether it's a medical school.

And there I think the kinds of data you want are really, how well is the institution preparing someone to perform that particular function, whatever that job is if you will very career oriented, and it could be a cosmetologist or it could be a surgeon.

But, you know, and then there are tests and license insurers and completion rates and other data which sort of show well, gee, they're really doing a pretty good job of training people.

On the other hand, there are some institutions let's say a liberal arts institution whether it's part of a university or a college, where really it's very much harder to determine what the results are.

I mean you could say there ought to be some baseline of knowledge perhaps, but it's a harder thing to do. And what I'm really saying is I think for some institutions it isn't so hard to tell. I think you could define some data with some others.

Obviously, the most extreme case is the St. John's College in Annapolis which just, you know, basically 300 or 400 students studying great books. It's a great thing, but how do you measure that other than they know what they came for and they're going to read these great books? And that may be the right -- that's their mission and that's fine.

But I think there are just different kinds of things you've got here and it may be in different ways in which you can measure what people are doing.

I don't know, rambling a little, but I think I was trying to get at it.

MS. PHILLIPS: So let me unleash the other part. What do we consider are the opportunities for correction, for change, for doing things differently?

MS. STUDLEY: Let me start with one that's easy to say and tortured to try to implement.

If the different players who gather data or the different systems within those players could cooperate to a larger degree and rely on common data reports, it would probably be helpful to the entities who have to provide that data.

I say that knowing that having actually literally worked that through in the department on a number of issues, you find that there are different statutory definitions, regulatory definitions, practical definitions, different purposes for which it's collected, different time frames, different levels of reliability and so forth.

But if we could make headway even not to the ideal, or report to people that there is not much to be gained by that enterprise, there would either be value in doing it or clarity that it had been reviewed and that there were genuine reasons that it could not be more symmetrical.

CHAIRMAN STAPLES: Just a question, Jamie, about the data. Are you talking about from all actors? Like are you talking about for an institution let's just say the data they

provide to every external entity that wants it, state, federal, accreditor?

I mean are we talking about, or are we just talking about the federal government as a data collector?

MS. STUDLEY: I think that the payoff would be greatest if we could say, what do you have to provide for the multiple purposes of the department and for the institutional and program accreditors?

I think I hadn't realized until today how many institutions might have reasons for quite as many different programmatic reviews. Even of different program reviewers of the same program and an institutional reviewer, that was sort of a light bulb. So I would try and get the multiple accreditors and the department.

And, you know, if Bob Morse from U.S. News would sit down at the table and rely on the same placement data it would save people.

It's hard enough to get consumers to understand the complex choices and comparabilities they've already got, but when they see a different number in two different places then it's even harder to ask them to make sense of their choices.

And states, those states that elect to actually play a part.

MR. KEISER: It's not only data collection, it's just the process.

In my institution we'll have six different accrediting commissions in different campuses this week.

I mean that is, you know, if there is a way to encourage accreditors to work together, I mean when NSAC sends out a team that has 8, 10, 12 people, add a couple of more programmatic accreditors, it enhances the whole value of the process, because not only does the institutional accreditor get the opportunity to look at the programs which they wouldn't normally do.

I mean right now the cost of accreditation is extraordinary. It is not just a few dollars.

And if one of the issues or one of the goals is to drive down the cost of education, from an institutional standpoint accreditation is an extremely expensive process.

Worthwhile, I don't disagree, but if there is a way to use NACIQI to streamline so there's a single data element that we all need and we can encourage visitations with each other that could streamline the process, it would save money, save the institutions dollars, which ultimately save the students tuition.

MS. PHILLIPS: I want to underscore what Art was saying as well.

You saw in the comments that institutional accreditation for some of the universities that wrote in, was in excess of a million dollars a year. That's just for one accreditor. That's for the institutional accreditor.

Every one of those institutions, mine too, has over a dozen that come throughout. It is hugely expensive.

It is worthwhile to take a period of self-study, absolutely, but it is also extremely expensive to do. Anybody who's in an institution will say that.

MR. VANDERHOEF: And Arthur, I think it was just one of the representatives there that said it was worthwhile. I think there are others that say it's just not.

MS. PHILLIPS: Not worthwhile.

MR. KEISER: I think it is. It certainly helps my institution.

But one other thing is every different accrediting agency is a different period of accreditation.

My SACS, we have a ten-year grant, but then they have a five-year midterm review. Then we have, NLN is eight, ABHES is five, I mean so every one's different and we're all in different cycles. And it's like it takes a full time scheduler just to keep it in.

My SACS review about four years ago, we had 43,000 documents we provided. I mean it's a huge endeavor that most

people do not understand the nature and the complexity of what we are requiring of our institutions. A good part of it doesn't really lead to quality of education.

MS. PHILLIPS: I'll add on to that. Again being both on the giving and receiving side of accreditation myself, we used to say in the accreditation world I worked in that accreditation's voluntary, as voluntary as breathing.

And indeed it is. Even when you don't have Title IV funds riding on it you have opportunities for students.

You have levers to keep your institution on its cutting edge. You have professional expectations. There is almost nothing voluntary about the breathing that is engaged in accreditation processes.

And so it isn't as though you can just back away from the cost or the activity. It is part of the educational expense, time and money. It has to be.

I would wonder if an institution that wasn't going for accreditation was, in fact, breathing if it wasn't engaged in that kind of external review process completely independent of the Title IV, which adds yet another element to it.

So when there is a process which imposes additional data or data of questionable value into this self-study review analysis process, when that one more data element is added in because, as I've heard here there was a misuse of that data or a

problem associated with that awhile back in some other institution, all of a sudden your institution which was breathing along fine, now has to carry the rocks of the institutions that have not been doing so fine.

Huge, huge burden and adds to the cost for the student, adds to the cost for the entire institution in a time when cost is on everybody's mind.

MR. WU: So how do we get from this to actual recommendations? Because it seems that at the highest level there are some things that have been said here that no one has objected to.

So here's some things that I've noted that nobody has objected to that seem to be agreed upon and it's a start. But it's so vague that it's not clear how you get from this to something more useful that we could put forward to the world.

So costs are too high. Not all the data that we gather is worthwhile. Some additional data might actually be worth adding to allow for tracking of individual students, and it's important to allow flexibility.

Would I be right in thinking that those four -- I've tried to frame those statements in the most plain vanilla, most innocuous way possible. Would those attract a consensus?

MR. LEWIS: Clarification, so cost of accreditation itself is too high or --

MR. WU: Yes, the costs, maybe eliminate the word "too". The costs of accreditation are very high.

So I don't see anyone saying that those statements are outrageous, right? So maybe that's a way to help push forward to some recommendation, because then beyond at that level of generality it seems you have to look at specific types of data, right?

CHAIRMAN STAPLES: It seems like the questions ultimately get down to what would we recommend is done about it.

Maybe what you're saying is, is there a consensus around what the issues are, problems are?

But ultimately we want to have recommendations that address, you know, how do you reduce a burden if there is a burden? How do you reduce the cost if the cost is too high?

I think that's where we're hopefully going to get at the end of this process is, what are the problems and then what are the possible ways to address them?

MR. WU: So let me frame it as three problems. One, too expensive, two, data not quite right, and three, too rigid. Those are the problems it seems to me, we and the speakers have identified.

MR. ROTHKOPF: Did the "too rigid", Frank, go to the question of what kinds of requirements do you impose on different

kinds of institutions? In other words, a more flexible program for dealing with different types of institutions.

I'm not quite sure how you do that and how we get from here to there, but I think that's an important feature.

MR. WU: Exactly. I just stole what you said and tried to make it a bumper sticker.

MR. PEPICELLO: Yes, I think those two things go together, the data and the flexibility. Because I mean a solution, I mean just going in the direction of a solution is there might be some baseline set of data that is applicable. It is one-size-fits-all. And I don't have any idea of whether that's right or wrong or what that set of data would look like.

But it might then be the case that if there is a baseline set we could identify, then all those other things that are out there that don't apply to everybody may be the element of flexibility.

Where on top of the baseline there's a set of other data that apply to you and your law school that don't apply to me at all or a small liberal arts college, but there are other pieces of data that we gather that would that would round out, so that flexibility.

MR. VANDERHOEF: I really like the fact, Frank, that you're wanting to give some direction and focus here, but I wonder if it isn't a little too early to come up with a

recommendations, because the recommendations are going to steer us. Maybe we don't want to be steered just yet. Maybe there's some more conversation that has to go on.

MS. GILCHER: I just want to ask the question of when you're using the term "data" are you being very narrowly using that term, that is, basically numbers that are getting reported? Or is it more broadly data on the, you know, the kinds of things that go into self-studies and things like that?

MR. WU: I would use it more broadly even, data that's not quantitative. To produce a self-study takes a lot of person hours, so even if it's just narrative and even if it's just at a simple mechanical level, just bundling all the stuff together.

And you might think it's easier now that all of it's on a flash drive. It's no easier, just at the simple clerical level it is a huge task.

MR. ROTHKOPF: Of course we understand that the regulatory burden on institutions, and we've got a lot of different kinds of institutions around the table, are not just coming out of accreditation. They're coming out of every part of the federal and state government.

I mean it's just a tremendous financial issue that comes about because of reports that have to be filed and the

whole range of things depending on what kind of institution you have.

The governments impose rightly, in some cases validly, some cases not, lots of requirements. It doesn't mean that these shouldn't be addressed but this is just a part of the regulatory burden.

MR. KEISER: It's also the accrediting commissions, which are made up of peers, have created their own standards, some of which are very complex and require a lot of work.

I mean everybody's involved in this not just the government passing down information.

I think in the accrediting cycle, the governmental requirements are relatively small in the self-study and in the standards. There's a section, but most of it is still kind of peer driven and it's a complex process.

I'm not suggesting it isn't, but if there's ways to streamline where we can encourage the commissions to work together with the programmatic commissions where we can create some kind of unified calendar of accreditation actions, I mean I think it would help all the institutions, would help NASIQI, because we'd all be moving on a more of similar type of menu versus just the diversity of the accrediting agencies you work with.

MR. KIRWAN: I wanted just to be clear. There's two categories of data that come into this conversation I think.

One is what accreditors are asking of institutions and what NASIQI is asking of the accreditors in order to give them approval.

So which are we talking about at this moment? Both? Or are we talking about the data that accreditors are asking of institutions?

CHAIRMAN STAPLES: I think we're talking about both. I mean I think both are being discussed here.

MR. KIRWAN: Okay, so on the one category of what accreditors are asking of institutions, I'll go back to something I said a few moments ago.

Do we have agreement trying to get to the threshold that Frank was addressing? Do we have agreement that basically we're collecting data for two defined purposes? One is to determine eligibility for financial aid, and two for institutional self-improvement.

Are those the two purposes for which we are collecting data or are there other purposes? I mean if we don't answer that question I don't know how we can have a serious conversation about what data we get.

MR. VANDERHOEF: I don't know how far this can go, but that in fact, begs another question that hasn't been raised yet.

It was suggested by some of our letter writers that we really shouldn't be trying to apply the same set of criteria to all of these different varied institutions that we deal with. That there should be different sectors. That there should be different, that we should -- I think Shirley said this but she wasn't the only one. That we shouldn't, we just simply shouldn't have the same rules for different organizations.

I think that follows right on what you are saying, that because if we are going to start to think differently about the data that's collected for one purpose versus the other, we also have to start subdividing.

Do we really want to collect the same data for a Princeton as we are gathering for, well, I'm not going to be specific, but other institutions that we are looking at? And the answer's probably no. We should be collecting differently.

MR. KIRWAN: I couldn't agree with Larry more. In a way to me that is the threshold question, but unfortunately isn't that a question for tomorrow's discussion? I'd almost prefer to answer that question first. Are we willing to go down the road of kind of having a tiered system of accreditation?

And then that would drive a whole different conversation on data. But if we're restricting it today to just the data collection, I think we need to answer the question that I posed.

CHAIRMAN STAPLES: I think you also -- implicit in that I think, maybe it's not implicit from what you're thinking, that the question of what's our role? I mean I always try to remember who are we and what's our role?

And is it our role to focus on what the government, as NASIQI, an advisory committee to the federal government, is it more our role to focus on what the federal government is contributing to the regulatory burden? Or is it our role to tell accreditors what they collect? I mean in what function do we want to serve?

And I think that's part of the question about what the data is. Do we want to offer a template for standardizing? Do we want to have 3000 teenagers run into our room right now?

And I think that's sort of implicit in your question is, you know, what is it that we can do?

And if we're trying to standardize data from the top all the way down to the bottom, is that something -- you know, that's an ambitious reach. And maybe we can do that but that's an ambitious goal.

MS. PHILLIPS: I would add into that my sense in observing how accreditors' agencies respond to our queries and to the queries of the department.

And the department is only asking the questions that the statute and regulations are asking, that ultimately what

happens to an institution is that there is this statute and/or regulation which poses a need for data point X.

The department asks the agencies about it. The agencies ask their institutions about it and we come in and verify that that has happened.

So without being an intentional actor in this process, between the regulation and statute and the institution are these two, three, I'll call it relatively innocent perpetrators of data collection needs, simply because there is an action.

So that data point, I mean I don't think that the department asks anything that the regs don't require. And I don't think that the accreditors then ask the institutions anything that is not required. So I think there's a train here that I don't know that you can separate that piece.

One other perspective, just to come back for a moment a quick recap, just to remind people of what we thought was working well.

We had thought that what was working well was we were doing a very good job of collecting a lot of hmm-mm data, I'm leaving the adjective out of that, that what was also working well was that the system was bringing together leaders to consider and respond to new issues.

And that what was working well was a focus on what the product of the educational enterprise was. That's a really big compression of what you've said.

But in effect, what we've said is that one of the things that is working well is aggregating attention on thinking about what educational enterprise is doing. That's a good thing.

Almost all of the things that we've talked about that are challenges and opportunities, are ways in which that juxtaposition of financial aid and self-improvement as goals mess that up.

So the minute that you have both of those goals in the question of be thoughtful, bring people together, think about what you're doing and gather data, the question becomes what data are you gathering? How much does it cost? Is it enough? Is it the right data, and are you gathering it too rigidly?

So if I capture both what Brit and Frank were saying, my sense is that there is a concurrence on the "where are the problems side" is that there is a juxtaposition problem of those two missions, the financial aid, financial eligibility and self-improvement.

And that if we were going to fix something we'd fix the expense, the correct data, do we have the correct data and the rigidity. I didn't quite say that right but you captured the message.

Without saying what the solution is, it's helpful to get a fix on whether or not we agree that that's the problem.

MR. WU: May I add one other potential problem, not --

CHAIRMAN STAPLES: Earl had his light on.

MR. WU: -- oh, I'm sorry.

MR. LEWIS: Yes, matter of fact, I was going to say certainly there's a general perception to Susan's last question, that when you look at the regulatory environment over a period of time, that the standards and the additions to the standard that's been as accretive process and that we've added on. And so the question becomes then, is there some kind of mechanism along the way to not only add but also to subtract, divide sort of and remove as part of any reauthorization?

Because certainly in certain areas of the country, as NASIQI's sort of interpretation gets passed down to the regional bodies, there become these sort of interesting artifacts of a certain time, like how many books do you have in your library?

I mean books in your library in a digital age has a different meaning and has a different weight than it did 15, 20 years ago. And in fact, at some point that would become a complete anachronism, because the access to vast amounts of libraries will become on a subscription basis.

We're moving there, but there's ways in which as we go from each generation, we haven't necessarily at least that's a

perception was asked then to the additional regulatory sort of burden and the perceptions that indeed there are additional costs, because you're both answering old questions and new questions at the same time.

And whether that's real or not, there's a sort of real heavy perception out there in the higher ed community, and is one of the ways in which other people talk about then, what is the burden? How do we understand it? What should be changed as we go forward?

MS. PHILLIPS: I'm going to add a different twist on that as well.

What was at one point a useful guidance for self-study for an institution, tell us what it is that you want to achieve and then tell us how well you are achieving it, has become I'll call it a calcified definition of, you must achieve X. You must have an improving score on the CLA, or whatever outcome is flatfootedly applied.

And even though what was originally I'll call it an honorable question for an institution to ask themselves, now the way in which it is asked is calcified. That's a little too strong a statement.

MR. WU: May I offer something that wasn't mentioned by any of the panels?

But I think as long as we're looking at potential problem areas, I think one problem is we, NASIQI, are probably a bewildering entity for the agencies who come before us.

I was thinking about some of the preliminary comments that many of the agencies made. And from their perspective we're a group of 18 people of diverse viewpoints. Some of these agencies haven't come before us since 2004, so it's been seven or eight years. And a staff report has been prepared and they come in front of us and are peppered with questions, many of them hostile. They get a few minutes to respond and then they're sent away.

So perhaps something that is happening here is the agencies go away cautious because we could potentially do things that would threaten their business, and even though they're nonprofits they don't want to go out of business.

So some of the ways in which they behave may not be mandated by us or by any statute or reg but they want to be extra careful. And so they react in a particularly cautious bureaucratic way which isn't beneficial.

So I wonder if something about the way we operate may be puzzling. I mean if I were one of the agencies I would find this whole thing bizarre, to be summoned every few years to a hotel conference room in front of this body that has authorities that are not clear unless you're a lawyer.

And even if you're a lawyer you'd be hard pressed to explain what exactly is the authority of this entity. And then to make this report and to go through all this it would have to be just a bizarre experience for them.

So I wonder if that's something we might want to do something about just to be principled and good and humane.

You know, government should operate in a way that's sort of comprehensible to the people who appear before it.

MR. PEPICELLO: Well, you know, I think I partially agree, but I think I disagree with some of that.

It may be frustrating for them but I wouldn't think it's bewildering. Because I think by the time they get here they have a pretty good idea of what's going on.

Now they might not like it from a regulatory point of view but when I read all the materials before I get here, and I made this comment yesterday, I think they ought to know exactly what's going to go on when they get here.

MR. VANDERHOEF: Yes, I think you really touched on something.

I don't know if it's going to fit into our deliberations here, but oftentimes groups like ours, and this applies to the accreditation groups as well at all levels, they take all of the kindly comments that come from the institution very seriously.

And I think that's a mistake, because the institutions have everything to gain by saying what the panels like to hear, and very seldom are they willing to take the chance to say, you know, this is really stupid. You're going down a road that doesn't make any sense at all. It happens all the time.

And I think the groups like ours and like ones I've been on before, take those comments much too seriously.

They actually begin to thinking they're wonderful and that's because they're being told it rather regularly.

The visit really helped us. We really benefited by the visit. It's going to make a big wonderful new institution, you know, all that stuff.

MS. STUDLEY: I want to go back to Earl's point which I thought was very accurate. That things become embedded or entrenched and it's hard to clear them out. And it's true of something concrete like books in the library or seats in the library, yet another fascinating enterprise now with everybody with, you know, one of those on the bed or the park bench with their, an outsource of research information. But it really plays out in more subtle but really burdensome ways on the input and the outcomes related to student learning, because we constructed a whole set of theories that say well, if you have faculty, how many faculty with what kind of degree, organized in

what kinds of ways, sitting in what sorts of buildings? And then you put students near them.

If you just get all that together and we come and it looks to us like a school, it's probably eligible for Title IV funds.

And as we're asking people to switch to, "and so what happens, how have people developed over time, what's the problem solving ability of these people, can I look at a portfolio and see that you gave people competencies they didn't have to a level that's appropriate for this program," we haven't yet made enough of that -- or are some of the instruments that are blunt, blunt but adequate to the task?

So maybe there is something to be said that Princeton shouldn't be judged on graduation rate and default rate.

But if they're -- and hundreds of other schools are fine on those, maybe that or that plus what? Or plus what and what, would be enough to say that's good enough. That's not telling us the educational quality, it's telling us that they can participate in this program.

Anyway we haven't -- we have a frayed belt and suspenders, and we haven't yet said we can get rid of the belt, because we're not positive because we're just getting used to suspenders.

And so we have both of them and the attendant burdens of them. Nothing personal to the suspender wearer.

(Off microphone comments)

MS. STUDLEY: Well, but you're contemporary. You've moved onto the suspenders on my analogy, so you're cool.

And this could be something where we can accelerate the transition. Or if we gave people more confidence in the new systems or there were some incentives or payoffs or clarity, then they could clear out the -- that's something of what we were hinting at with, for example, the ABA.

It's the only one I've seen that has a student/faculty ratio at issue. Maybe I just haven't read others as carefully, but do I care about the ratio? Do I care about what level these faculty are?

I'm looking at -- and certainly the Justice Department told them years ago, you don't care what they're paid. What you care about is what people learn through the experience of being in this institution.

So the system is built largely on sticks with the carrot of Title IV eligibility.

And I wonder if there are other ways that we can create carrots by saying as we've talked about, data burden reduction or timing advantages or length of independence assuming certain kinds of reports, all of which might help people

gravitate toward what we think are really the valuable measures, while giving back the things that would let them concentrate on core mission.

MR. KEISER: I really agree with that. That's one of the things, that we've just built these layers.

And layers and layers and layers based upon problems or issues in the past, and they all begin to -- we try to make sense out of them, sometimes they don't.

And it affects other certain institutions differently than others, you know, it's not an even distribution of pain. It has a process.

And it may be to our advantage that we sit down and analyze why we're doing what we're doing, and take each one of the standards that we have and say does this make any sense to the concept of educational quality or does it make any sense as it relates to protecting the public or what would be the best measure to do those things?

So that might be the direction we go.

MS. STUDLEY: You know, we talk about sector and we talk about the institutional type and mission.

There's also a difference in the degree of federal, on the gatekeeper side, the scale of federal funds that are invested in or at risk at different institutions.

So there's more money on the line at MIT than there is at the 40-person school in Alabama and that could be a reason for saying they do different things.

But there are a lot more students at NOVA and Keiser and Phoenix than there are at either MIT or the little school in Alabama. And as we think about the appropriate slices that may be one question to ask ourselves.

There is one way in which I think I, not disagree with you, Art, but am more sympathetic to where some of these rules came from.

It is true that Congress and the department regulate to solve problems. That often feels like closing the barn door after the horse is out, but sometimes there are a lot of horses. And if you don't close the barn door there's going to be a continuing problem. So which ones are still real, which ones are still present.

You know, I thought the example of the six-month pre-notification of a program offered at an employer by an institution that probably could demonstrate once that it has the ability to design specialized programs to deliver them probably anywhere on the planet, should not have to do that if they're choosing to drive five miles to be where the students are.

But I can imagine where that came from and that there was a genuine problem and we would have to do what you're talking

about, just deconstruct what still addresses something that needs to be done and what's timed out.

DR. KEISER: I agree with you 100 percent. I've been through a lot of these wars where there was a mess that had to be cleaned up, and the mess was cleaned up but we still have the infrastructure that was left. You know the problem is gone because the whole world is changed since that time. And it's like the number of books in a library at a time that made a whole lot of sense and today it doesn't make as much sense. And we need to address those type of things, but there might be where we might spend our time.

And I like the concept that were used, deconstruction, to rebuild and come up with something that makes some sense.

MS. STUDLEY: Just a quick story. After five years as the Department of Education's deregulatory czar, I mean literally, I'd meet people in the hall and that's oh, you're the deregulator, I went to be a college president.

And one of the things that I skimmed was the student manual, the residence life manual, which was not a smart thing to do. And it was more burdensome, more specific than the department of regulations I had read. But in the same way you could read it and say a-ha, I can see that there was once a fight between a residence hall assistant and a kid who owned a snake.

And the kid with the snake said, where does it say that I can't have a snake in the dorm and where do you get the authority to tell me I have to get rid of it?

So there was a rule about residence hall assistants and snakes in the dormitories. And sometimes we can see those in our rules, but if there are still snakes in the dormitories we still have to have a way to deal with it. But I think we can ask ourselves those questions.

MS. NEAL: I think you're absolutely pointing your finger to the kinds of regulatory burdens that diminish diversity rather than enhancing them, because they take away the judgement from the institution.

And so I think that absolutely is an area of concern and it diminishes innovation and changing within the institution.

And my sense is though, that if it were a voluntary system then you would not have that same imposition and, in fact, the accreditors would develop in conjunction with their members the kinds of criteria that would help them do what they like to do and self-improve.

MS. STUDLEY: Let me ask, if the accreditation side system were totally for the purpose of self-improvement and voluntary peer activity, how would the department do other than say, this is an acceptable balance sheet or this is a physical and financial entity that has "school" in its name, when there's

a lot of distrust of the department making the educational judgement that the program is adequate for Title IV funds.

So if eligibility is a floor that you have to get over and self-improvement is a process, there's a place where they cross. How would the, and this may be tomorrow's question, but how would you get enough information from either the accreditor process or from something that the public would let the department do to say, and there is program content adequate for, or program results, educational outcomes sufficient to spend Title IV money?

MR. KEISER: That's a great question. My concern though is what we do is we create a rule for all. And then based on the outliers or the one or two that are the problematic, the problem makers and we generalize.

And that's where we get ourselves into trouble in that the accreditors that are coming before us, this is my fourth year, every one of them, at least I haven't met one that has been what I'd say ineffective or not doing what they say they're doing. I mean these people are caring people.

The programmatic, you know, they'd die for their own particular profession and their field. The regionals are incredibly interested in quality of education.

The nationals are really trying hard to make sure that the quality and the integrity is in there. I've not met one.

And one or two that we've let go, but for the most part they comply.

Now the fact that they have the regulation does not prevent a rogue entity from doing something stupid or being a bad player.

And, you know, we can't regulate for the least common denominator. If we do, we'll end up with the least common denominator and that's the problem that I, you know, the dilemma we face and I'm not sure I know the answer to.

MS. NEAL: But don't we have the least common denominator now?

MR. KEISER: Well that's part of the problem. We're not really looking for institutional quality or educational quality, we're looking for educational accountability. And so the standards get watered down so everybody can meet the bar.

MS. NEAL: And I think to your question, Jamie, that you have the gatekeepers for the financial aspect, which responds to Congress which is giving us the federal student aid.

You have the self-improvement role which is really one that's institutionally driven, and then you have the public piece it seems to me.

And that may get us back then to the discussion that we were starting to have with that second panel about some common

dataset that the public would benefit from learning from institutions.

It wouldn't cover everything in the world. It could be enhanced by, if you had a robust system of accreditation it seems to me maybe you could have a gold standard, a double gold standard and triple gold standard. Then that actually is of value to the consumer because it means something, which I'm not sure now given the blunt instrument that accreditation is that we have.

So you could have some basic consumer information and then a robust accreditation system that offers a Good Housekeeping Seal of Approval that actually means something.

MS. STUDLEY: Would you make that Good Housekeeping seal, I mean I'm perfectly intrigued by the idea of more information more available, but would that be part of a private voluntary peer system or would it be part of a federal analysis and rating?

MS. NEAL: I would envision it potentially as being an agreed upon set of data but not an agreed upon floor. In other words, there -- or you could have floors.

We've talked about some things that are so low that it's unacceptable and that you could have something that's so unacceptable, but then you could also just simply provide data on key measures and at a certain point let the consumer then decide.

MR. VANDERHOEF: And that would be Title IV eligibility if you pass that bar? And you would separate off the first --

MS. NEAL: You'd separate off the self-improvement and you'd have those two pieces.

MS. PHILLIPS: So Title IV and consumer information would be the same basic dataset.

MS. NEAL: And you would want independent audit or something. I think you definitely would want to ensure that the institution is providing valid, reliable data. That panel talked a little bit about tuition fees, financial aid, demographics, job placement rates, institutionally specific outcomes, or something along those lines that would --

MS. STUDLEY: Maybe this would help me understand your suggestion. If I said I have an idea for a new school that would teach people, fill in the blank, haven't decided yet, what do I need to do to allow students to get PELL grants and federal loans to go to my school? What in your scenario would the answer to that be?

MS. NEAL: Well, you have the existing acid test, which that's what I call it but I'm not sure what the department refers to. And if you then looked at --

MS. STUDLEY: You mean A-C-I-D or A-S-S-E-T?

MS. NEAL: A-C-I-D.

MS. STUDLEY: The financial responsibility standard?

MS. NEAL: Yes. You'd have that baseline or you could come up with a different one if you wanted.

And then you could have information on default rates, something along those lines. Because I think at the end, those do have a bearing on the quality of the program.

If, in fact, kids are defaulting and they're not able to pay off their loans, that is a reflection on whether or not the program is working. You'd have to figure out what that is.

MR. KEISER: Under the current process, for a new school to operate it is very difficult. First of all, you have to apply for a state licensure which is the primary -- what?

(Off microphone comments)

MR. KEISER: I'd never talk about California. You guys are just -- I can't deal with that one. I'm not there for good reasons.

But you have to apply for state licensure and before you can even start and usually that requires for you to engage in a lease prior to starting. So you have to have capital.

You have to have a financial statement that you're not going to have it audited, because most of these people are new COs that just start out.

Before you can become eligible to apply for accreditation you have to be in existence at least two years, two

calendar years from the date that you start your class. From that date usually it takes a year to get through the accrediting process if you're lucky.

And then another well, I'd daresay six months, but I think it's closer to a year, to get Title IV funding.

So an institution has to survive for almost four years, three and a half years, prior to ever receiving a single PELL dollar or making a student eligible for a loan.

In addition, in order to meet the financial requirements of the Feds you have to have two years of audited statements and they have to be demonstrating an asset ratio test at least one, because it's before -- you can't do a composite score yet, but an asset ratio test. Otherwise, you have to post a letter of credit which many new schools can't do.

So in Florida there are 860 licensed schools. There are only 220 accredited schools. People don't realize that most of the schools that are out there are not accredited.

I don't know if that was any help to you, Anne, but it is very difficult.

MS. STUDLEY: My question's really hard to answer because I'm trying to get at the program performance side of it and what you would use for the gatekeeping element. And it's hard with the idea of a new school as opposed to, if I were in existence consider me participating, but I were declining, at

what point would you, maybe that's a better way. You know, stays out of the complexities of the start up situation.

What if I'm shrinking and declining in whatever ways? When would and on what basis would somebody say you know what, as an institute you are no longer eligible. You have slipped below. What the minimum I would have to show on the academic side, let's assume we understand what the financial is. Maybe that's an easier way to ask the question. Is it just, it doesn't really matter if you just publish your default rates, you publish your graduation rate and tell your story.

And if people come then they can use PELL grants at your school and if they don't come then your goose is cooked and you'll fold eventually.

MS. NEAL: I think it gets back then to the bigger question in terms of how do we protect the public interest?

And the way it currently is set up is that we have accreditors to certify educational quality. I guess what I'm submitting is that could we not protect the public interest by having some baseline financial stability guidelines that have to be met and some assurance that it's not going to a fly-by-night organization? So a fairly low bar but I think that's where we are now.

And then allow institutions then to get gold, platinum or silver through an accrediting process, because right now the

accreditors for the most part close down schools because of financial concerns, not because of educational quality.

And so I think looking at what is potentially the most cost effective way of protecting the public interest perhaps we want to focus more of our attention on some limited standards as opposed to the broader one.

CHAIRMAN STAPLES: Can I just for one second run this through, just take a check if we're still sufficiently covering the ground you want to cover today, because some of the issues I think morphed into tomorrow's discussion.

And also there's some members of the committee who have not spoken. I don't know if that's just you're not choosing to weigh in or if you haven't felt the opportunity to weigh in.

So I want to make sure we just take a step here for a second and maybe, Susan, you can remind us of what we're on and see if there are other members of the committee who want to offer an opinion.

MS. PHILLIPS: I'd like to suggest that we have maybe about another five minutes of wherever people want to go. And I would encourage voices that haven't weighed in to do so.

And then I want to just sort of capture where we are right now. We'll just put a set of parenthesis around it and pick up again tomorrow when we'll have meal courses four, five and six in our moving banquet.

CHAIRMAN STAPLES: And an opportunity to connect them all I think at the end of the day, right, so some of things that do intersect.

Anybody who has not had a chance to weigh in on this topic who would like to?

MS. WILLIAMS: My points have been sufficiently discussed and I think I have nodded concurrence, if I have not said it, with those that have gone forth on the table and they've always been included in the summary, so I'm fine.

MR. ZARAGOZA: I'm also good with the discussion. I've heard pretty much of it.

PARTICIPANT: Okay, thank you.

MR. SHIMELES: I guess I'm a little bit confused about where exactly we're headed, because it seems to me like we're stuck in a cycle of we need to set a baseline and we can't set a baseline.

Like we need to maintain the ability of institutions to address the specific needs of its students and we need to have some sort of accountability for Title IV funding.

So I'm just a little bit confused about how we're progressing, and this isn't to denigrate what anyone's saying, but I'm just a little bit at a loss.

CHAIRMAN STAPLES: Maybe this is a good point for Susan to try to sum up where she thinks we are.

MS. PHILLIPS: Yes, let me take a shot at it and folks can modify as you hear what I'm going to describe.

First, let me agree with and concur with the ambiguity of where we are. It is --

MR. SHIMELES: That wasn't a calling you out, I was just a little confused.

MS. PHILLIPS: Yes. No, no. It is a very frustrating and expectable part of this stage of a discussion of the diverse views of 15 different people. So bear with us, we'll get there.

The second is, I want to just go back again. I framed this conversation to begin with what we thought was working well, just to remind us not to throw out whatever baby there is with the bath water that we have in mind.

And to repeat that again, again this is a very quick version of it. What we have said that we're doing well now is collecting -- we, a broader accreditation accountability system, are collecting data mostly very well. We're working well to bring leaders together to consider new issues and respond to them.

And we're good at bringing a focus on what a product is for educational enterprise. The places where we have talked about areas for opportunities for change, correction and for doing things differently, I'm going to give you a list. And

these are going to become known I'm sure by shorthand by the time we're done with this.

First we've talked about needing to separate where the possible data is needed for eligibility, that baseline notion, and what's needed for self-improvement, to consider those two questions separately even knowing that they coincide.

Second is to shed some regulatory requirements maybe for some people at some time for some total, whatever, consider what is the right dataset for each circumstance. And I'll call this the snakes in the dormitories issue to deconstruct what issues truly are at risk for different entities. That we don't need to regulate the behavior of snakes in places where there aren't even dormitories.

So far again what we do well is bring together a focus on what the outcomes of our educational process are to collect data about it and to bring a focus on responding to new dimensions.

And in the process of doing all of those things well, we also need to deconstruct what has now accreted in terms of our regulations, to separate eligibility and self-improvement data needs to shed some regulatory requirements and to consider what the right set of data is for each.

I just put a set of parentheses around that, those things that are missing, wrongly stated, that you'd want to add

into the picture. I'm keeping it about 30,000 feet right now, but we'll see if I captured what you heard that doesn't --

MR. ROTHKOPF: I guess the one thing, and maybe it's implicit in there is that at least from my standpoint, the question of how we get really accurate graduation rates.

I'm prepared to say, and others may agree or not agree, that we ought to get rid of any barriers that are in the law that prevent us from getting that data because it's critical.

And every time you kind of push at least the first panel, they say well, the data's not accurate. We can't use it. Well, it's not accurate because we have this I guess statutory impediment.

A unit record system, I think it's something that we should -- I actually served on a commission a few years ago that recommended it and it didn't go anywhere, but prepare to recommend it again.

MR. PEPICELLO: Following on that I think there's sort of a coil area and that is to ask, is that a right measure? Is graduation one of the right sets of data we should be looking at?

Is that an indication of quality or is it an indication of something else or is it, you know, should it be as central as it is? I mean I just think that question is begged.

And the other thing that I might say, Susan, is I wouldn't want to characterize if we were going to look at tiered

accreditation that some institutes would shed regulatory burden. I think we look at a sliding scale as opposed to saying that some people get a hall pass.

MS. STUDLEY: I would just like to agree with Bill about graduation rates. They're one of the few things that we can count, however difficult, but since it's in the control of the institution whether it hands people a certificate or a diploma, its utility at least has to be very contextualized or connected to other kinds of things.

MS. PHILLIPS: I just added a note here to say to add into our proposed solutions a question about what is the right data. I think that as a generic question is not something that we're --

MR. ROTHKOPF: I'm not suggesting that it's the only one, but I think it's part of a picture. I mean we certainly look at it at the high school level.

We get all worried because graduation rates are too low and actually the states have now gotten together I think to decide, the governors, as to a common definition of what's a graduation rate. So I think it's an important question.

I agree with you, it's not the most important question and it doesn't go to quality. I think in some ways the quality question is answered by job placement, which is a much more ephemeral thing because placement could be something that's a

good placement, a bad placement, it may be outside of the field. It may be at the minimum wage for something that shouldn't be at the minimum.

I mean I think there are a lot of questions here, but I think we can't begin to answer whether some of these programs are being useful if people are not completing them and they don't have jobs and yet they have a big debt burden.

MS. PHILLIPS: There are additions, deletions, editing, Frank.

MR. WU: One just quick comment about data in general. It's that after we set a certain, or after an agency sets a certain standard everyone will eventually learn how to game it.

Not just by cheating, which isn't the real problem, it's the sort of collective not quite cheating that presents an entire sector more favorably than it should.

Law schools are just one example. Everyone is doing it and it's not just in this area.

You know, when airlines had to start publishing on-time rates, what happened was all flights became slightly longer. I don't know if any of you were flying around that time period, but if there was a regular flight you took, it suddenly got 15 minutes longer in the official printed schedule so that the on-time rate would go way up.

So every one of these numbers can be gamed. And so there's a sort of a metapoint about data, there has to be some audit or some system that ensures that the data that's being reported is what it purports to be, because it often just isn't.

MR. ZARAGOZA: If I could just touch a little bit on the graduation rate for community colleges. The gorilla in the room is the whole transfer rates and how that's being evaluated in this context, so I just wanted to throw that into the mix.

CHAIRMAN STAPLES: Is that it for now do you think, Susan, for today's exercise?

MS. PHILLIPS: Okay. So for now we put a semicolon into this structure that we're creating, to be continued. Many conversations, very thoughtful, lots of ideas. Many things yet to traverse in the next day on our next two topics. We'll put together again over the course of this, opportunities to consider further to think about what it is that we've heard said to see it in print as we go along, to see how it looks in the light of day.

## **Appendix C**

### **Submissions and Written Comments Received Concerning Issue One: Regulatory Burden and Data Needs**

Below is the list of individuals who provided written materials that addressed Issue One: Regulatory Burden and Data Needs, or a combination of issues in addition to Issue One (e.g., Issue Two: The “Triad” and Issue Three: Accreditor Scope, Alignment, and Accountability.) The headings below are sorted by commenter category (e.g., Trainer, Invited Guest, and Public Commenter) and then by issue number(s). Click on [www.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/naciqi-6-2011-comments.pdf](http://www.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/naciqi-6-2011-comments.pdf) to access all the materials except for Christine Keller’s submission. Access Christine Keller’s materials, by clicking on [www.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/a-keller.pdf](http://www.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/a-keller.pdf).

#### Trainer’s Submission

Christine Keller, Executive Director, Voluntary System of Accountability, Director of Research and Policy Analysis, Association of Public And Land-grant Universities

#### Invited Guest’s Submission

Mollie Benz Flounlacker, Associate Vice President for Federal Relations, Association of American Universities

#### Written Comments Received from the Public Concerning Issue One Only

Christopher L. Eisgruber, Provost, Princeton University

#### Written Comments Received from the Public Concerning Issues One, Two and Three

- Mary Sue Coleman, President, and Philip J. Hanlon, Provost and Executive Vice President for Academic Affairs, University of Michigan;
- Gary Walsemann, President, International Chiropractors Association;

#### Written Comments Received from the Public Concerning Issues One and Three

- John Etchemendy, Provost, Stanford University;
- James F. Jones, Jr., President and Professor of Humanities, Trinity College;
- Debra L. Spar, President, Barnard College
- Shirley M. Tilghman, President, Princeton University, (President Tilghman’s January 14, 2011 letter is referenced in many of the written comments received from higher education institutions for the June 2011 NACIQI meeting.

Issue Two - The Triad

CHAIR STAPLES: Okay. Why don't we proceed to the guests, who have been sitting patiently at the table for the last 15 minutes. Peter Ewell and Marshall Hill, please begin in whatever order you choose.

MR. EWELL: I think I'll start. Thanks for having me back. That either means I did a good job or I wasn't clear last time.

CHAIR STAPLES: Both.

MR. EWELL: So you'll see. I'm supposed to kick off the discussion of the Triad. I'll make a couple of initial remarks, and then do two parts of this.

The initial piece is for you to again be reminded about how kind of almost unique this arrangement is, that I do a lot of international work in quality assurance and nobody does business the way we do. Now that may be a good thing, that may be less of a good thing. But in any case, it's fairly unusual to have it this way.

Also, as you have heard before, from me and from others, if one was to start from scratch and build a quality assurance system, this is not the one we would build. It's something that

has evolved over time, and you know, has had some historical antecedents to it and so on.

But actually, while I'm going to be quite critical of the current state of affairs, it's important to say at the outset that the Triad has done a pretty good job, that it's been fairly robust; it's survived a lot of sturm and drang. It's managed to, I think, get the job done in our typically American inefficient way, and so on.

I'm reminded in thinking about this, it's variously attributed to Churchill and to Gandhi, the remark that democracy is the worse form of government except for all the rest. So when I said at my summing up at the last NACIQI meeting that you asked me to do, "do no harm," I think that you do need to think about that, that the Triad has really worked well in some respects.

Now I'm going to be very critical for the rest of what I'm going to say. I want to do two things. One is to take you essentially on at least my tour of who these players are and what their interests are, because the members of the Triad are really quite different.

They have different motivations, they have different views of quality. They have different strengths and constraints that they bring to the table and so on, and that all has to borne in mind.

Then the more fun part is essentially what various people who advocate you do about it, what are some of the fixes that might be out there.

So let me start by reviewing the basic players, and I'm going to add on, so it's really a quadrad or a quartet or something like that. But the first one is, of course, the federal government. Remember that the federal government's role in quality assurance is intentionally limited.

There is no reference to education in the federal constitution, and the role is actually historically a fairly recent one. It's one that began with large infusions of federal dollars, beginning with the second G.I. bill, but largely with the Higher Education Act of 1965. And because the role is indirect, having to do with essentially the stewardship of funds, and the way those funds are spent, quality is looked at really from a federal perspective, in a quite distinct and narrow way.

I mean there's first of all the question of stewardship. A high quality institution is one that essentially is an institution that can be trusted with your money, one that has good checks and balances, that is well accounted for and all of that.

Going beyond that, a quality institution is one that provides a degree with some value in the marketplace, sufficiently so that a student could pay back their loans. That's another way of

looking at it, and that's where the whole debate about gainful employment comes in and so on. That is a legitimate place for the federal government to be asking questions.

One final role that is not talked about as much, but I think is tremendously important, is the federal government as a source of information.

The graduation rate statistics, flawed though they may be, are put out by IPEDS, through the graduation rate survey. The standards for data collection, all of those kinds of things are a tremendously important piece of the federal piece of the federal role.

Now talking about sort of issues and complaints, the main problem with direct federal role, and you can fix that if you could persuade Congress to go along with you, is that there are really no funds to do a direct inspectorate role. If you were to take over essentially the entire quality assurance kind of thing, it would cost a lot of money.

One of the things that the federal government gets through the Triad is essentially a process that's fairly cheap. It's not cheap for the institutions, but it's cheap for the federal government. So that's an issue.

Let me turn to the states. At least three roles, I think, the state governments play in quality assurance through the Triad. There's the special role that they play as the owner-operators of

a set of public institutions. They are directly responsible for budgets there, and they have a direct oversight role in that respect.

That means that the kind of question that a state asks about a public institution has a fair amount not just to do with the quality of educational output, but with efficiency. Are we getting bang for the buck? Are we essentially getting our return on state investment?

A second role is the role that the state plays in its public agenda role, as the keeper of the state's work force, of the polity and so on. It wants degrees from any source, whether it be private or public, that have value in the marketplace, that contribute to workforce needs and all of those kinds of things.

Finally, the state has a strong role in consumer protection, and that's where the quality assurance role comes in most directly through state licensure, licensure to operate. That's where most of the problem is at the moment, and Marshall may address this.

We haven't coordinated our remarks well, but my organization, the National Center for Higher Education Management Systems, completed a survey for CHEA not too long ago, and we're following that up with an oversight, a survey of state oversight practices with regard to licensure to operate.

It is all over the map. It is an incredibly complicated, varied, difficult to understand kind of picture, with more than one agency responsible in many states. Oklahoma has three for licensure. Sometimes it's the SHEEO agency; sometimes it isn't and so on. So I leave that as a problem that needs to be addressed.

Now the accreditors. Accreditation is, of course, an age-old institution. It goes back to at least the 1880's or so in the oldest of the regionals. It was put together basically by the Academy for the Academy, for institutions to take a look at one another, and recognize one another as being part of the club.

I could go into a long history, which I won't, as to some of those early kinds of things. But suffice it to say that the view of quality, that's deep down in the heart of accreditation, is an academic view of quality, one that has to do with a lot of things that the public isn't necessarily interested in, things that have to do with academic freedom, things that may have to do with participatory governance, things of that sort which are near and dear to our hearts, but not necessarily to the public.

It also means that the regional accreditors, with whom you are chiefly concerned, were never designed to do the job that the federal government is asking them to do. There's a fundamental disconnect there, in terms of the capacity of voluntary accrediting organizations to serve essentially as a federal

inspectorate, and that's been a tension that's been recognized, I think, from the very beginning.

There are some severe defects as a result. The regional structure or regional accreditation is not well-understood by the public. Arizona is a North Central State. I mean I'll leave you with that. The biggest of them has got 19 states. The smallest has two and some territories. I mean the thing, again, evolved rather than was actually consciously designed.

It's very under-capitalized, and so we have inconsistent training of reviewers. We have very different ways of doing peer review, so that sometimes institutions get one kind of a review; sometimes they get a very different one, depending on who the chair is, and all of these are things that have been offered before.

The standards are idiosyncratic and not aligned across regions. Each region has its own standards. They all say more or less the same things, but the language is different and again, the public finds that hard to understand. There's a weak information reporting thing, where basically the results or reviews, it's difficult to get them out to the public in again, an easily-understandable way.

That's in contrast to most other countries, where quality reviews are on the web, and you can call them up, as a consumer.

You can't understand them, but you can at least get access to them.

And the approach to learning outcomes. Accreditation is very process-oriented, and so the assessment process is what's required, where what I think what people are looking for is what are people learning and what's the outcome. You may have an excellent assessment process, but you may be brain dead as an institution. So you know, there's that kind of an issue that I think is a difficulty.

I'll mention very briefly, before we go into a couple of action steps, another set of players, which if -- the Triad really came into its own with the Higher Education Act of 1965. These players didn't exist. I'm talking the media, I'm talking third party organizations, *U.S. News*, an arbiter of quality, whatever you may think of them.

The policy shops like my own or Pat Callan's or Kevin Carey's, that are in many sense arbiters of quality in the public arena. So I think that that's a new wrinkle that's not been brought into the regulatory environment. Now the distributed set of actors that the Triad represents, is not, as I say, it's unusual in the world. It's got some advantages and disadvantages.

Certainly an advantage is checks and balances, that because they come from very different places, these actors can look at each other and sort of backstop one another, and I think that's

important. The division of labor is at least theoretically a right one, where the accreditors can look at quality and the feds can look at standards of probity, things like that. The states can look at consumer protection.

Theoretically, it's great. The problem has been in the past, that everybody's tried to do everything, and I think that clarity of the division of labor is something that could use some looking at. And, as I said, it's cheap, at least to the federal government. That's an advantage.

Disadvantages, a lot of process duplication, as I mentioned, people doing the same stuff. The most strict state regulators are essentially doing something that looks very like accreditation. It involves visits, it involves periodic looks; it has standards, it has peer review, it has all those kinds of things associated with it.

Lack of coordination and miscommunication can be a problem, and I think the whole system lacks one very important element to it, and that's communication of quality to the public. None of them do that very well, and I think that that's an issue.

Let me turn now to a couple of things that could be done, and I'll look at some potential actions by each member of the Triad, some of which could be affected by reauthorization, but all of which, I think, should be on the table for your consideration.

For the federal government, I think that the information function of the federal government in quality assurance is already strong, but could be strengthened.

We need more statistics on longitudinal student flow, graduation rates, movement, particularly from one institution to another, because right now, and this is a problem for accreditation, you've got students who are attending more than one institution, sometimes as many as three institutions before gaining a baccalaureate degree, and that's very hard to keep track of.

FERPA is an issue here, because building longitudinal databases requires having regulations that allow agencies to share information with one another. The big thing that's going on right now is the states are building capacity of K-12 to postsecondary kinds of things. So that's one idea.

An idea that I haven't seen floated, and it may not even be legal, but I thought I'd put it on the table, is the idea of indemnifying accreditors. Accreditors are having to put up with the threat of suit, and therefore they're constrained in their actions, and may not be as free to take a sanction as they might otherwise be.

And I think that a final thing, and this is the one that will get me kicked out of the room, I think NACIQI could use some looking at. I think that NACIQI needs to focus what it's doing.

I think that what you're in the dilemma of right now is the same dilemma that the accreditors have got, that unless -- you have one big stick, and if you use that big stick, you will do incalculable damage.

So it's then death by a thousand cuts. It's finding all these kinds of things that you can get a report on later on. It's a dilemma that you need to be able to solve, because I think the focus of what NACIQI needs to be doing, which is really, in my view, looking at the way in which accreditors look at learning, may get crowded out.

So that's the federal government. For the states, I think we've got to develop, and Marshall, you may have some more to say about this, and CHEA's already working on it, develop more rationalization in the licensure to operate kinds of things. As I say, the situation is now really a mess, in terms of being able to understand it.

Certainly, those of you, several of you who are on the committee have had to navigate this in multiple states. It's not an easy thing to do. So I think we need model legislation, we need reciprocal agreements, we need a number of things like that that can rationalize the way in which that operates.

For the accreditors, a lot of suggestions are on the table. They're not necessarily mine, and I'll remind some of you. Art, I know you were around at the time, but in the 1992-94 period,

when we had the National Policy Board on Institutional Accreditation, which led to the CHEA ultimately, all of these proposals were on the table, and I think they're on the table again.

The first is to find another way of thinking about the regional structure, and I'm not necessarily an advocate of that. There are a lot of reasons why a regional structure is good. But the current one makes very little sense, at least as far as the public is concerned in understanding it.

A suggestion was made at the last NACIQI meeting, I think Kevin Carey did it, that we might at least be able to take out the publicly-traded for-profits, and use a different structure there. I think the same argument could be made for some distinctly defined institutional sectors. Community colleges come to mind, but there are a number of things like that.

There are dangers in that too. I mean there's no perfect structure, and there are already moves afoot on the part of some of the major research universities, to say we'd like our own accrediting organization. So some of this is already happening.

I think focus more on data-driven review. A lot of the regionals are already doing that. Most of the specialized still do or already do. But basically focusing on things like graduation rates, focusing on things that have external benchmarks and so on, and having the review basically be data-

driven rather than person-driven, which is the way it currently is with peer review.

Another idea that's been talked about before is multiple levels of recognition. Right now, accreditation is on/off, yes/no, and several proposals have been floated to say can we have an accreditation with distinction or something like that. The National Policy Board back 15 years ago recommended three levels of recognition. We all wrote papers about it. It's an idea that has been roundly explored.

And again, for NACIQI, if you haven't gone back into those archives, they're very interesting. A lot of the work that you're doing now has already been done and, you know, you might well go back to some of those working papers.

The fourth suggestion is aligning standards across accreditors, especially for degree-level student learning outcomes. A meeting I'm going to later today is I was one of the drafters of the Lumina degree qualifications profile, and that may well be a vehicle for getting that done.

If regionals could all map the DQP, we would have at least some notion of what goes into a baccalaureate degree or an associate degree or a masters degree. What do they all have in common in terms of learning?

Discipline the peer review process. I mentioned that last time to you, to ensure more consistency across reviews. Data-

driven is part of that, but a lot of it has to do with not turning our back on peer review, but saying can we have more professionally trained reviewers, if you will, people who are trained at doing this?

I ran into the TEAC folks before this. I think there is a model process for this. It's an audit process. It's a process in which the reviewers are highly trained, the review process is very well-scripted. They use audit trails. All of those kinds of things are there.

Publicly communicate the results of a review in some kind of standard form. The regionals are working on that now, but we need essentially a one-pager that looks at not the whole report, but what are the strengths of this institution, whether we have challenges for this institution and so on.

The final suggestion that's been out there is increase the number of public members on commissions. I wouldn't say a majority, but I'd say more than the two or three that are there now. That may take some changes in statute or rules, but I think it's an idea that's worth considering.

Those are the suggestions that have been put forward not just by me, but by a lot of people, that I offer for consideration. I think in conclusion, though, that one thing that you all might consider, is I think this is going to take a lot more work than you can muster in the next six months.

So I think we may need a commission to look at this, with foundation support, and I know that Lumina would be interested in supporting it. I think Gates would too, and I think this needs a serious long-term look across the board. That's it.

CHAIR STAPLES: Thank you very much. That was very thought-provoking. I'm sure we look forward to the question and answer portion. Marshall.

MR. HILL: Well, if Peter wasn't already widely recognized as a recognized authority, that would sure do it. Everyone that's done any kind of work in this area is well aware of Peter's contributions, and probably most of the people in the room and most of you are wondering why in the world your staff has invited someone from Nebraska to come and talk about these issues.

So perspective always matters. So before I get into the meat of my comments, I'll share mine. I was a faculty member for 18 years in multiple types of institutions, small, private, liberal arts college, urban university, two research, one land grant universities.

I've done 11 years of state-wide work at the Texas Higher Education Coordinating Board, where I was assistant commissioner for universities in health-related institutions. During the time when all of this cross-border distance education, growth of the for-profit sector was going on, and one of the many things that were good about that work, is that almost every issue that was

happening in the country was happening in Texas. So I've been around this track a number of times.

One of the things we did there during my tenure was to look at the way the Texas Board recognized, in the same way that the U.S. Department of Ed does, accreditors, for essentially, to some degree, the same purposes, for authority to operate, for participation in state-wide financial aid and so forth. So we did that work.

We also approved new institutions seeking to operate out of state institutions coming into the state and so forth. For the last six years, I've been head of the Nebraska Coordinating Commission for postsecondary education. We're a fairly traditional coordinating board doing the usual tasks of approving degree programs, buildings built with tax funds, new institutions.

We run financial aid programs, do all sorts of studies and reports for the state of Nebraska. Personally, I've done a good deal of work with accrediting bodies of all types, first as a faculty member, being on institutional teams, preparing for accreditation visits, both regional and specialized, and then over my statewide work, I've done a lot of direct work with them from that perspective.

Been an active participant in the regional compacts, SREB, the Investment in Higher Education Compact, trying to do this work,

and also been very active in SHEEO. I note my two SHEEO colleagues are not here this morning. I don't know what that says about their views of anything I might say, but I'm of their ilk.

Maybe lastly is I represented SHEEO and state higher education agencies three times on the SHEEO rulemaking panels, in 2007 dealing with accreditation; in 2009 dealing with accreditation, and then most recently on the program integrity rules. So I'm a known quantity to many of the senior staff here.

I'll offer a disclaimer, and say that what I'm going to say are my views. They are informed by lots of talks with colleagues across the world of higher education, but they are mine. They're not shared uniformly, even by my SHEEO colleagues. As Peter indicated, we are all different. We all do this work in extraordinarily different ways.

Some of our views on these issues dealing with the Triad cluster a bit around the degree to which a SHEEO agency regulates. You know, some of us are regulators. We approve institutions to operate within our borders. We have several other gatekeeping functions, and some of us are less so.

I've been a regulator. I've been on the regulating side of that equation for a long time. So you might keep that in mind.

My personal views on the Triad remarkably parallel Peter's. No one would design this approach. No one around the world, to

my knowledge, I've done far less international work than Peter, but I have worked in three or four other countries.

Then they say we want to have a system sort of like the United States has for quality assurance. I've said really? Do you really want to do that? So we've had some discussions about that.

But I personally have been a strong supporter of the Triad approach to quality assurance and accountability, for half a dozen or so principle reasons. One, it's a more comprehensive approach than any of the three current partners could pursue alone. It acknowledges that we have some shared concerns, that we have shared responsibilities to offer, good higher education opportunities to the people in the country that we serve.

It provides possibilities for us to mutually reinforce one another. We're all subject, especially those of us in states and the federal government, to strong political winds, and sometimes we need a little bit of support in dealing with issues as they come along.

My experience has been that it's been very helpful to count on partners at the U.S. Department of Ed and at accrediting bodies, when there was some particular issue that I, as a state regulator, was having some challenges in dealing with.

So I've relied on the federal government to have policies and provide funding, that provided a good, strong support for

financial aid. The data that the U.S. Department of Education produces through IPEDS and other means is invaluable, especially to states like mine which are just starting really serious efforts towards state-wide longitudinal data, and we in states rely on that.

We also rely on accreditors to do some things that many times by statute we are precluded from doing. Now looking at quality issues, it is not uniform for all states. Some of us have a great deal of engagement with that, and some of us have much less.

Frankly because of pressures from the public higher education system in Nebraska, the agency I currently head has far less direct influence on quality issues than the Texas Higher Education Coordinating Board did.

So not everyone always wants a strong state entity to look at these issues. As a matter of fact, most people don't, including both good and less good institutions.

So those kinds of things, I think, are very, very helpful. But maximizing the potential benefits of the Triad is difficult, and I think Peter has given some good, good suggestions about ways in which we could improve what we now have.

But changes that we've all experienced have really stressed each component of the Triad. All three, all three, have been stressed by the very rapid changes in technology and delivery

methods in institutional missions, in structure, in focus and control. All of those simple words have, in one way or another, very significantly stressed our ability to make this work in the ways that we all want.

Accreditors, as Peter mentioned, have assumed roles that are outside their initial purpose of quality enhancement. My view is they've done that reasonably well, but it has been a stress. It is a challenge, and there's some question as to whether it's uniformly applied.

The federal government has had to deal with explosive growth, with always trying to figure out whether we're doing the right things and doing them as best we can, and intense political pressure, while that's going on.

For states, we have the obvious problems of such great differences among ourselves. If one was a pristine, for-profit institution, seeking to do nothing but good, and wanting authority to do it in every state, and willing to comply with regulations, it's nevertheless a very difficult task to get that done. And it's expensive, and those expenses end up in one way or another being passed on to students. So that is a challenge as well.

In states, we have statutes which often very much lag current practice. It is difficult in most states to get these issues of

control, of regulation attended to through complex and crowded legislative calendars.

I will tell you that since coming to Nebraska six years ago, I have wanted to revise our statutes dealing with how we do this work, and I've waited five years for the right opportunity to do that, and still did not have the right opportunity but had a necessary opportunity, in that the new program integrity rules require each state to have a complaint resolution process.

So one of the unintended consequences of the new rules, which have gotten almost uniformly widespread abuse, has been that it enabled me to tell my legislature, say we need to make some changes, or if we don't, our institutions will not be able to participate in federal Title IV programs.

So oh, oh. Well oh. Oh, well maybe we really ought to think about this. And so we were able to do that, and I think we are in much, much better shape than we now are. We were in a state where if that responsible out of state institution wanted authority to operate in Nebraska, looked to our statutes, they'd have a hard time figuring out how to do it, even who to talk to, what the requirements were and so forth. We have fixed that. A lot of other states have a great deal of work to do in that regard.

So to me, we have a couple of fundamental challenges that centralize the work that we all try to do, and that is first, how

can we improve and broaden educational attainment, about which there's pretty wide agreement, not uniform, but pretty wide agreement that we need to do that, while improving quality.

I say it carefully that way: while improving quality. Not just while not letting quality decline, but while improving quality. I think there's a lot we can do across the board. But how can we do that while under such severe financial stress? That's one central challenge.

The second is how can we enable and support the innovation and flexibility in higher education that our country needs, while retaining the ability to restrain, and if need be, punish bad actors. That to me is the central challenge. How can we come up with a way to enable innovation and flexibility, while at the same time dealing with abuses?

There are some points of common agreement. They're not very good points, but they're points of common agreement, I think. The first is that the interaction between members of the Triad are complex, they're sensitive, and they don't always yield the results we need.

Each of us, in our actions, are imperfect. We don't have the resources, the capabilities that we each need in order to do even our part of the work, for reasons that Peter outlined.

Second, as many have noted, the efforts of the Triad members are sometimes redundant, and that unduly stresses some

institutions, and it certainly adds to the costs, which are passed on to students.

And lastly, despite oversight from three perspectives, we still have abuses and shortcomings. Despite three different entities looking at higher education, and attempting to do some of the same work, we're imperfect about that. We still have problems, which embarrass us all.

And lastly, although most countries, developed countries, would take a centralized approach to dealing with these issues, rightly or wrongly almost no one in higher education is advocating for that, certainly not a federal approach.

However, I feel that we need a more centralized, a more uniform approach to these issues, that while not necessarily federal is national. We just have too much inefficiency in the system, too many holes, too many cracks for problems to solve through.

The most sensitive points of stress, I think, come from institutions. I deal with public institutions, with non-profit institutions, with for-profit institutions, and I hear essentially the same things from all of them.

Many institutions, especially the non-profit and the public institutions, believe, as a matter of faith and they're largely right, that they place a high premium on the needs of students, and they don't think they're part of the problem. They don't

think they are an institution that is part of this problem that we're all concerned about.

Therefore, they have little tolerance for dealing with any kinds of policies and procedures, certainly any additional policies and procedures designed to fix these problems. I think that's reasonably understandable.

I've looked for an analogy for this. We've probably all, many of us flew here to these meetings. Every time we go through the TSA process, we probably feel the same things.

We understand why we're doing that process, but we also know that each of us as individuals are not terrorists; we're not planning to blow up planes. We feel horribly inconvenienced by that, and sometimes it's expensive. People miss connections, so forth and so on.

We think there ought to be a special way to deal with us, those of us who clearly aren't part of the problem. We ought to be able to get by that whole TSA thing and just walk on through. Don't we all feel that way? A lot of institutions feel exactly the same about federal regulations, about state regulations and about accreditors.

To some extent, recognition by a recognized accreditor, or approval by a state was initially meant to provide you some special consideration, a fast line, you know, going past. I think with the additional responsibilities that accreditors have

had to assume on the regulation side, that special line isn't quite so special any more.

Maybe we could get back to a point, through some gradation of the off and on, yes or no accreditation status, that provides something like that. The public is monumentally ill-informed on accreditation.

They uniformly seem to believe that it's a yes or no thing. You either are or you aren't. Like being pregnant. You either are or you aren't. No gradation. We try to educate people on that, and it's quite, quite complex. They don't understand. I think that's something that we can all work about.

Possible improvements to the Triad. Maybe we can find a better segmenting tool, a way to adjust the path for institutions that have consistently, over a long period of time, demonstrated responsibility, financial stability, high metrics on measures we care about and so forth. For them, the focus should be on quality enhancement.

That work is best carried out, I believe, by accreditors. For less fortunate institutions, and I emphasize institutions from all sectors, we probably need to shorten the period between comprehensive accreditation reviews, and develop better, more graduated responses to poor performance.

Some entities accredit a very, very wide range of institutions, public, private, large, small, for-profit and so

forth. Rationalizing that breadth, under the argument that those diverse institutions share a commitment to high level principles is one thing. We all want to treat our students well, we all want to be transparent; we all want to have high graduation rates and so forth.

But developing standards that are applicable to that broad range is another thing entirely. If you can do that without making them nebulous, and I believe that that's a challenge which we're not meeting terribly well.

The new program integrity rules will prompt some adjustments by the states. As I mentioned, we've adjusted to that and it's been helpful to us. Now frankly, whether it will do any good is another thing entirely.

So the last question you prompted through some materials I was provided was should accreditation be decoupled from participation in federal financial aid, and as you well know, there's lots of issues there. If that were done, accreditors could focus on their initial tasks. But if they no longer serve as gatekeepers to federal financial aid, who will?

We tried the state approach with SPREE, and SPREE is regarded as a horror story that people don't want to, in any way, entertain repeating.

But then that leaves the federal government, and right now I have never experienced in my lifetime a more general anti-

government tone in our country, and certainly there's not widespread support for the U.S. Department of Ed assuming a greater role in oversight of these issues. I, frankly, would be more open to that than the majority of my colleagues.

To end, I've spent half my professional life, before I went over to the dark side of bureaucracies, conducting choirs and orchestras. So I've done more than my share of preaching to the choir, and it's obvious I can't seem to break that habit.

But I'll end this particular sermon by thanking you for the attention you're giving to these issues and these problems, encouraging you to review the track record of your colleagues of the past. Those of us who work in state systems do want to do our part, in ensuring that we get where we need to go. We'll be willing partners, and we want to contribute to solutions.

#### Public Commenters

CHAIR STAPLES: Thank you very much. Those were very helpful presentations. On our schedule, we now have a half hour set aside for public commenters. We don't have any public commenters signed up.

MEMBER STUDLEY: Can I ask some questions?

CHAIR STAPLES: What's that?

MEMBER KEISER: Can we ask some questions?

CHAIR STAPLES: Oh yes, which allows us an opportunity to ask you questions for the next half hour, which I think is very helpful. So with that, I'll open it up for questions. Jamie?

MEMBER STUDLEY: I'd be interested, Mr. Hill, if you can just tell us briefly, something more concrete about what role Nebraska plays. What do you actually do to hold your state's part of that often tippy three-legged stool.

MR. HILL: Right.

MEMBER STUDLEY: Thank you.

MR. HILL: As I mentioned, we're a fairly traditional coordinating board.

MEMBER STUDLEY: I'm from California, so I don't know what a fairly traditional -- oh, okay.

CHAIR STAPLES: You don't have one.

MR. HILL: You don't have one. Yes, that's right. You don't have one. Coordinating boards, to a large extent, started in the mid-60's, as a recognition that the country needed to deal with people like many of us around the table and in the room, early age baby boomers.

Legislators, governors, looked around and they saw the first part of the baby boom coming. They said we recognize that we're going to have to educate a lot more people than we did in the past. That means that we're going to have to be spending more state money on it. We're going to be inundated with presidents

of institutions coming to us, wanting more and more and more. We want somebody to stand in between us and those college presidents.

We also realize that we're going to need better data on the issues that we're going to look at. We're going to have everybody wanting to do the same things. Several of our schools will want to start engineering programs. They'll all want medical schools. How will we make those decisions?

So coordinating boards were started. Most states have a centralized either coordinating or governing board, some state-wide entity that has some authority over higher education. About half the states, a little more than that, have coordinating boards, where the action is generally less directive to institutions. They don't hire presidents. They don't construct the budgets for those institutions and so forth.

But they try to work to ensure unnecessary duplication. That was the principle initial goal, and many times they were successful at that; many times not. As an example, the state of Texas has three Schools of Library Science, three public Schools of Library Science.

One of them is in Austin; two of them are in Denton, a suburb north of Dallas. So they aren't always successful at doing that. The other form of state-wide governance is a governing board and

those do. Higher institutional presidents set institution budgets, so forth and so on.

In Nebraska, as a typical coordinating agency, we undertake studies and reports for the legislature and governor. We provide all data on state-wide graduation rates, enrollments, degrees awarded, etcetera.

We approve all new degree programs that the University of Nebraska or the Nebraska state colleges or community colleges wish to start. So their governing boards will approve a new program, and then it comes to us to look at state-wide perspectives.

If a building is to be built in Nebraska that relies on tax funds, or if tax funds are sought for the operation and maintenance of that building, the legislature has set it up that they cannot appropriate funds for that unless our board approves it.

We also are charged to approve new institutions that seek to operate. We all need to remember that new institutions start all the time. Some of them will be successful; some won't. If an out of state institution seeks to establish a campus in Nebraska, we approve that as well. Those are some of the things that we do.

CHAIR STAPLES: Peter looks like he wants to respond to that as well.

MR. EWELL: Yes. I just thought I'd give you sort of a national perspective on that, because this is an N of 1, and as you point out, coming from California, it doesn't look like that from where you sit. There are 49 other stories. In fact, there are 70 other stories, because essentially the licensure to operate decision, which you have as part of your SHEEO responsibility, may be assumed by a different agency entirely.

They're usually organized by either the type of education provided, vocational, non-degree, degree and non-vocational, or they are by control, where you have a licensing board for for-profit institutions and a licensing board for not-for-profit institutions.

So those three variables will vary across all the states and there are, as I say, over 70 different ways of getting this done.

MEMBER STUDLEY: Dr. Hill's comments really added, and I thank you both, really added an interesting angle, which is the planning angle. When we look at foreign systems, when we look at other things that aren't done at all, there is a decision being made about investment of at least state public funds in programs, a kind of channeling or what do we need or what's too much of a certain kind of education.

That's absent from your landscape entirely Peter, because of our emphasis on choice and student-driven and market-driven forces and open access.

If you meet the qualitative standards that are established, nobody says we don't need -- nobody says for national student aid we don't need more of those, and we should narrow this kind of program, and we no longer -- we need people to shift to these languages from those languages, or these workforce degrees to another one.

MR. HILL: You know, actually most states attempt to do that, and we do that in Nebraska. We had a state-wide comprehensive plan. What ultimately happens, though, is you can't get general agreement and you need general agreement. You need some degree of consensus moving forward, unless your plan document is rather nebulous and rather generalized.

We do pay attention to that. It has served as a, to some extent, a restraining device on unreasonable aspirations of institutions. Other times, it didn't. During my tenure in Texas, what I now believe is probably the greatest expansion in doctoral programming ever in the history in this country went on.

Even though our board was charged to be gatekeepers about that, they were really frankly unwilling to do so. We used to say quality, need and cost were the three things that were important.

The board, for a period of time, didn't really care whether a particular program was needed. They didn't really care what it

cost. They would support my recommendations on the basis of quality.

So the irony was that an institution would propose a new doctoral program. I would tell them I'm not willing to recommend approval, and they'd say what do we need to do in order to get your willingness to recommend approval, and I'd say "spend an enormous amount of money," because the one thing that I was not willing to do is recommend that the board approve an unnecessary, unneeded and low quality doctoral program.

So we added, in a eight year period, about 160 doctoral programs in Texas. It was California envy, part of that was.

MR. EWELL: And can I comment as well. Just I think the intentionality of the higher education system is one thing that is also present in foreign systems. You see very much higher education as an engine of economic development, and planning is very much a part of that.

Now that's a contrast in lots of ways. I echo Marshall's talking about mission creed, and that leads into accreditation, because accreditation is fundamentally mission-anchored. You're looking at the institutions's mission and whether or not it's being fulfilled. No one's asking the question is this the right mission, is this what this institution should be doing, as part of an intentional system of higher education.

Now independent colleges, you know, it's a different story. But certainly in the public sector, that's something that ought to be taken a look at.

CHAIR STAPLES: Art.

MEMBER KEISER: I was interested in your comments about technology and change, in a system that really hasn't changed. The Department published rules which now require all distance learning educational institutions to have licensure, pretty much requires it, in all 50 states, which is creating all kinds of nightmares for institutions.

I was at a conference in Dallas this week, and walking through the exhibit hall, and seeing the eBooks, seeing the consortiums of electronic library resources, seeing just the marketing tools, just the electronic, the virtual universities and the opportunities for that, is licensure, accreditation and federal recognition moving fast enough, or is the educational community moving faster than they are, and when will this -- what will happen in 2030, looking 20 years ahead today?

Peter Drucker said that the universities of today will be all dinosaurs, because of the cost structures of the current system that's been, you know, that we are, you know, have been building. Where do you see this going and how do you see regulation keeping up with change?

MR. HILL: No. We're playing catch-up, and I think we have been for a long time. To personalize that, distance learning policy work was part of my portfolio in Texas for about ten years, and during that period of time, we changed our regulations, I think, seven times.

We were doing everything we could to try to avoid stifling innovation, and allowing for experimentation. And the general trend over that period of time was to loosen regulation, rather than to tighten it. But I think we do have a problem with that. I think we are going to have to develop additional ways to do things, other than just the way we did 50 years ago.

We're seeing that a lot happen, and to the extent that that practice or process of delivering learning is impeded by something that any member of the Triad does is a problem that we ought to address.

MR. EWELL: Let me do a quick rejoinder as well. That's why I'm advocating taking a comprehensive look at this entire thing, and saying if we were to project out to 2030, with current trends, doing what they're doing, what kind of a regulatory structure would we want? I don't think that it would be the piecemeal structure that we currently have. It just can't keep up.

This is personal for me, because our organization is under SHEEO's direction, trying to create a mechanism so that

institutions would have a resource to go to, to say who do I talk to in Arizona? Who do I talk to in Oklahoma? How do we get this done on a fast track?

But I think it's the change is there and it's not there. I think if you go to the actual teaching and learning process, there's been enormous change in the way in which it's done, more mastery-based, more short cycle, more asynchronous. A lot of that kind of thing is going on.

But the organizational structure of our institutions hasn't changed much at all. Someone once made the remark, and it was accurate but it was telling, that there are ten organizations in the western world that can trace their history back before 1200: The Catholic Church, the Parliament of Iceland and eight universities. That's kind of, you know, what we're dealing with.

MEMBER KEISER: But isn't that kind of the problem we're facing, where we have change, dramatic change based on technology, but systems that are still operating. I mean you talked about building buildings and building buildings, we can't -- it's a real question whether we can afford to build buildings.

Why do we need to build buildings when technology provides us different opportunities? So are we now at a transformation, and that's what's causing some of the rubs, that we are unable to cope with the technology change, and those who don't want to change are digging in?

MR. EWELL: Yes. I think that's not a bad characterization. The other thing, though, is it's very -- it's complicated, because all these issues are intertwined with one another. You can't say distance anymore, because most everything is not just distance. It's blended. A substantial proportion of people taking online classes are doing so from residence halls in universities.

I mean so you can't make the old distinctions, and make them matter anymore.

MEMBER KEISER: I think a better word is "different."

MR. EWELL: It's different, different. That's good.

MR. HILL: But it is new. It is new, and technology has been very disruptive in that regard. But human nature hasn't changed. I mean people still want to donate funds to an institution, so that their name will be on the nice, bright new building.

And whenever an institutional president retires, he talks about what new degree programs were started on his tenure, how much the endowment increased and what buildings were built, not on how student learning outcomes have advanced, not on those kinds of things. So technology has been very useful, I think, in prompting some consideration about whether we have our priorities set the way they should be.

CHAIR STAPLES: I have a few questions myself. Then I have Anne, Earl and Larry for questions thereafter. The question I

have, Peter, for you, you've mentioned in a couple of places the issue of the federal government having better statistics to track learning outcomes. You talked about having more data-driven decisions at the accreditor level, as well as some sort of model legislation for states.

So you're talking about aligning things and creating some sort of commonality. I guess the question that I have for you, and we had a lot of discussion about this yesterday, and I don't know if you were here; I don't think I saw you here, about trying to find common data.

I guess the question for you is there seems to be a fair amount of consensus so far around that notion that we should have, the system have more commonalities across the Triad, so that whatever their roles are, there are commonalities for gathering, for using and for evaluating.

I guess the question is how do you suggest getting from here to there? What, in a practical way, if that's a goal, what would you suggest? The federal government may not be able to or shouldn't require, but perhaps there are ways in which this group could inspire that process that unfold.

MR. EWELL: Okay. I mean you certainly are singing my song, because this is what -- our organization was founded as a part of the federal government, to create the data standards, which now everybody reports according to.

Let me correct a misapprehension. Nobody has got standard things on student learning outcomes. The data that I was talking about was retention degree completion, that I think we can do a better standard job on.

No, I think that this group could advocate for greater standardization and commonality of definition. I think that that's what's lacking currently in the accrediting world. We've done a couple of projects, first under COPA, which was CHEA's predecessor, and then for CHEA about five years ago.

I was saying here would be a model set of standards. It's published. You can buy it from CHEA. Maybe not buy it, I don't know. Maybe they give it away. They should. But in any case, it is a set of common data standards that says if we all would adhere to this, we would have a lot less data burdens for institutions, because one of the complaints that we hear a lot from institutions is that different accrediting organizations want different things.

They want it cut differently, they want it counted differently and so on. I think that this group advocating for something like that would help a lot.

CHAIR STAPLES: Thank you. Anne.

MEMBER NEAL: Good morning. First, a comment and then a question for both of you. You all have just, I think, quite probably talked about the problem. No one's focusing on

admission, no one's focusing on priorities, whether or not buildings are necessary.

I think that that is really the role of trustees, and I think it's very interesting that a number of the comments we've received, both from trustees and from presidents, have suggested that in fact the accreditation system undermines their ability to focus on those priorities. So I'll let you address that.

But my bigger question is how you both started, essentially to say that you were in agreement that if we were starting a system from scratch, we would not have what we have now. Now Peter you suggested a new commission to deal with it, but I'd like to have both of you, for us this morning, if we were starting from scratch, and if our focus, and this was the discussion we had yesterday afternoon.

What is the baseline that we have to have, to protect the federal dollar? I mean I think, as we look at the structure now, we're here to protect the federal dollar, to make certain it's not going to fly by night organizations. What is the minimum that we would need to do that?

We talked about financial responsibility as being a baseline responsibility of the Education Department, and we were also considering some common data set that would address the consumer information needs and some transparency.

What would that common data set be, to provide this baseline protection of the federal dollar?

MR. EWELL: I'll take a quick swing at that. Some of those have tried to, in fact, write that. I mean Gates Foundation, Bill Moeller with the Gates Foundation, is proposing a common set of measures for all its grantees, that is really centered essentially around longitudinal student flow, how many students get from here to there, under what circumstances and so on.

I mean one of the things that I think both states, and Marshall, I'd welcome your views on this, and accreditors don't do very well, is essentially management by exception, is the thing that says, you know, 99 percent of the institutions out there are just fine, and if we had a common data set that would flag essentially the places where, you know, it's over the red line, then you could take very expensive analytical talent and go in and take a look at what's really going on.

But we have this false equity problem, that we're not treating everybody the same, and that that's not fair, whereas it ends up being immensely burdensome to those who don't need to undergo review, that you know, could do something else.

Now you're going to have a couple of people this afternoon who are going to claim that they should be off the hook. I don't necessarily agree with that, because I think there's some things that Princeton isn't doing that they ought to be doing.

But in any case, for most everything, I think you can take a Princeton, you take University of California, Larry, you can take most of those things and say take it off the table, and operate in a different way. I think that's a perfectly feasible system, if we could get it done politically.

MR. HILL: I agree with that completely. I'll use another personal analogy. I spent too many years realizing there was a problem with the sopranos, and then holding a sectional rehearsal for all sopranos, when really it was two or three sopranos, you know. So the way to deal with that was to focus greater attention on those two to three.

We do a terrible job right now of that in our country, for an institution that I think, to virtually everyone's agreement, is doing the things we would want them to do, still has to go through the exercise of devoting an enormous amount of attention to prove that.

There ought to be an easier way for them to prove that, that meaningful line, shorter line, ought to be more functional for institutions. Because they're spending their time, entirely too much, demonstrating their capabilities to do things that they demonstrate all the time.

One final comment. I agree that trustees and board members need to do a better job about looking at the broader picture, rather than about focusing just upon institutional aspirations.

That is -- that's a general criticism not just for independent institutions, but certainly for publics as well.

We have relatively little of that in Nebraska, because Nebraska has virtually no money to do much of anything right now. That's been the real break on things. But this huge growth of doctoral programming that I mentioned last time, every one of those unnecessary, unjustified programs was approved by a board of trustees.

MEMBER ROTHKOPF: Earl.

MEMBER LEWIS: To piggyback on the question that Art was posing about innovation, and if I look at the Triad and sort of think about the relationship between the state and the federal and the accreditors, in some ways history sort of evolves out of the concern with the domestic educational market, and ways in which we can ensure that indeed, the investment of federal dollars and quality could be assured.

But one of the things, and Peter you alluded to it, one of the most interesting developments, if we talk about some of the new disruptive technologies may be in education, where a lot of American universities themselves are becoming global entities, and trying to figure out then what are the boundaries, as we go forward, thinking about it's not as much about federal investment as it is about perhaps the quality side.

But as we think about the Triad and its future, is it -- should it remain concerned exclusively with the domestic implications of the deliveries of education that our institutions will provide, or do we have to actually begin to talk about this sort of education in a global context?

MR. EWELL: We already are, and I think that one of the things that's important to recognize is a lot of accreditation energy right now is being spent on essentially U.S. institutions operating abroad, foreign institutions coming onshore, the foreign student market, all of that kind of thing.

Again, several other countries are eating our lunch on this, and Australia is huge in Southeast Asia, for example. We have to be concerned about our links with that global marketplace. I think that's one where at least the regional accreditors are on, and it's -- you know, more could be done.

But I think that that's a very important point. It's one when I did the CHEA monograph on accreditation, it was one of the seven trends that I identified as transforming accreditation.

MEMBER ROTHKOPF: Larry.

MEMBER VANDERHOEF: Anne Neal asked my question almost verbatim, but there's a little piece of it that wasn't covered, and I'm just going to ask a quick question about that. Again, you both started by saying we can't even think about

disassembling what we have in place and putting it back together. I think not exactly, but that was close to what you said.

Then later Peter, you said maybe this is a time when we needed another commission, and I must say that the suggestion that we need another commission makes me shudder a bit. But I think you're right in this case.

I wonder if we don't have the wrong images when we think about disassembling what we have in place. I think what we have in our minds is more like burning the house down and then building a new house.

I'm not sure that that's the right way to think about it. I wonder if we shouldn't think about a commission, for example, that says okay, if we were starting from scratch, what would do, here's what we'd do.

You don't necessarily, you haven't necessarily destroyed everything that you have in place. You can then take the pieces that you have in place and say okay, which ones fit where, and where do we have to change a little, and where do we have to add a new piece, and where can we subtract a piece.

That's quite a different thing than burning the house down and then building from scratch.

MR. EWELL: I quite agree with that, and I think that -- I mean the analogy that I always have in mind is evolutionary,

biology. I mean you can get from a dinosaur to a bird, but you have to have a viable animal at each stage in between.

That's what we've got to try to invent, is we can imagine where we want to be, but what does each step, incrementally, going to have to look like, because I don't think that tearing it all down and putting it back together again is going to be the right solution.

CHAIR STAPLES: Arthur.

MEMBER ROTHKOPF: A couple of questions. I just want to understand, and I think it was more to you, Peter. Was it implicit in what you were saying, and this is an issue we talked about yesterday, as that in order to get the kind of data we need and particularly in the area of graduation information, which is now impeded by the fact that the IPEDS data doesn't pick up an awful lot of people who transfer, that we -- would you recommend that this group urge that there be a unit record system, that would provide longitudinal data?

I mean it's something we talked about. I think it's implicit in what you were saying, but I wasn't -- I wanted to --

MR. EWELL: Well, I've been on record -- I've been on record many times, that that would be the right solution. I don't think that politically we can get there right now. So I think that one of the things that's an intermediate in all of this, and we're

doing tremendous amount of work here and so is CHEA, is developing state capacities to do this.

With state -- all but four states now have INPO Secondary, a longitudinal data system. Increasing numbers of them have private institutions included in it, usually as a part of the quid pro quo of accepting state financial aid, and that's a tremendous data resource.

If we can link them together, and we're working with CHEA and with WICHE on a project to exchange data between K-12, higher education, the workforce through the unemployment insurance wage record, in a four state region, so you can really track what's going on there.

It can be very powerful, because not a lot of migration goes on between, say, West Virginia and Oregon, you know. I mean most of it is kind of local and you can pick it up in multi-state consortia. With the addition of the National Student Clearinghouse, states are in pretty good shape, in terms of being able to track students to an ultimate destination.

Would I like to see a federal unit record system? Yes. I've said so many, many times. Do I think that it's going to happen any time soon? I don't know. I'm pursuing, I'm betting on a different horse at the moment.

MR. HILL: I'd like to respond to that, if I may. I also would like to see a federal unit, student unit record system, and

also agree that we're probably not going to get one. As representing one of those states that does not have a system, I find it daily frustrating, in order to do the work that we need to do.

Why don't we have a system? Because nobody in the state has wanted one, because we haven't had legislators and governors who have wanted to pay enough attention to data, to have it guide policy. Institutions have by and large not wanted broad-scale reporting on their activities, and they've been able to keep it from happening.

The ultimate irony to all this is being from one of the four states which does not have a system. Nevertheless, I'm chair of the SHEEO committee which oversees the SHEEO/NCES data contract. So maybe they wanted the most frustrated person in the organization to chair that group.

I'll continue to push for this, and we are starting to make steps, but frankly, it happened only because the U.S. Department of Education, through Race to the Top funds, made it clear that you were not going to have any chance of getting federal aid, Race to the Top funds, unless you had some sort of longitudinal data system.

So despite everybody saying they don't like the Department trying to manage, in my case, it's been a good thing.

CHAIR STAPLES: Thank you for those answers. They were very helpful. What do you think, you know, in light of what's evolving here, and you've given us all sorts of good ideas as to what could be done to improve the system, looking inwardly, what would you suggest for CHEA, as its role, if any, in the evolving system? I meant to say NACIQI. I used the word for my friend, Judith.

MR. EWELL: I was just going to answer, knowing that Judith is right there to check me.

CHAIR STAPLES: No, no, I wasn't. No. I meant to say what's the role of NACIQI, do you see, in a system that's evolving and does it have any role?

MR. EWELL: No, I think it does. The function has to be performed, and as you know, the function was performed without a committee for some time, and I think the idea of having a broadly representative committee with input to the Department, the decision is still the Department's. But it is a good idea.

But again, as I was gently, maybe not so gently admonishing you before, I think you've got to get out of the weeds, and the individual approval is one thing.

But I think that a very important role for NACIQI would be to be forward-looking and planning oriented, in saying what do we mean by quality, and in the public interest, what should quality

look like? What should we be looking for, and what should we be asking accreditors to essentially do?

MR. HILL: Good comments. I don't have anything to add to that.

CHAIR STAPLES: Thank you. We're almost out of time, so I'm going to ask if Sue has some questions, and then it will be the last questions for this segment. Thank you.

MS. PHILLIPS: As it happens, Arthur got most of mine. I'm going to add one other question. Just to respond to the question of regionality, Peter, you were saying, when you talked about the data-sharing project that you're working on in a four-state region, and tracking K-12, higher ed and unemployment, that kind of sector, intriguing that is, although it speaks to a regionalization concept, which in other venues we've -- and in other work, other times even in your address, we say is regionalization even relevant any more. So --

MR. EWELL: Well, student flow is regional. Markets are regional. None of them -- Marshall and I have had this conversation; it's a big SHEEO conversation, none of these actually follow state boundaries. I mean state boundaries were drawn with entirely different things in mind.

So regionality does have some things going for it in terms of some regional issues. I think it's trumped, though, these days,

because of distance education and all of that, by the fact that education is so mobile, and so on.

There once was a case for regionality. I think there still is a case for regionality to some extent. But it's not nearly as big a case as it used to be. I think in defining the region --

I mean at the very least, one could envision in this accreditation system of 20, 30 or whatever it might be, it probably, even if it preserved regionality, would not have the current regional structure, because the current regional structure is a historical creature.

Going through the history of accreditation is fascinating, because you know you had horse-trading about states. You had, you know, wanted to succeed from SACS and, you know, all that kind of thing. So these things happen, and it's all a series of essentially historical accidents, rather than being planned.

So I think you'd have different regions, even if you preserved the concept of regionality.

MR. HILL: Those are very good points. When the state authorization rule was disseminated, I had several long conversations with people that lead the Midwestern Higher Education Compact, one of the four higher ed compacts around the country.

Their questions were is there a role for us in dealing with this? And my answer was really the only role, I think, is a

communication and spread the information kind of role, because we are presented with a national issue.

The University of Minnesota delivers much of its instruction to students in the Midwest, but they have students all over the country and world. So a regional solution to this was not terribly useful, because while it would pick up maybe a reasonable percentage of the states in which they needed authorization to operate, it certainly would not pick up all of them.

So the regional compacts and so forth have been very useful in my regard, but not along these lines terribly.

CHAIR STAPLES: Thank you very much. I really appreciate your testimony, and I'm sure we'll be looking to you as we continue this discussion. At this time, we'll take a 15 minute break.

### Committee Discussion

### Issue Two Discussion

MS. PHILLIPS: Super thanks, Cam. So as we did yesterday, I want to structure our discussion, at least to start, with a question about what is working well on the issue of the Triad, which we'd want to keep, what's getting better that we want to grow, and then move into what are the opportunities for correction, for change, for doing things differently.

Now I noticed in our discussion yesterday that we are more free form than that particular structure, which is fine. But I'll keep coming back to it, and I will keep a running tab of issues that come up that may not be quite on this agenda, but maybe things that we want to include in our consideration for the future.

So with that, let me open the floor to the question of what's working well on this issue that we'd want to keep, what's getting better that we'd want to grow.

CHAIR STAPLES: And with the Committee's permission, I think it might be a little smoother to seek recognition, and then I can keep a tab. I think yesterday's discussion was useful, but I think it might be easier to make sure that everyone gets a chance to speak.

So please look to me to be recognized, and I'll keep a list, and we'll make sure everyone gets a chance to speak. Who would like to go first?

(No response.)

CHAIR STAPLES: Okay. We'll move to the panel discussion. No, just kidding, just kidding. Frank.

MEMBER WU: I have a simple question. At the end of the day, are we producing a written report that is then sent to the Department of Ed or to Congress?

CHAIR STAPLES: You mean today? When you say "the day" --

MEMBER WU: No, no. Not this day. I mean --

CHAIR STAPLES: Oh, the day.

MEMBER WU: Yes, right. Is that what's been generated. I'm just wondering. It's a written document that will be transmitted to somebody.

MS. PHILLIPS: So the Secretary.

MEMBER WU: Okay.

MS. PHILLIPS: That we approve of beforehand.

CHAIR STAPLES: And I will say that what I hope is that the Subcommittee will take a first crack at that in September, and circulate drafts, and that between September and December, the committee will have, you know, some exchange of information and will come to a meeting in December, fully prepared to either adopt, edit, you know, but eventually act on a draft.

MEMBER KEISER: Are we talking now what works with the Triad? Is that where we are?

CHAIR STAPLES: Yes, that is the subject.

MEMBER KEISER: Okay. I'll give you my viewpoints, since everybody else is passing it. It's an interesting problem, because we, as an organization, my organization deals with it all the time in a variety of states, and first, I think accreditation works. I know certainly we work at it very hard, and we are different because of it, and we are better because of it.

I think the peer review process is appropriate. I was fascinated by Peter's concept or comment that we should have more public members.

I've served on two state licensing boards and an accrediting commission, and I served as a chair of an accrediting commission, and the public members were always, never said anything. They were always in the background, kind of frosting on the cake rather than the cake.

I don't see that as beneficial. I mean it looks good to the public, but it really doesn't improve the quality of the deliberations and the process. I find in the peer review process, the peers are difficult and tough on each other.

I think the public is well-served by peer reviews, because the right questions are asked, because the people who are practitioners know what the issues are, and those who rise to serve as accreditors or members of accrediting commission are the most interested in self-regulation.

So if you had asked me, I believe accreditation, of the three stools of the Triad, works the best. It has its challenges, because -- and I think Peter brought out -- there's the constant threat of lawsuit, the due process requirements create a conservative behavior of covering.

You know, they're process-oriented, so therefore they watch the process carefully. SACS, of course, had an institution that

completely plagiarized another's report, yet that school was not removed because of due process considerations, and those kinds of challenges that the commissions face, which are problematic.

Now the state licensing is a mess. In Fargo, we have the Commission on Independent Education, which reviews all the out of state non-profits, all the out of state for-profits, and all the in-state for-profits. There is no licensure for the in-state non-profits.

The community colleges have no licensure. They are governed by their own boards, and the board of governors for the state university system has, as its mission, to both regulate and advocate for the state university system.

So we have these -- plus we have a board of education, which tries to coordinate all of that. So it's a very political process, it's balkanized and it's difficult, certainly for the public, to understand who, you know, regulates what. It's even more complicated with the new state licensing requirements, which is us almost -- it is a full-time job for an attorney that I have, attempting to seek licensure in 50 states, where in some states we can't even find who is the appropriate body.

So that second part of the Triad, the state licensing, is all over the board. There's no consistency, and it's very difficult certainly, I think us as a government, to rely upon, to effect positive change within the system.

The third part is the federal government, which is the interesting part, and since I've been appointed by the government, it's hard for me to criticize it, but I will. It has the power and the resources to enforce many of the abuses that most of us read about or are concerned about. It doesn't again, I would assume, probably because of litigation issues and other issues that step in.

But the government has the right to elicit the action on issues of Title IV abuse. It has the resources with the inspector general, spread throughout the country, to have manpower when an institution fails or fails to meet the requirements of appropriate public, you know, policy, and it's slow to react.

When I served on the state licensing board, this was a long time ago, but one of my people served currently. When there's a problem and we try to bring together the resources, it's slow to act, slow to respond, and students are impacted negatively because of that.

So of the Triad, the one that we are focusing on seems to be the one that I think is working most effectively for the protection of the consumer, and the ones that we are not, in terms of the state and the feds, I think that's where a lot of the work could be done to improve the circumstances.

CHAIR STAPLES: Arthur.

MEMBER ROTHKOPF: I think I'd frame the issue a little differently from my friend Art. As I step back and I look at it from the standpoint of the student, who is the consumer, but I guess I also, for better or worse, tend to look at it from the standpoint of the taxpayer.

The taxpayer of this country are putting up, a number that I use and I think is reasonably accurate, \$150 billion a year in what amounts to an entitlement, and it is growing, maybe not as rapidly as Medicare, but moreso or less so, but in the same growth.

It's probably the only place in which the federal government has outsourced this responsibility to the very people who are interested in getting the money. We have outsourced a big part of this. Not entirely; there is still a federal function. But we've outsourced it to accrediting bodies, whose activities are paid for by the very institution that they support.

I think it's, in my view, completely untenable, and I don't know if we're talking about the Triad or what, because all these issues are interrelated. In a perfect world, I would agree with the speakers we heard, that we probably ought to blow up the system and say what really is a rational way to both look at the quality of the educational process, which I believe the accreditors do a good job of.

I've been on accrediting visits; I've been in an institution that's been accredited. I think they work quite well, and I think the whole issue of, you know, continuous improvement is handled generally pretty well by the accrediting bodies.

The problem is we've stuck them with the responsibility of being a gatekeeper, and that therefore brings the federal government on them, and we listen to these conversations where the feds are imposing all these requirements on them, and you know, whether it's -- they have trouble meeting them. They have five deficiencies, ten deficiencies, 18 deficiencies, and we worry about them.

I think the truth is this is kind of where it is. I guess where I come out, is since we're probably not going to blow up the system, I do think that many of the suggestions that were made were very good. I think ideas such as trying to have more sector analysis here, you know, or you need to look at different kinds of institutions in different kinds of ways.

That's not going to be easy, but I think certainly the research universities ought to be handled differently from trade schools and differently from community colleges.

I think the idea of multiple recommendations. It's either not that you pass or fail -- we kind of dealt with that one yesterday. I mean it ought to be variations in here. Life is

full of gray areas, and we ought to be able to deal with gray areas.

I think the need for good graduation data is critical, and I'm not sure we should shy from telling the world that if we're responsible, there ought to be unit record system. Whether we do it through the back door of Race to the Top, I'd be inclined to go out and say that's what we want.

Having more public members who are knowledgeable. It may be the public members you saw. But if you had some public members who had a background in education, that might be better, in higher education, and a lot of them are just don't know anything about it. They sit there and they don't have a clue.

I'm not sure -- and then I think it's important to tell the world what accreditation's about, and to make sure that results of accreditation visits are available to the public in a comprehensible way. I think again, that's one of the suggestions that Peter made.

So that's a list of things that I think we ought to be looking at. I might say we don't need another commission to look at this. Maybe CHEA ought to -- CHEA, I keep on saying that. I'm not at CHEA. NACIQI ought to be the commission that looks at and continually looks at what ought to be done in this area.

I'm not sure we have that responsibility under the statute, but I think the Secretary could give it to us.

CHAIR STAPLES: Thank you. Bill.

MEMBER PEPICELLO: Yes. I'd like to just sort of frame Art's comments in a different light. I think that the Triad is, to talk about what's getting done well, or at least getting done, although I am going to go free form on you shortly, I think the Triad does get the job done now.

What Art was pointing out, quite rightly, is it gets it done unartfully. It's often a labyrinth and has some overlapping pieces to it. But eventually it gets done all the things that we want to get done, but just not as efficiently or effectively as we might want, and probably is a person who has much more experience with the Triad than most.

Part of what makes it work, unfortunately, are individuals and Marshall Hill, although I don't -- oh, there he is. He's still back there -- with whom I've worked quite closely, probably more closely than he would have liked on many occasions, has been a leader in balancing that leg of the stool, and that's what makes it work, although it still clunks along, I think.

So you know, it's hard to say that just doing it well, but it is getting done what we want it to get done. Now for the free form. But as we look at it, we talked about today is how can we make that better. I think that certainly, as we look at parceling out gatekeeper from academic quality, for instance, those are issues you need to look at.

But I think for all parts of the Triad, I think one of the things we need to look at, and something we've been talking about for the last two days, is segmentation of higher education for purposes of accreditation and maybe other purposes. To go to Marshall's example, the TSA, I think that while that's an apt analogy, there goes along with that a danger, and that is the danger of profiling.

So if we're going to look at redoing the regional scope or how it might apply, I think we need to say well, are we going to look at institutions based on mission, on size, on whether they function in a multi-state way? Are we going to profile them on how they achieve a certain set of outcomes?

Are we going to profile them according to their accounting system, and if so, would that go to only publicly-traded accounting systems, or would that be accounting systems across the board? That might have other implications.

I know frankly, if I were going to profile institutions, you know, you say well, let's look at community colleges, because they have a certain set of issues, or for-profits, because they have a certain set of issues. I'd say we ought to look at institutions that have a Division 1 NCAA football team, because they have a very specific set of issues right now.

So my point is that if we're in danger of profiling, maybe what we need to do is sort of try to get out of the box. You

know, yesterday we were talking about graduation rates or is that even something that is appropriate? If we do want to segment higher education, I think we have to contextualize that in the current landscape.

Now Marshall spoke to having to adapt to change, and certainly in Texas, I've watched him do that, on almost a daily basis sometimes.

I think if we're reconceptualizing the environment for accreditation, we need to look at that landscape, because things that we're talking about as problems, whether it's graduation rates at community colleges, whether it's the accounting systems of an institution of higher education, or whether it's publicly-traded, may not actually be problems.

They may be a signal for change, and they may point the direction, or at least one direction that we need to look at going forward, as we try to reconceptualize the structure of accreditation. Okay, I'll get off the soapbox.

CHAIR STAPLES: Thank you, Bill. Anne.

MEMBER NEAL: Well, things are getting kind of quiet around here, so I'd like to go back to the notion of blowing up the system. I would like to take issue with the statement that it has been working. Why do I take issue? I think if we look at the Education Department's own surveys, the National Assessment of Adult Literacy, which is showing that college graduates have

difficulty computing the price of basic office goods, and have difficulty comparing two editorials, to me that suggests something is not quite right.

I think if you look at the 21st Century Partnership, employers saying that they are getting college graduates who do not know how to write, who cannot think critically.

The Business Roundtable came and visited us last time, and showed us a video they're sending out to their new members, to help them train college graduates with what they apparently didn't get while they were in college.

Richard Arum came, and I thought made a frightening but compelling statement about how little students are learning. Very little cognitive gain in the first two years, and still quite little in four years. So I would submit that there are very significant indicia that this system has not been working particularly well vis-à-vis this quality issue.

Which is why I would like to second, I think, what Arthur was saying, in terms of looking at the Triad and the accreditation piece. I think the accreditation piece can be very good, and I think this is what Peter was saying. In terms of an academic process of self-improvement, I think that indeed is where it works very, very well.

But by putting the enforcement hat onto them, they have lost, I think it's made it very difficult for the peer review teams to

be honest, and to actually do the kind of -- fulsome is probably the wrong word, but robust review of the strengths and weaknesses.

I think as it's currently constituted, it's rife with conflicts. You have administrators and faculty on these review teams who often use the process to get more resources. We've seen on numerous occasions, getting back to the question of trustees, where since governance is one of the review issues that these teams look at, it effectively pits the review teams against the governing bodies, the dues-paying nature of the system.

I think these are all conflicts, in terms of the way it's currently constituted, vis-à-vis their enforcement role. I think the public member, again it gets to the issue of -- and you look even here at the NACIQI, most people here are institutions that are regulated, accreditors themselves, and I think that we have a new chairman who is not essentially regulated by accreditation, which I think is very good.

So but the bottom line is I do think that the current system is rife with conflicts, and that the process of peer review would be far better and far more constructive if we took out the enforcement role.

CHAIR STAPLES: Larry.

MEMBER VANDERHOEF: Again, I agree with that, and I don't think we should dismiss the notion of starting from scratch. But

I wonder Anne, do you -- it doesn't seem to me that we really have to blow up the system. It seems to me like we start from zero with regard to deciding what has to be done differently and how to do it.

But I think in the final analysis, there really are going to be parts that will fit into that new composition. Do you generally agree with that?

MEMBER NEAL: I think that's right. I mean I think the pieces are there, and we have to figure out what works well with those pieces, and then what -- again, I keep getting back to the basic question. What is the federal interest here, in terms of protecting the federal dollar, and then there may be wonderful other pieces such as self-improvement.

But is that a federal interest? I'm not sure that that is. So I think we have to get back again to the basic questions, what will be the baseline, offer the baseline protection to the public, providing consumer information and some indication that higher ed is a public good, and then what are other wonderful functions that are not tied up into that baseline protection of the taxpayer dollar?

MEMBER VANDERHOEF: Yes. So in fact there could be a separation of those two, of those responsibilities. I think we're going to hear more about that this afternoon, I'm sure. Very good.

CHAIR STAPLES: Any further comments?

MEMBER ROTHKOPF: Susan.

CHAIR STAPLES: I'm sorry, Susan, yes.

MS. PHILLIPS: A question to follow up for Anne. If we take the enforcement role out of accreditation, where do we put it?

MEMBER NEAL: Well, I think -- again, this was a discussion we were starting to have yesterday. I mean clearly now the Department of Education has a baseline financial responsibility test that it does, and that has to be maintained, and perhaps modified or strengthened in some way.

Then getting back, and it's a question that I asked of our two most recent panelists. Is there a common set of data that institutions could supply, vis-à-vis demographics, vis-à-vis licensing, vis-à-vis graduation rates, although admittedly it's an imperfect metric, whether or not they actually assess student outcomes, and if they do, what those outcomes are.

So basic data that will give us the yes go, no don't go information that consumers need to make a decision.

CHAIR STAPLES: Susan, do you have more?

MS. PHILLIPS: Located and collected by the Department? Is this a federal responsibility?

MEMBER NEAL: I think it could be. I think it could be a statement that institutions would supply. You could have -- and then if -- and could certify, and if a citizen or a member of the

public or whomever felt that it was erroneous, there could be some sort of review process by the Education Department.

That's a detail I haven't quite worked out. But if you have a statement of basic data from institutions to provide key information, it would need to be audited, it would be need to be accurate, and there would need to be some sort of recourse, obviously, if the institution is not being honest.

MS. PHILLIPS: Just one more follow-up, as a general concept. In hearing the discussions about differentiation, about parsing sectors, about the TSA fast lane, there's some sentiment about having, for X set of characteristics, and I don't know what X is right now, you qualify as an institution to go through the fast lane.

You're a recognized traveler. You have the viable responsibility, financial responsibility. You have some minimum level of quality, as far as the financial obligations are concerned, something like that. I'm not quite sure what that data set is. Maybe I'm asking the same question that you are.

But that gate, the credentials to get into the fast lane, would be established and enforced, perhaps by the feds? Is that -- I'm not saying this with an assertion, but I'm wondering who does that? You know, if you established a fast lane with a data set, where then is it located, and how is it enforced, much less,

you know, who decides what constitutes the fast lane characteristics?

But the TSA example's an interesting one. Can we profile the ones who we don't need to worry about, and then the others need to go through the metal detectors and the pat downs somewhat. I'm not sure how far that analogy's going to go, but just a thought for consideration.

CHAIR STAPLES: Any further comments? Earl, do I see you sort of moving your hand.

MEMBER LEWIS: Yes. Since we have veered off slightly from the question that Susan posed, and come back, but Anne's summation raises some interesting questions and some challenges.

So let me outline a couple, because if you end up with a hearth and set of data, let's use graduation rates as an example, then the question becomes, if you look at the entire complex of institutions in the United States, some of us will actually will then respond, as institutional leaders.

That means then we're going to take fewer risks on certain kinds of students. What you're going to end up saying is is that one of the challenges for higher ed, the consumers are also the products. I mean this is interesting. We're the only industry where the consumers are also the product for me, in effect.

So if you want to make sure that you maximize a certain kind of outcome, you actually then regulate at the front end who gets

admitted into your institution, because you're going to reduce then the risks that you have.

I mean so then there comes a larger question about whether that serves the national interest as well, because then what you're going to have is a higher threshold for entering into a certain tier of institutions across the complex.

That's the challenge and attention, then, as we're trying to figure out one set of metrics. It's not to say we shouldn't; but it's sort of to recognize that on the front end, because we will respond on the back end, if in real life you're going to get penalized in certain ways for certain kinds of behavior.

So that's the dynamic we've always faced, and one of the -- from my perspective, one of the interesting beauties of a system is is that many of the complexes allow then different kinds of entry points, and what we haven't figured out is a way, then, to go back to figure out then whether or not, through those multiple doors, individuals then come out with both having the mind and skills that are needed, but also understand how to sort of re-enter at a another point, if for some reason they have to back out.

I mean it's that question there about both quality and enforcement that I sort of think we need to at least put on the table as we go forward, because I know yes, people will respond. I actually think, in going from trustees to university and

college administrators, to admissions officers, and they all will begin to understand what the consequences are and direct their behavior accordingly.

CHAIR STAPLES: Art.

MEMBER KEISER: Well, that's exactly the problem we face, and how do you draw bright lines? We spent two years, one of my organizations that I'm part of, we just finished coming up with a quality index, which allows for diversity, allows for different types of populations.

The problem is that it's very -- it's simple, but it's complicated. It is possible, and we're going to be fighting with Congress to establish, you know, not only is graduation rate, but I think Arthur, you said yesterday, placement was your mark of quality, and then retention drops.

There are a number of factors that go into these questions, and you always, you don't want to limit access, and that's the challenge. So it's been done. I know Representative Andrews has proposed this before, and hopefully there may be some opportunities to look at those types of measures in a, you know, multiple benchmark combination that would come up with a quality index.

CHAIR STAPLES: Frank.

MEMBER WU: A suggestion for a future meeting. I wonder if it will be useful to hear from other countries, or to learn a little

bit about the models that others use, because people have talked about well, this isn't ideal. If we blew it up and started over, we'd do something different.

Well, what are the other models out there? I have a vague sense that in most other countries, there's much more government control. That is, it's much more of a governmental function. It's not outsourced this way. But that's only a vague sense. I don't know the details.

And a quick comment on the concept that's been floated, about some sort of fast lane. So there actually are two models. There was an airport fast lane. Some of you may bought the clear card. So this was outsourced.

It was like a \$99 deal, and it was officially TSA-approved, but they had a private, for-profit vendor that set up, that did your whatever, iris scan, fingerprints, and you went through a process to get the card, and there were fast lines. It was literally a fast line.

There's another model though, which is the government's visa waiver program. If you're traveling into the U.S. and you're from a list, and it changes every year. It's a list of those countries that have had the fewest people coming to the U.S., whose visas were turned down, then you don't have to get a visa. You just have your passport and you come in.

So those two models are very different. One was an outsourced model to a for-profit vendor. The other was a directly administered government fast lane, that's still running. So if we were serious about fast lanes, there are models out there. There probably are in other areas of, places where there's some government role. There's an explicit fast lane. If we looked around, we could probably find what those looked like.

CHAIR STAPLES: Jamie.

MEMBER STUDLEY: Peter Ewell made the comment that we have more players than just the Triad. He mentioned the media, for example, and policy shops.

I think for me it would be helpful to acknowledge that a lot of our interesting ideas, thoughtful conversation and questions have to do with whether there's a fourth, either a fourth leg or an alternate leg in the effects of the market, in the choices that people make.

I think that's a lot of what Anne and I have been trying to explore, is what is the market already doing and choosing, and how does it speak, and to what extent is it effective, well-informed, potentially well-informed, or is it not a good place or a place for limited market decisions, because of the nature of the information, the nature of the product being extremely intangible. Its results pay off over a very long time.

Earl was saying it's the rare place where the consumer is also the product. It's also what you get is completely different from the other person. We may both choose -- two people may choose to go to Emory and get something quite different, at a quite different price, over a different length of time.

But for statistical purposes, it looks like they both made the same choice to enroll at X program at Emory. So this isn't a solution or a recommendation; it's simply to tease out the question about the appropriate role, the potential and the limitations for market-based decisions. Then we'll be able to at least have a Roman numeral item to look at that in a clear way, where I think we could populate it with interesting suggestions about what could be better.

It already plays a big part because of the national values related to choice and self-determination. We don't -- some other countries have different systems. They also have different placement systems. You're qualified for X two programs, and we'd like you to go to one of those two, as opposed to our essentially higher education voucher method.

We could then put comments like Dr. Baum's, about the limitations of the market, Anne's suggestions. What happens if you give better information? Do you get more informed choices, and there are members of Congress and student groups who are asking for more direction or more effective narrowing of the

field within which people make the choices that we consider acceptable.

So it's a structural comment on the Triad, whether it's really a more complicated creature that gives us more options for how we could pursue that.

CHAIR STAPLES: I'd like to just briefly comment on the, I think what I heard this morning and what I thought came out fairly clearly as part of our discussion yesterday.

I think one of the -- as we talked about the Triad, they have different functions. They also have a different capacity or an interest, I think, in following whatever advice we get. I guess I say that, thinking that states don't have much reluctance, I don't think, typically to regulate.

But they may have no idea how they fit into it. They may not know what we're talking about here. They may not know there is a Triad. They may not have any concept of the nature of the relationship between what we do, the feds do, what the accreditors do.

I think when Peter Ewell talked about a model act, and there may be a way we can provide advice, and having been in the legislature for a number of years, I remember the receptivity you have, we had to model acts. It was the sort of sense that there was a national platform that you could become part of.

So defining what we think the right actions are for each of the Triad, and then providing some guidance on that, I think, is a very useful function. I think on the data on whether it's the reciprocity or the coordination, both Art and Bill have talked about the fact that the system doesn't work well for certain types of institutions.

We may be able to provide some guidance about commonality for the system, common standards, common data to guide the legs of the Triad, and to guide them, at least in having a sense of what their role is and then how their role plays into the larger part and the coordination between those. I think the evidence is pretty clear about cost, that one of the biggest elements of cost is the duplication, is having several different entities operating at the same time, without any coordination or sharing.

The federal government's role is to me the hardest, just because there seems to be a real reluctance. I mean we've had, I don't know, every four or five years a discussion around abolishing the Education Department. I'm sure for those of you who work for the Education Department, that's an unnerving cycle to go through.

So there's obviously some reluctance. You know, you have that should we even have an Education Department, all the way to No Child Left Behind, which is yes, we're going to have one, and

it's going to get into every state and tell them exactly what to do.

So I think at the federal level, there's this real lack of clarity, from my perspective, about what role, regardless of our recommendations, the federal government would choose to take on. But at minimum, I think I feel we can provide, based on what I've heard today and yesterday, some very clear sense of how the system can be focused, streamlined, made more effective and defined, and that there are many actors out there who would take that advice, and that would have a real beneficial effect.

Whether we go beyond that is another question. But I think it's important to talk about what has been a pretty clear message, and I think a pretty clear starting point for our work. Arthur.

MEMBER ROTHKOPF: Yes. Just a couple of points. One, in response to Frank's point about what goes on in foreign countries, I am no, certainly no expert. But I have a little experience. I think the great difference is the centralization of authority, and the absence of state rules. It's really all centered in a Ministry of Education, and it all begins and ends there.

That's, of course, the difference in our systems and the great benefit and challenge of the U.S. higher education system is its diversity. All these missions, all these accrediting bodies, all

these, doing all these different things, and at the same time we support them all and say okay, you go to any of these places and you meet these minimum standards, we're going to pay for it. We have the voucher system.

I'd say just two things. One, in looking at the success or lack thereof of the current Triad, I think we have to look at the fact that we have a very low bar for closing down institutions. It's pretty rare. As Art has indicated, you often get litigation if you try and close someone down, and it's often done for financial reasons.

It's quite low, and frankly it results in some of the issues we have, you know, in the press. Not that I -- you know, I don't make any judgments about a lot of them. But there clearly are practices that have gone on involving institutions, in the way in which they recruit and the way in which the students are there, that are going to cause some significant changes, but these practices have gone on.

Really neither the accreditor -- no part of the Triad has dealt with it very effectively. So I don't give the system a particularly high mark for what it's been doing.

The other point I'd make is somewhat related but not totally. Yesterday, we all gave a hard time to the American Bar Association, you know, those of us who are lawyers or don't like lawyers or left the profession. We're happy to beat up on the

lawyers and say things like well gee we -- are you turning out too many lawyers?

I don't know whether they turn out too many lawyers or not. It's pretty profitable for institutions to turn out lawyers, compared to doctors. We probably need more doctors than we need lawyers. However, we don't ask that -- we didn't ask the same question of some of these other groups. Are they turning out too many? Are we turning out, I actually said, are we turning out too many cosmetologists? I mean what's the need for them?

And it kind of goes into the whole question of why are we giving the money to people, and maybe we need more cosmetologists, or we need more radiologist assistants. But do we look at that question before we say are we going to give aid to, are we going to give aid to students to take up a field, where in that particular local region, and remember everything is local, you know.

Someone who's working in, who's going to school in Detroit, where there may not be any openings there, but there are lots of openings in Oklahoma and Miami. Do we take that into account? I actually think we should, and I think we should look at are we giving aid, in the form of both grants and financial aid, to individuals, where they're taking up courses of study where there really are no options?

I'm not talking about how much they'll make and, you know, getting into the gainful employment. Just are there openings there, and what happens. There, you've got to look at what kind of employment opportunities actually exist. So I think that ought to be part of, some part of this equation.

CHAIR STAPLES: Susan.

MS. PHILLIPS: So we've done a really good job of answering my question of what's working well, don't you think? I want to just give one more opportunity for people to speak to that, what's working well, what do we want to keep, what's getting better that we'd want to grow.

So far, what we have is two items on our list. One is accreditation as a process of self-improvement as something we're doing well, that is being done well, and second, the Triad gets the job done, albeit unartfully and clunkily. We do have a long list of Opportunities for correction, for change and for doing things differently.

So far, what I have in that list is perhaps increasing NACIQI's role in considering the policy questions; taking the enforcement role out of accreditation; considering who earns access to the fast lane. More parsing of sectors, defined in some way that we're not quite sure, and how to make accreditation meaningful and available to the public, and to members of the Triad.

A quick interim summary. I want to encourage discussion, again since you do so well on following my structure on either what's working well or on opportunities for correction and change. It gets the conversation started.

CHAIR STAPLES: Anybody who hasn't spoken like to address those issues? Yes, Federico.

MEMBER ZARAGOZA: Again, in terms of what's working well, and I don't think we should understate the importance of the checks and balances. You know, I think that that's an important dimension of the overall system. I really was moved by Earl's observation on access. I think that that's a dimension that we have to be very concerned with, either way that we're structured.

Clearly, there are many moving parts to the system, and I think that the Triad at times is not as aligned, and I'm sure that there's going to be time for discussion of that. But we're looking at issues like placement and retention, etcetera.

A lot of that is occurring at the state level. Certainly for community colleges. So I think that the more that we do the tiered accreditation and sectoral reviews, I think the better we're going to be able to get our hands or our arms around the whole issue of accreditation and the respective roles that we take in that process.

So I think there's a lot more that can be done between the Triad partners, to kind of identify areas of overlap and to

enhance the communication system. I was a little bit kind of dismayed that when we talk about self-improvement, that it does not become a code word, I think, for closed systems.

You know, I think that public member engagement is important, and I think that transparency is important.

CHAIR STAPLES: Thank you. Just before I recognize you Anne, anybody else who hasn't spoken like to offer some comments?

(No response.)

CHAIR STAPLES: Okay, Anne?

MEMBER NEAL: Just to the point on access, I think we're in agreement that there should be no limit on access. That gets back, then, to the question of student success. I think one of the reasons that we're here and we're grappling with these issues, that we're looking at 57 percent of students are graduating in six years; the average debt is \$24,000.

Obviously, we want access, and then we want to ensure student success, so that when they get out, they get a job, they can pay off their federal loans and go on to succeed. So I don't think they're mutually exclusive.

CHAIR STAPLES: Yes, Jamie.

MEMBER STUDLEY: I'd like to share an email I got from somebody in California at the state level, looking for exactly this kind of guidance. So it's to reinforce Susan's question, not to answer them.

In speaking about some help that they were seeking to help the legislature understand what California might do, this person said "It seems that what the Department of Education attempted to tell states was that simply relying on accreditation is not sufficient.

"I would really appreciate details about where the states should take an active oversight role on colleges, and where the state might rely on accreditation."

So I think that's a form of guidance. For many states, they are trying to say how can they lean on accreditation; when can that be their version of a fast lane, because it's a reliable distinction, and is there something that's not included with an accreditation that the state ought to look at.

It's just another source of the kind of role, that what we do, can play, to help others know how to sort out the Triad as well.

CHAIR STAPLES: Any more comments? Yes, Earl.

MEMBER LEWIS: I had one more. It strikes me, at least we heard this morning, and perhaps even going back to yesterday, that even with all of the inherent conflicts, there's an understanding or say it differently, there's still a valuing of the peer review process.

I mean there's a way in which trying to understand the institutional quality is important, and that it's best done by

individuals who actually understand or engage in some type of peer review process. One of the challenges which is on the table is how do you manage the conflicts, meaning where conflicts can be eliminated, you always try to do that.

But in some cases, it's actually about how you manage those conflicts, and that too is sort of there in the discussion matrix that we've had for the last few days.

CHAIR STAPLES: Any more discussion? If not, with your indulgence, I think we'll proceed directly to the panel discussion that we have, and I know we may not have all the panelists, but we have, I believe three out of four present.

So why don't you come forward, those of you who are here, and we'll begin the panel discussion that we had scheduled for later, and if you'd like, if all of you who are present are welcome to come forward.

**Appendix E**  
**Submission Received Concerning Issue Two: “The Triad”**

Dr. Marshall Hill, Executive Director, Nebraska Coordinating Commission for Postsecondary Education, presented to the NACIQI as an Invited Guest and provided a submission to the Committee, which may be accessed at [www.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/b-hill.pdf](http://www.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/b-hill.pdf).

There were no public comments received concerning Issue Two.

Issue Three-Accreditor Scope, Alignment and Accountability

MS. PHILLIPS: In moving to Issue 3, as you know the three issues that we've considered were data regulation, data needs and regulatory burden, the Triad and now accreditor scope, alignment and accountability.

Again, they're not always separate, these three and the perspectives that we take on them will certainly be informed by the discussions that we have had and that we will have. Thank you so much for joining us.

CHAIR STAPLES: Good morning. We welcome your presentations, and please proceed in whatever order you choose to do so.

MS. EATON: Thank you Ralph, and good morning to members of the Committee. I appreciate the opportunity to talk with you this morning.

Before I get started, Peter Ewell made reference to two documents with regard to states and accreditation. One had to do with state uses of accreditation, one had to do with state uses of accreditation, and the other had to do with accreditation requests for data and how that ties into the broader picture of the Triad.

Both are CHEA occasional papers. Both are available on our website. Both do not involve any charge, and Melissa, I'll send those along to you for the Committee's pleasure, all right. I want to stress several points in my testimony, and then hopefully tie these points to the issues of scope and alignment and accountability.

I start out in my testimony talking about how we frame this conversation, and in a number of instances, it's been framed around the notion that accreditation is somehow or another broken. As an enterprise, it doesn't work, and I'm suggesting, as a number of other people have, Committee members and presenters and commenters, that the issue here is really misalignment, that we don't have an alignment when it comes to accountability.

Accreditation historically has had primary accountability to institutions. The call now is for primary accountability to the public. Accreditation has standards that are aspirational in nature for the most part. The call now is that the standards be summative in nature, and accreditation is heavily invested, as you know, in peer review and self-regulation, two processes about which there's an enormous amount of public doubt at present.

The reason I mention those things, my second point, isn't to rehearse them again, but to indicate that I believe that, in talking about accreditation being broken versus misalignment,

we're overlooking something extremely important in higher education, and I think we put ourselves at risk at doing so.

That is that part of the strength of higher education, as we know it, is the result of a very strong, long-standing investment in academic leadership from our institutions. Accreditation is built around that.

So my point is that that needs to be acknowledged in public policy. We need to avoid a trap. The more national our expectations are, the less institutional those expectations will be.

We need to protect the opportunity for academic leadership from our institutions. That does not rule out a number of things that we've talked about, by the way, but I do think it's significant. Several times this morning, points have been made with regard to higher education and quality assurance outside the U.S., internationally.

This is an area in which I have done a great deal of work, and no other country has the investment in institutional leadership that we do, here in the U.S. Some are striving to achieve that, and sometimes point out to me at meetings, a bit ironically, are giving up what we're trying to capture? Something on which to reflect.

My third point is about change and it's about change, both for institutions and accreditors. I talk about first, the need for

focus on performance from our institutions. The public wants to know what's happening to students. I think we could respond to that more effectively than we currently do.

This is familiar to all of us. But if we had some set, and I offered this in my testimony at your February meeting, some small set of performance indicators, whether it's graduation or progress towards an educational goal, or whether the student transfers or whether the student goes to graduate school or in some instances job placement, that information, that information about performance were readily available, I certainly think that would be a gain for higher education, for quality and for the public.

I'm not calling for common standards. I'm not calling for national standards. These performance indicators need to be grounded in the institutions. They need to be driven by the capacity of institutions.

With regard to national or common standards, or even as I look at the degree profiles, my concern is not ideological; it's practical. We have thousands and thousands of institutions out there. If you look at all the institutions, postsecondary, that are accredited, there are over 7,000.

Of them, not all of them are in Title IV. I don't know what it would mean to apply national standards in a meaningful to all of these institutions in this country. So can we take a more, if

you will, organic approach to the notion of having indicators of successful performance?

And related to that, a second change over time, is encouraging comparisons among institutions with regard to performance. I think that this is starting to happen in a number of ways. I think it can go further. The comparison here, I'm not talking about rankings, and I'm not talking about ratings. I'm talking about having information available to students.

If you took something like a web-based tool, like college navigator, and it had those indicators on it, and I'm a student, and I can go look for well, I can already look for graduation. But if I can look for other information about what happens to students, that's the key thing, in the institution, then that can influence my choice about attending a college or university.

Where am I most likely to transfer? There's no guarantee, but what's the history of this institution? Where do students go to graduate schools in particular fields? But if we're going to talk about evolution, if you will, this is certainly a start for us. And again, it's being done in some places.

If we want to publish information like that, we've got several templates, CHEA has, that we've had out there for a number of years, summarizing accreditation, looking at an institutional profile that would include information about indicators that might be considered, again, as a start.

We also, I believe, need to be looking at change with regard to how accrediting organizations operate. There's a huge amount of information out there about accreditation process. If you go to any recognized accreditor's website, you will find this.

It's not always easy for persons outside of higher education or accreditation to understand more steps to make that clearer, because the credibility and confidence in accreditation is vitally important to all of us.

In addition, taking additional steps, and this is not a popular item, to provide more information about what accredited status means. It means meeting standards. But what does that mean? What does it say about the performance of an institution?

I mention that with some trepidation, because we took a step toward doing that in the CHEA recognition policy and a revision of our standards, and we were not greeted with praise and flowers strewn in our path. We met significant, significant resistance with regard to that.

My fourth point is about a caution. There's interest in structures other than regional accreditation. This is intriguing to me. Five years ago, we were not talking this way. It's become okay. This is tied, of course, to the issue of scope, and I'll come to that in a couple of minutes.

If we want to pursue alternative models of accreditation, we don't need to do it through regional accreditation necessarily.

We don't need to do it instead of regional accreditation. We can just go do it. We can create another 501(c)(3) accrediting organization that focuses on sector, all right, if one wishes. I'm not endorsing or not endorsing that idea.

Texas says it's going to do that, through the establishment of a national outcomes-based accreditation model. But I wouldn't want to see regional accreditation, and everybody around the table is agreed that it adds value in some very significant ways to higher education. I wouldn't want to see that, if you will, cannibalized in the process.

Another caution, and this has to do with the role of government, I think it's important for us to keep in mind that accreditation is the creation of the higher education community. There is a powerful federal interest acknowledged, and Art has reminded us about \$150 billion a year. I think that's a lot of money, and he's quite right.

But I think it's important to keep in mind the distinction between the federal interest on the one hand, and the creators and managers and funders of accreditation, and that is the higher education, the higher education community itself.

We need to work together, but these fundamental questions about scope, about structure, about intent, these are questions that involve the entire higher education community, and changes that would have to come through the higher education community.

Now you can force that, and the Department of Education does. It had a very significant influence on how accreditation operates. But I think it's important to keep in mind that we are talking about an enterprise with its origins in higher education that is maintained by higher education.

My next caution has to do with really reflecting on the last two days, as an example, the consideration of the various accrediting organizations. I went home and I had nothing better to do for half an hour, so I counted up all the different citations, and if I counted right, I had 147. I may be off, I was tired.

Then I -- that was across eight accrediting organizations. Then I tried to break them down into a number of categories. Where were people concerned? A lot of those citations had to do with standards enforcement. A significant number had to do with substantive change.

They were almost all focused on accreditation operation. Now I heard the words granularity yesterday. I heard the word "picky" yesterday. We were at a level of very, very, very great detail. Is that what the federal review process is to be, needs to be, as we're reflecting on some changes, or is it about the broader issues of the relationship between the federal government and the higher education community, and how we work together

around the very, very important issue of providing quality education.

I am worried about over-management, if you will, and I'm worried about the level at which are entering the discourse and the public benefit that we're all trying to provide.

As I said in my testimony, I see what's done here is enabling a very important process, and I wouldn't like to see it moved to designing or managing that process to the exclusion of the judgment of those in higher education. So quickly, those are just a few thoughts about framing this issue of the future of accreditation.

Please, let's not jettison institutional leadership. A call again for change, change both in what institutions do and what accreditors do, and then a caution, that the federal interest is part of the accreditation picture, but not all of the accreditation picture, and the need to avoid over-managing.

How does that tie to scope, alignment and accountability? With regard to scope, ultimately, scope is up to institutions and accreditors. You bless scope for purposes of serving -- accreditation serving a federal interest. But need in the higher ed community academics and accreditors to be talking about this.

Second with regard to scope, I really don't think we need to try alternative structures of accreditation at the price of

regional accreditation. I think that if there's sufficient interest in alternative accreditation models like a sector approach, that can be done, just as regional accreditation continues to carry on its work.

With regard to alignment, I read the words in the draft over and over and over again, and I take those words to be a call for common international standards. I suggest again that's not desirable, and I think it's not desirable because I don't believe that it is workable.

With regard to accountability, I do think that several of the changes, to which I spoke earlier about greater emphasis on performance through indicators, an encouragement of comparisons, more opportunity for public scrutiny of the thinking that goes into determining accredited status, that all of those things can contribute to a greater emphasis on accountability, and providing a greater response to the public and its needs for information about what we do, which of course ties to the fundamental issue of the money that is at stake for all of us. Thank you, Mr. Chairman.

CHAIR STAPLES: Thank you very much. I'm sure we'll have questions for you. Ralph.

MR. WOLFF: Thank you, and I appreciate the opportunity to appear before you. Just so you know, I represent -- I'm Ralph Wolff, and I represent Senior College Commission or WASC.

There's a community college commission as well. We're one of other smaller geographically, one might say, though we reach out to the Pacific Islands. But two main states, California, Hawaii, Guam and several Pacific Islands.

A million students. We accredit 163 institutions. But we have 20 new institutions that are seeking our Accreditation, and an additional 40 who are talking to us. We range in size, our institutions, from 35 students to over 75,000 students. Our region is non-majority. Most of our institutions are non-majority.

So we're not the smallest regional accreditor. SACS and HLC are certainly much larger. But we think our size and our location give us an opportunity to be innovative, and so I'd like to describe some of the steps that we're taking, that frankly we're going to need to -- some time and support to implement, from both the Department and NACIQI.

We're not waiting for more regulation. We're not waiting for legislation. We're moving forward, and we believe passionately in regional Accreditation. I would agree that if one were to reconfigure the regions, they wouldn't be the same. Nineteen states versus the way we currently are.

But it is the cards that we've been dealt, and we work the best. We talk with one another. We are working on common areas.

We're trying to work together with commissioners, as well as the executives.

I want to say that the framing of the conversation in the last couple of days largely has been around the two dual roles of accreditation, gatekeeping and quality improvement. I would submit to you that that kind of framing no longer works, and I would urge you to move beyond that framing.

Picking up on things that Judith said, but what also my 25-member commission strongly believes, that accreditation has worked well in responding to the questions that have historically been asked of us, but a new set of issues and questions are now being asked, and we need to change.

That change is a public accountability agenda. There is something different in that agenda than a gatekeeping function. I sent out to you a chart. I actually have it in my briefcase, a three-column chart, that shows in my opinion that I've drafted, that the Commission has approved, of the difference between the gatekeeping and quality improvement functions, and why and how a public agenda, public accountability function is really important for accreditation.

Gatekeeping is about minimum thresholds. It's for new institutions, institutions on sanction. But when institutions have been accredited and reaccredited over time, we are not talking about thresholds, in most areas. Quality improvement is

about selecting areas where focused improvement can be accomplished.

But I think the public is asking of us, not just Congress, and this is way more than \$150 billion in aid, the public is asking about the effectiveness of our system, of both higher education and quality assurance. We believe, my commission believes, that this public accountability agenda is a new role for us, an important role for us, and one that we welcome and embrace, and we are innovating to establish that role.

It's not going to be easy, it is controversial, and I'd like to describe the way in which we are approaching it. We also believe that we can choose to address these accountability issues, but if we don't, that we will not be serving the public, and today's and particularly tomorrow's students will.

So to put our change in a nutshell, we believe that accreditation needs to shift from a focus on institutional processes, to a focus on results. We've just received grants, 1.5 million from the Lumina Foundation, and have a promise of an additional grant from the Hewlett Foundation, to support the efforts I'm going to describe.

I've also sent to you an overview of the redesign process, and I think it addresses a number of the concerns, at least as an experiment, a pilot of what one regional accreditor would do, and I think these kinds of innovations and other innovations that

regionals are undertaking, represent one of the values and virtues of the regional process.

I would just also add 85 percent of students today attend universities and colleges close to home. So there is real value in being able to address to regional needs. The challenges that we are now innovating to address we think respond, certainly the needs to our region, and they may be useful to others.

We are doing these changes that I will describe, we are undertaking them, because we think they're the right thing to do. We don't believe that we should do them only because we're being forced to, because of either regulations or threat of NACIQI taking action or Congress.

We think this is what our responsibility should be, to meet the changes that are already occurring. So I want to highlight seven major changes that we're undertaking, and we think each and every one of them is significant, substantial, and addresses these public accountability concerns.

One. First, external validation of retention and graduation rates. For the last three years, we have made graduation rates central to our process we've made a part of every accrediting review.

Our internal studies have shown that as institutions address retention and graduation, that there already is a considerable amount of data that institutions have, well beyond IPEDS, but

that what institutions need is better application of that data, benchmarking of that data, and bringing the research that is available, how to bring or how to improve graduation, into the actual infrastructure of the institution.

Our teams need greater training and consistency on addressing what is good enough. We believe strongly that graduation rates need to be reviewed in the context of each institution's mission and student characteristics. There is no single bright line that will work for all institutions.

But there is a need to validate the graduation rates, disaggregated, of the institutions we accredit. And as we have undertaken our studies and our work with institutions, there are some rates, particularly when disaggregated, that we do not believe are acceptable, and we therefore want to move, work with institutions, to improve them.

We therefore are moving to require each institution to provide us their graduation rates at each degree level, disaggregating by sex or gender, race, ethnicity and Pell, or SES, with the institution's own self-assessment of the appropriateness of these rates and external benchmarking.

We intend to create panels of evaluators who would be trained to work with these data. There would be many different approaches that institutions would use, and offline to work to review them, and to identify where the rates are exceptional, and

therefore can be taken off the table, and to identify those institutions with whom we need to work more.

We have an idea, we're providing workshops, support, what I call student success SWAT teams to work with institutions, to improve these rates in targeted areas.

Number two, externally validating results in key learning competencies. For the past 22 years, we have required institutions to assess student learning. There's been tremendous work, as we already have shifted our entire process to focus more on student learning. There's been tremendous progress made by institutions.

But our own evaluation is that we've tended to focus more on the process of assessment, and have been less effective in addressing what are our appropriate results, and in what key areas should we be identifying results.

We do not believe that there is a single metric or a single measure, but we do believe that institutions do have a responsibility in key areas to identify how they are assessing and benchmarking the learning results, to assure that college graduate competencies are appropriate and effective.

In this same way with retention, we have a task force working on this, and they are recommending that we identify such key areas as writing, critical thinking, quantitative reasoning,

possibly information literacy, to develop with institutions a set of measures that would be used.

Some could be externally validated, like the CAT, the CLA, CAAP and MAPP. Others would be -- another approach would be using scored, cross-institutionally scored rubrics. Over 2,000 institutions are already using a AAC&U's LEAP and VALUE rubrics. The idea again is to externally validate what is good enough, based on the institution's context.

We again would train evaluators especially with these measures how to work with them, to evaluate and to identify within institutions where we think further progress would be made.

Our goal is to create learning communities around these topical areas, to support institutions to improve. This is not about minimum standards, but about developing a common discourse and public accountability, that we are taking seriously in key areas the capacities and competencies of our institution's graduates.

Third, exploring the use of a degree qualifications profile. Part of our grant support is to work with a profile. Peter mentioned it. Lumina Foundation has spent well over a year developing and studying international models, the American system.

My commission has reviewed the degree profile and found that it could add significant value to the conversations we have in

accreditation, particularly in aligning and defining differences between associate, bachelors and masters degrees.

We do not see it as a template rigidly to apply to institutions, but we are engaged in the process of exploring how this template might have, or the profile might have value in the accrediting process. We think it might help students, it could assist transfers. These are assumptions that would need to be tested.

Fourth, increasing the transparency of our accrediting process and the results. One of the most common criticisms of accreditation is our lack of transparency. We have a task force on transparency and public reporting. Many presidents and others are on that, including public members, and they are recommending that our action letters be made public.

They are typically quite substantive, three to eight, sometimes ten pages long, that they be made public and that we work with our institutions to develop a set of quality indicators that would be issued after a comprehensive reviews of institutions, that would be reported publicly and placed on our website.

That's quite controversial, lot say the least. The latter part, the report card if you will, or the quality indicators, and my commission is committed to exploring how we might do this in a way that is responsive to the public's desire to know what did

our evaluation mean, but not in ways that -- we want to do no harm, but we also want to be publicly transparent.

We also fifth, exploring multiple levels of accreditation. I should add, part of the foundation of this is that we did an extensive multi-year external review of our current model. We also had six authors write papers on what the future, what a future WASC model would look like, that is focused more on students.

Kevin Carey, who will be here briefly in a while, was one of the paper authors. Art Levine, Woodrow Wilson Foundation, was another. Peter Ewell wrote on the changing ecology in higher education.

Brice Harris wrote on the relationship between community and senior ecologists. Pat Hutchings (ph) wrote on the role of faculty and focusing on student learning outcomes assessment.

We had the founder of the International Futures Forum in Scotland, Graham Leicester, who's working on transformative change in education internationally, with Maureen O'Hara, write a paper on WASC as a public advocate and cultural leader.

These papers laid a foundation, and several of the authors talked about the need to move beyond a single, one-action model or with variations, and to talk about multiple levels. Again, very controversial. We want to explore both multiple levels, and even the possibility of institutions voluntarily seeking

additional commendation or conditional recognition, similar to what the Carnegie Foundation has done with community engagement.

Sixth, we are moving to establish special protocols for for-profit institutions. We recognize we have a steep learning curve, particularly with publicly-traded institutions. The commission has already agreed that we will move with large, publicly-traded institutions to work with an outside auditing firm, to study their finances, to review their finances.

We're working to establish new protocols on recruitment and financial aid. We even are exploring the possibility when certain triggers are met, whether we would establish secret shopper programs of our own or outsource those. But we acknowledge that we need to be much more substantial in our review of these large, publicly-traded and often venture capital institutions.

Seventh, we are significantly -- we are committed to significantly redesigning our entire evaluation process, to move our focus away from the do-it-all in a visit model, to creating a set of indicators that would enable us to take those institutions that have a long history of successful reaffirmation and say how can we simplify and adapt a process, how can we use public available data, and focus our attention where the need is the greatest.

In this regard, while I'm not saying I would support segmental models of accreditation, I believe that the concerns expressed of Princeton and others, that having a one-size-fits-all model across all institutions makes little sense, and we need to find ways of creating a highly adaptive process that responds to the different kinds of institutions.

Together, these changes will lead, we believe, to a redesigned accrediting process, that will be accountability-centered, transparent, adaptive to institutional history and performance, and far more cost-effective to institutions and responsive to the public.

These initiatives are bold, untested in some cases. We really have to learn together, and even controversial. But I want to say we are committed to situating the standards of performance within the institution, and believe that is where standards of performance need to be set.

Our role is to validate, that given the institution's mission and context, those standards are appropriate, and to externally make sure that they are externally validated. We do not believe that is the role of the department or the Congress to set those standards.

So I would be glad to answer questions about other issues, but I want to say that we believe that this is the future direction that accreditation needs to take. We're willing to take the

challenge and to embrace it. We'd like to learn together with you, with the Department, but we're going to need adaptiveness on the part of the Department.

We need to not have a definition that every review has to look at every standard every time we do a review. We've got to find ways to make distinctions between where it is warranted and where it is not. I'll stop there. Thank you very much.

CHAIR STAPLES: Thank you, and those are both very interesting presentations. I think what we're going to do right now is we have -- we're having our lunch delivered, so that we can eat during the process. We're going to take a brief break to have that brought in.

If you don't mind remaining for questions thereafter, it will be very helpful. So we'll take about a ten minute break to have the food brought in.

(Whereupon, at 11:58 a.m., a luncheon recess was taken.)

A F T E R N O O N S E S S I O N

12:20 p.m.

CHAIR STAPLES: Thank you very much for getting over here. I know that you came a little early than you expected, and sincerely appreciate that. As I mentioned to you a minute ago, Judith Eaton and Ralph Wolff have already provided us with their comments, but have not taken questions yet.

So I think what we'll do is have you present your comments, and then we'll have -- unless Mr. Carey shows up in the meantime, and then he can be our fourth presenter before we start questions. Then we'll start questioning after your presentation. But you have the floor. Thank you.

MS. TILGHMAN: Yes, I do. Well, first of all, thank you for the invitation to come and speak with all of you today. I was telling Mr. Staples that I am very heartened by the attention that this issue is receiving from this subcommittee, and the seriousness with which you are going about your work.

There are many issues that I looked at your agenda, and I don't envy any of you. But I know that the issue that you want, those of us on this panel to address, is accreditor scope, alignment and accountability. So although I have lots to say about other aspects of accreditation, I'm going to try and address those issues specifically.

I hope you'll indulge me for just a few minutes, by giving you some insight into why I have taken such an interest in this issue, and it really is a story. So I'm going to tell you a story. It began with our mid -- hi Larry. It began with our mid-term review several years ago.

We are under Middle States, and we were undergoing our normal five-year review. The review team visited. These were peers

from comparable institutions, and wrote a report to Middle States that my Public Relations office could have written.

To quote one of the things they said, is that they had never encountered such commitment to continuous improvement. Not too long after that, we received notice from Middle States that the views of those two peer reviewers had been overruled, and in fact Middle States was now requesting a progress letter that documented, and here are the words, "comprehensive, integrated and sustained processes to assess institutional effectiveness and student learning outcomes."

And implied in this letter we received was a threat, that if we were not going to comply with the requirements of Middle States, that our reaccreditation in five years was really under question. So needless to say, this came as a bit of a surprise to us, and we reached out to Middle States and asked if they would come and explain to us what this letter meant.

We had a meeting with a subset of both the staff and the commissioners of Middle States, who in explaining to us what was, how we were remiss, explained that their ideal happened at another university, where when the reviewers arrived, they were presented with an entire room full of black binders, and those black binders were absolutely chock full of student learning assessments from literally every course that was taught at that particular university.

This was given to us, sort of as a standard that we could aspire to. I have to tell you that this was a sobering experience for those of us at Princeton, because what it suggested is that the staff and the commissioners were substituting their view of continuous improvement, using a definition that we viewed as very narrow, for the view of both the faculty and the administration at Princeton, as well as the two peer reviewers, who had visited us.

It suggested to us that we needed, as a community, to go back to the fundamental question of what is the purpose of having an accreditation system. As I see it, there are really two important goals of accreditation.

The most important, in my view, is the very important role of providing assurance to the federal government that the federal dollars that are expended in institutions like all of ours are being well-used, and that the federal grants and the federal loans are in fact money well-spent, and are leading to what I understand, from listening to Secretary Spellings in the Bush administration and now Secretary Duncan in this administration, are really the two key goals, which are to have students who embark on a college education actually able to complete that education in a timely fashion, and second, that that education leads them to jobs that take advantage of the education that they have received.

Nowhere in this exchange that we had with Middle States was there even a hint that those two fundamental important primary goals of accreditation were under review. So we began to think about how we had gotten to this place, where there seemed, at least in our minds, a disconnect between the goals of accreditation and what was happening in the accreditation process.

As you know, I think from a letter that I sent to Commissioner Phillips in January, we would like explore with you two potential solutions to what I think are structural problems in the system.

The first of these is clearly the way in which accreditation agencies are organized in this country, and whether, and really to ask the question, is geography still the most useful organizing principle for accreditation, especially at a time when many of our nation's leading institutions draw their students not just nationally anymore, but we're drawing our students from all over the world.

All of us understand why regional organization made sense when this first was created. It was at a time when traveling around the country was much more expensive and difficult.

But that is no longer the case, and I think the time has come to think seriously about creating one or more maybe many sector-specific national accreditation agencies for institutions whose populations and impacts are clearly not regional in nature.

The second question that I hope this body will consider is whether these sector-specific agencies could work with universities and colleges, that competitively draw students from around the world, to set threshold standards that are significantly more demanding.

I really want to underline that phrase. We are not asking for a bye here. What we're asking is to be held to a higher standard. What would I include in that standard? Well, I would include, for example, high graduation rates, low loan default rates, excellent placement and career outcomes, demonstrated alumni satisfaction. That's something that's left out completely of accreditation, and yet surely customer satisfaction is something that we should be attentive to, as we judge the effectiveness of our universities in serving the needs of our students.

I would also include a high standard of reaching out to students from diverse backgrounds. There may be many other things that one might want to build into these kinds of threshold standards, but those are the ones that strike me as the most important.

These could obviously vary by sector. I'm not suggesting, in fact I'm actually opposed to the idea that there is a one-size-fit-all here. I think one of the things that I take away from my trying to understand this system is that one size fits all is

part of the problem with how we're thinking about accreditation today.

So these standards could vary by sector, but understanding that these institutions that meet these higher standards, will be judged to have met the principle purpose of accreditation, the assurance to the federal government.

Then if we separate that sort of standard of accreditation from continuous improvement standard, then we can use the accreditation process in a way that is optimally valuable to the institutions themselves, which is to allow the colleges and the universities to do a thorough self-assessment, and then have a stringent peer review that would help them improve the quality of their institution, allowing those institutions to define the aspects of continuous improvement that they are particularly focused in on at that time.

Now I realize that there are -- this is very complicated, and I realize there are lots of complexities in trying to think about those two issues, and I don't mean to suggest that they are not.

But I think if you were to suggest that you were open to having discussions along these lines, I think you would find an extremely enthusiastic and willing academic community, willing to engage with you in how to set up these kinds of systems.

I also think that the two ideas are not linked completely. They could be separable. You could, for example, have sector-

specific thresholds, while retaining the regional organization. I don't mean to suggest at all that these have to go hand in hand.

But I just want to conclude, by strongly supporting the efforts that all of you are taking. I think there is genuine concern in the higher education community, and I think there's a worry that we could actually do irreparable damage if we proceed in a way that imposes inappropriate or unnecessary regulatory requirements on well-performing institutions.

A least common denominator approach to accreditation runs a real risk of diminishing educational quality and educational achievement, not enhancing it. Thank you.

CHAIR STAPLES: Thank you very much. I think we have one more panelist, but we don't have him here yet. So we'll begin our questions for these panelists. Who would like to start? Arthur, and then Susan.

### Issue Three Discussion

MEMBER ROTHKOPF: Yes. President Tilghman, thanks very much for your testimony and for your thoughtful letter, which came to us back in January. You kind of bifurcate the two pieces there, and the first group of items, graduation rate, placement rate, alumni satisfaction, do you think those requirements could be imposed or should be imposed on really all institutions, but that if you had a sector-specific system, you might have different cut

scores, if you will, saying well, at an institution like yours and others like it, obviously your graduation rate and alumni satisfaction rate are going to be higher than they would be for other kinds of institutions.

But that these are the kinds of questions that ought to be asked of all institutions, and by all accreditors?

MS. TILGHMAN: I do, and I took them, in part, out of literally what the Secretaries of Education have been saying are their goals for higher education. So in that sense, I think those are generic goals. But I understand that applying them, with a one-size-fits-all threshold standard across the board will not work.

CHAIR STAPLES: Susan.

MEMBER NEAL: I've got two questions. The first one has to do with the regional, the value of regional accreditation. Between the three of you in the course of your discussions, you've made a case for and a case against having the continuation of regional accrediting bodies. How, what is their benefit, and what is their -- what are the drawbacks, from your point of view? Any of you can play.

MS. EATON: I'll start, if I can get this. Thank you, Susan. One, I think we've spoken to a number of the benefits. Clearly quality improvement, all right, is a significant benefit. Clearly what we've been able to develop in terms of effective

practices, with regard to quality issues, with regard to assessment, over the years.

We haven't mentioned this, but regional accreditation is a very, very powerful signal to the public, with regard to the legitimacy of an institution. I agree. The public doesn't know a lot about accreditation. We have tested this over and over and over again at CHEA.

But the public does know that having accreditation is better than not having accreditation, and frankly especially regional, especially regional accreditation. My evidence there would be to talk to the folks from, who attempted to put the Open University of the United States in place, and how the time that obtaining regional accreditation took really got in their way.

Regional accreditation, both stands on and reinforces some of the fundamental values of higher education. Academic freedom, the significance of peer review, the importance of institutional autonomy, and makes a significant contribution in that regard.

Those are just several things that I would put in the plus category. I know there are others, all right. The concerns? We've stated a number of those as well. As institutions are increasingly national and multi-national, why does regional make sense? How do you deal with regional accreditation in a distance learning environment? I mean we talked about that with regard to states as well.

Another area is whether or not either government, turning to accreditation as a reliable authority on academic quality, and the public is satisfied with regional accreditation, and we've talked about threshold. We've talked about not knowing enough about what accredited status means.

Another area of concern is the one that President Tilghman brought up, which is the direction, the ways in which regional accreditation is operating with some of its current emphases. It's, as some people see it, approach to student learning outcomes, cost factors.

I do think that at times, and I was talking to President Tilghman about this before we began, what regional accreditation is doing is what the federal government has told it to do. But the view is that regional accreditation is doing it to me, not the federal government is doing it to me. But accreditors are muddled in a number of ways, so you get some approaches that you may find undesirable.

MS. TILGHMAN: You know, for me, maybe I can speak in favor of the sectoring approach, is that peer review requires peers. It requires institutions that have comparable missions, comparable approaches, comparables. I think I wouldn't necessarily say size. I think a small institution like Cal Tech, for example, which is much smaller than others in our peer group, clearly is a peer to us.

I think if there were such a sector involving like universities, I think you would find that they would push up the standards. They wouldn't lower the standards. They would actually enhance the standards, because they would want to have institutions in their accreditation agencies that could actually meet very, very high standards. It would be in the interest of the accreditation agency to do that.

You know, I think about Mercer County Community College, which is my closest higher ed neighbor, and it is a very fine community college. It serves the student population that it serves exceedingly well. But I have nothing in common with Mercer County Community College.

Our student body is different, our faculty is different, our mission is different, our curriculum is different. I mean there is so little that we have to really say to each other, other than we reside within the same county in the state of New Jersey.

Whereas I have deep connections and deep understanding of institutions that are clearly not in the Middle States. As I've tried to think about what would be the downside of taking a sector approach, I think the one downside would be potentially removing from the regionals, institutions who are probably pressing those regionals to increase their standards.

So I think you could find it more difficult, once you take out institutions that are extremely ambitious about their continuous

improvement. You might find that it's harder to sort of keep pushing those institutions to get better, and in ways that serves the country well.

But as I think about the -- as I weigh those two, the pluses and the minuses, I think allowing institutions that really are true peers to one another, to conduct the peer review. That includes not just the reviewers, because of course those tend to be peers, but also to have within their accreditation agencies individuals who are really thinking about what is in the best interest of that sector. I think you would, at the end of the day, have a stronger accreditation system.

MR. WOLFF: If I could, I'd like to weigh in also. First, I want to say that, if I may, defining what are appropriate sectors is not going to be as easy as it sounds. You might have the research institutions, and there are those who want to be and those who are. You have community colleges.

In between the segmentation is not as clearly evident, and what would be appropriate for segmentation, I think, is -- were we to go in this direction. I also want to say secondly how this might occur, any solution might occur.

We are products, and I serve as the president of an agency, the institutions. So in a sense, if institutions chose to reconfigure us as agencies, that's different from this being

legislated. I really have a concern about legislatively defining how the higher education universe is to be defined and segmented.

With respect to strengths and weaknesses, let me suggest some, and those, Larry has certainly been on the WASC Senior College Commission, and those of you who have been on commissions. I think there is a really incredible value of the discourse between and among different kinds of institutions.

One of the biggest surprises, I can say, that bringing commissioners onto the commission is the extraordinary variation of the diversity of institutions. So I would say that it's not just, but I do believe that there is important value of having our premier, highly selective institutions to raise questions about other institutions.

But the reverse is also true. What is the public responsibility? How can research universities add to our knowledge about learning? So that two-way discourse is extremely important.

Secondly, I've said before that the regional configuration, as much as it's an artifact of history, is itself responsive to the cultural needs of different regions. I do believe that SACS is different from New England, that region, and so those needs. In terms of areas of weakness, I do think we have not done as effective a job, and I think having President Tilghman's presence

here reflects, we've not done as good a job with our premier institutions, and I think we need to figure out a way.

But I would also say that, as one who heads an organization, we are constantly being or have expectations of applying all of our standards to all of our institutions. I need your help, whatever model we have, that we do this, we do differentiation in an appropriate way, and to the same extent that you might say that we might say to some institutions these parts are off the table and we would keep these parts on.

I would argue the same thing should be said about the recognition process, rather than having to go through every element and demonstrate we do that for every institution. I'd also want to reframe what's good for the institutions of higher ed, which is the way accreditation has historically been framed.

What's good for the institutions that created us, and what's best for the public who we serve, what's best for the students. Whether the regional model or a segmented model, I would ask that the question be framed toward the public, because the graduates of every institution intermingle in the marketplace.

So the standards of performance are going to be the marketplace, not just where you got your degree, or the kind of institution. We have to keep that in mind as well. I think the fact that we have standards that cut across a wide variety of institutions, and that there's an opportunity for people from

research universities to review for-profit institutions, faith-based institutions, is extremely important, and the reverse is also true. Thank you.

CHAIR STAPLES: Thank you very much. Just one moment. I want to recognize Under Secretary of Education Martha Kanter, and thank you very much for coming. We appreciate you being here.

Just because our question time is limited, I do want to have some others ask more questions. I don't want to necessarily have the panel just respond to that. So I want to recognize Art Keiser.

MEMBER KEISER: Well, if we're time-limited, I'll pass on my question.

CHAIR STAPLES: Well, we have a few minutes. I just want to make sure we have time for you and for others who have them. So go right ahead.

MEMBER KEISER: Okay. Well, I just want to comment that I agree with Ralph on this particular comment. It's always uncomfortable when you're at the wrong end of a visit that may not have gone as well as you would have hoped, or the team just didn't get it. You know, different types of institutions, unfortunately people bring in their own biases and their own issues sometimes into the accrediting process.

I know on the Commission that I serve, we try really hard to train our team members not to bring in their own biases, and to

evaluate the institution based upon the standards, in a broadest possible sense. But that in itself is what is valuable. I would be very concerned if we created a tiered system of where only the elite institutions communicate with the other elite institutions.

There is great value, as a Southern Association member, to be in where we are an adult learning institution, that's not elite but selective, with a Duke University, which is highly selective and, you know, one of the top institutions in the world.

I think we all benefit from that, whether it be a community college or an elite institution. I think we all have to do the same, provide the same assurance to the public, that the quality, the integrity, the processes are similar, so there can be some degree of communication among higher education.

One of the dangers I see is that we fragment that, and the students are left caught between not being able to move from a community college to an upper level university. We need to be opening access and creating the ability of students to move, so that the standards are comparable among all institutions.

MS. TILGHMAN: Could I respond to that? I don't want to leave us with the impression that there is no other way in which regional colleges and universities communicate with one another except through the accreditation process. In fact, I would say the accreditation process is one of the least effective ways in which regional universities communicate with one another.

I participate in regional organizations of colleges and universities in the state of New Jersey, that really talk about exactly the kinds of common issues that, I think, those of us who share a state and share a governor often have in common. Those are extremely valuable.

So I don't think the issue here is that it cuts off communication among educational institutions of very different flavor. I think the point that I'm trying to make is that peer review requires peers. It requires people with the same backgrounds and the same experiences in higher education institutions.

In my view, where our experience, most recent experience with Middle States fell down was not when we were being reviewed by our peers. But it happened when that peer review report got into the hands of people who simply don't understand our sector of higher education.

CHAIR STAPLES: Anne is next, and then you, Frank.

MEMBER NEAL: Thank you. I want to first thank you, President Tilghman, for generating quite a bit of testimony from various institutions regarding the regulatory burden.

I just wanted to note, since we've been talking about that, that Michigan says it's spending 1.3 million; smaller private two million, Stanford over a million, Duke over a million and a half.

Certainly, these are incredible burdens, and I thank you for raising that to our attention, and also the amount of intrusion that you have often found, in terms of institutional autonomy and institutional decision-making.

I'd like to then pivot to the question that you started with, in terms of why are we here, and what is the purpose? You stated, and I think I wholeheartedly support this, assurance to the feds that dollars are well-used.

I think a we've been looking at at least the initial structure of the system, financial responsibility and guarantors of educational quality have been at least the baseline framework.

You went on to suggest that perhaps there should be some threshold standards. Grad rates, low loan default rates, placement, alumni satisfaction. Would those criteria -- and then the diversity. Would those criteria in your mind essentially become a proxy for educational quality?

MS. TILGHMAN: Yes.

MEMBER NEAL: And so it would be possible, then for an institution to provide that information on its own. You wouldn't really need an accreditor. You could do that on your own, and then presumably could use accreditation as a voluntary system, if you found it to be valuable. Is that fair to say?

MS. TILGHMAN: In fact, we keep track of all of those data on a yearly basis. They're available all the time.

MEMBER NEAL: So under your formulation, we could essentially protect financial responsibility through the existing oversight of the Education Department. Institutions could provide basic threshold standards as a proxy for quality, and the institutions could then use accreditors, if they chose to do so, in the marketplace?

MS. TILGHMAN: And you know, one of the things to say is that I don't know a college or a university that is not continuously engaged in peer-reviewed assessment of how it is doing. It does it through every imaginable process, from advisory councils to board of governors.

I think we, as a community, have always welcomed peer review and welcomed learning from others. I think to allow a university to use such a procedure in order to focus on the things that the university is working on to improve, will benefit the university and ultimately, I think, benefit the students.

Whereas as opposed to having where you need to improve imposed upon you, whether you think that's where your improvement needs to be focused or not.

MEMBER NEAL: And do you think these standards that you've set out as a proxy for quality, that those are sufficient, that the focus, if you will, on student learning outcomes, as documented by a CLA or a MAPP or a CAAP, that that is not a necessary piece to ensure quality vis-à-vis the federal dollar?

MS. TILGHMAN: We have looked at those external learning assessment tools and have come to the conclusion that they do not reflect what we are trying to accomplish educationally at Princeton.

CHAIR STAPLES: Would it be possible to --

MR. WOLFF: Could I add a comment?

CHAIR STAPLES: Sure.

MR. WOLFF: There are far many other threshold issues that we look at, and first of all, I would say that Richard Vetter, who is a member of the Spellings Commission, wrote a report called the "The Inmates Running the Asylum," and looked at an open market, rejected it, said that really wouldn't work.

Looked at a federal process, rejected that, and looked a national system and rejected that and said the system we have is probably the best one, but it needed some improvement, greater transparency, clarity of standards.

While I'm not wild about some of the evidence in the report, but the conclusions my commission reviewed and supported. But I would say we have an institution. There's a wide range of institutions, some of which do not have the quality assurance systems. We have institutions that are online that had differentiated and unbundled faculty models, no core full-time faculty.

So these data alone don't ensure. We look at audits, we look at financial budgeting and a whole range of issues. So I just wouldn't want to say that quality is merely a function of graduation rates and student satisfaction.

CHAIR STAPLES: Yes. You just have a brief comment.

MS. EATON: Yes, briefly. I think it's important to distinguish benefits or problems that derive from the structure of regional accreditation, versus benefits or concerns that may exist otherwise. Structure alone is not going to address all the issues that we might want to address, and I'm going back, Susan, to your question and reflecting on that.

What are the benefits and the lack of benefits with regard to, as people perceive them, the structure of regional accreditation, and what is tied to other factors and the same question applied if we were to move in a sector mode.

CHAIR STAPLES: Thank you very much. Frank, followed by Larry and then Earl.

MEMBER WU: Just a quick observation on the issue of costs. I am very sensitive to the high cost of these processes. I would note that the elite schools, though, are the ones best able to bear the costs, right.

So to the extent that it may cost a million or two million or five dozen staff to go through the process, it's even more onerous on a decent public school, that we wouldn't doubt is

going to be in business for a long, long time, but that isn't as well-endowed as a Princeton or other Ivys or its peers.

I wanted to ask the following. I'm hearing, I think, three different sets of general concerns, and I wanted to get a sense if I'm capturing all of this. So one set of concerns is some of the accrediting agency standards may just not be good standards. That is, they're not really measuring something that we, society, need measured, the number of books in the library, for example.

Maybe we just don't really care about that. That doesn't correlate to anything that has to do with whether the institution should receive federal funds, or whether it's a quality school. So that's number one. Some standards may just be bad standards, right?

Number two, though, is some standards are good standards, but it's not one-size-fits-all. So it's not that they're intrinsically silly for any school. It's that they're not tailored to this particular market segment. So they may be good for other schools, public, smaller schools, etcetera.

But the third concern that's being raised is that for some of this, even if the standards are good, it's just way too expensive to go through the process. That is, even if it does make sense to measure X, the data production required to measure X is frequently, the way it has to be proven doesn't make sense.

So I'm trying to capture all that. But I do have, in addition to the question of have I captured it right, a final question on the data cost. It is, are these single-time costs, once it's been done? Let's say the standards didn't change over time. They do. But let's say they didn't.

Would the costs then be sufficiently reduced so the second go-round, third go-round, given the scale, given the fact that you've been through it once, would that alleviate some of it, or is it not likely to take care of the problem?

MS. TILGHMAN: I think right now that would not take care of the problem. I think every ten years you start from scratch, and increasingly, because the five-year review has become more onerous, it's actually every five years you're facing these kinds of costs, and I am deeply sympathetic to your first issue, which is that the cost of this to a struggling institution is very significant.

MEMBER WU: Or even to a good institution, not a struggling one, but not an elite one, not a rich one.

MS. TILGHMAN: And having just spent two years taking \$170 million out of my operating budget, a million dollars is a big deal to me too, yes.

MEMBER WU: One last thing on the data, just so I understand. This is data that you would not otherwise collect for your own purposes. You might collect it, but not configure it that way.

So it has to be repackaged somehow. So even if you have it, it's not in the right format.

MS. TILGHMAN: That's correct. I think it's a combination of both. Some of it are things that we would not, on our own, collect, and some of it are data that we do collect and you know, it takes 20 seconds to provide, and some of it has to be reconfigured. So I think it's the entirety of it.

CHAIR STAPLES: With the Committee's permission, I think we'll ask Mr. Carey to speak, and then we'll start with the questions from Larry and those who have been previously recognized. No, you're late. We were early.

(Off mic comment.)

CHAIR STAPLES: Welcome, and we look forward to your comments.

MR. CAREY: Thank you. Thanks first on another opportunity to address the Committee. I certainly enjoyed the dialogue last time we were here, and had a chance to look through the agenda and the proposal that you put together, and I think it seems like you are focused on the right set of issues.

So I'll be brief, because I don't want to interrupt what I'm sure was a good conversation that you guys were having before I came in, and just offer a couple of observations that I think are relevant to the, to this panel's discussion.

The whole subject of regional accreditation and what it means seems very important to me, and I think, just an observation I

would make, is that regional accreditation, the word "region" has its greatest meaning as a sign of quality. I was talking to a community college president the other day about credit transfer, and she said -- "Well, what are your credit transfer policies like?"

She said "Well, you know, if it's from a regionally accredited school, then our assumption is that it's good. Otherwise, naah. Those other places, we think they're not good. We wouldn't take their credits."

I think that it's fine to have gradations of quality in accreditation, but it's sort of odd that that's how we've gotten here, that as opposed to having stated gradations of quality, where there is like minimal accreditation and then good accreditation and then good enough for transfer accreditation, that good enough is a function of who's doing the accrediting and not some actual stated set of standards that differ from one another.

It's not how -- we didn't decide to get here. We're just sort of here now. And given the fact that 60 percent of all students who get Bachelor's degrees will earn credits from more than one institution, I imagine that number will only grow over time, as the number of educational options that are available to students increases.

We ought to perhaps have a little more rationality and purpose in the way that we decide how to essentially give varying marks of quality to credits of different kind. It doesn't make a lot of sense to me that you have one, that really the most important variant of quality and accreditation, being regional or non-regional and that's not the way we decided to do it, and that we would have sort of six different regional institutions that would all have their own, start in a different place.

I know part of the discussion has been well, you know, again, is this sort of an archaic architecture, an architecture of the time when regionality and accreditation was unavoidable, because accreditation meant travel and we didn't have an interstate highway system.

It makes sense to me that we perhaps ought to have more of a single national set of guidelines that would be implemented on a regional basis, as opposed to essentially sort of six different ways of doing things.

Now I say that, recognizing that there are costs and benefits of some kind of consolidation or nationalization. I mean, I think, for example, that I'm a big fan of what WASC has been doing over the last year. I think Ralph and his team should be commended for the sort of steps forward they've taken in really pushing accreditation to ask more and better questions.

That's the benefit, perhaps, of having multiple actors. You can have differentiation in what they do. But I think that could perhaps still be accomplished with some kind of more uniform regime that recognizes that we live in a very different world now, and particularly when we live in a world where colleges are no longer place-bound.

If, in fact, regional is the thing that matters most, and if a college can serve students anywhere as they can, then it doesn't make sense to sort of be able to take six different bites at the apple and only need to succeed in one of them. So you know, I think that's something we should consider.

The second thing I would talk about is transparency, public transparency. We've sort of made this bargain that the government, the federal government, with higher education, where the federal government decided a long time ago look, we're not really going to be in the business of asking serious questions about quality. We're going to leave that to you, in the form of your voluntary accreditation system.

You know, the argument for that is very powerful. I want to recognize that. Colleges and universities are very complex organizations. It makes sense that you need expertise and experience in order to be able to do a good job of evaluating them, and peer effects are very strong.

If you look at sort of the research in psychology, what people organize their lives around, other people who are like them and these sort of non-regulatory, almost social pressures.

Look at professional peer groups, for example, look at people in academia. The thing that a college professor cares most about generally is not what the other people on her campus think, but what other professionals in her peer group around the country think.

But the downside to that, there are two. One is they actually have to be peers, and I think as higher education has become more and more diverse, and we have different business models, we have a combination of public/private, non-profit and increasingly for-profit, I think the social nature of the peer part of it breaks down.

Second of all, there's this ongoing argument that peer review can only happen essentially behind closed doors, or else it will be, all the good part of it will disappear, because if we try to disclose what happened or if we make public the findings of peer review, then it won't work anymore.

I think allowing peer review to be the foundation of quality control is already a pretty big leap of faith on the part of the public, and I think more transparency would be a reasonable additional part of that.

That's also connected to the fact that we sort of struggle with the multiple levels of accreditation quality, where again, it's basically just regional is better and then everything else. There's regional is not as good. You lose so much information from a public standpoint if that's all the public can see.

So I mean, if you take an organization like Princeton, for example. I mean Princeton is more likely to win the BCS football championship than lose accreditation, frankly, and that's appropriately so, in both cases.

(Laughter.)

MR. CAREY: But what it means is that for all intents and purposes, the interaction between the accreditation quality control process and very selective, very wealthy universities is meaningless, from a public standpoint. I don't know the extent to which Princeton or its peers chooses to make the results of its accreditation review public. I imagine they're very positive, so perhaps it does.

But when you have a system where it's up to the institution to decide whether elements of the accreditation review are public or not, you almost guarantee the most interesting things, that there will be an inverse relationship between the information being interesting and the information being public.

So you know, I think a combination of recognizing the growing need for more consistent national standards in accreditation,

recognizing that we need multiple levels of quality, where good enough for a Title IV is one thing, but good enough for most students is a higher thing, and great is something that goes even above that.

I think peer review and accreditation can speak to all of those things. Recognizing that differences in the underlying business model of institutions ought to be strongly reflected in how we choose to regulate and review them, and really having much more of an ethic of public transparency.

Because otherwise, that which is not transparent doesn't matter in the marketplace and for students, and I think accreditation is too important not to matter. Thank you.

CHAIR STAPLES: Thank you very much. That was very thought-provoking and helpful. We were in the middle of some questions, and I'm sure that you'll get some directed to you. Larry, you're up next.

MEMBER VANDERHOEF: Just two quick comments and then a question. First of all, I hesitate to do this, because Arthur's not here, but I really disagree with the notion that somehow changing the way we group universities is going to affect the interaction locally. I think we would all, if we haven't had the opportunity, we'd be happy, happily surprised at how much interaction does go on between institutions locally.

If you ask them if this had anything at all to do with accreditation and whether that was what was pushing them, they'd say what? I mean they wouldn't understand that at all, because they do it for other reasons. In part, there are altruistic reasons; in part, they're pragmatic reasons. It happens and it will continue to happen, that kind of local activity.

A second quick point. I worry that when we talk about the dollars expended, that we're putting the wrong spin on that. In fact, in at least a couple of the letters, the wrong spin was put on it. It's not that institutions are hesitant to spend that kind of money on improving the quality of what they do.

That's not it at all. It's that they fret a lot about that money being wasted in that same regard. They're not able to put that money where they really think it should go, to improve the quality of the university.

If you'd just use that as the category and you add up how much money is spent, it's much more than the million or the million and a half, that is, money that's spent toward improving the quality of the institution. Yet that number comes up over and over again as just it, by itself, being the burden.

My question as to do -- I mean I really personally approve and like the idea of having our organizations of institution different than they are right now, and the whole idea of region. First of all, we don't do very well at -- I mean look at our

regions. They're kind of goofy and looney as well, in many cases.

But the fact is that we will be better off if we divide up the pie in a different way. When I start to think about how to do this, I run into at least mushy ground very quickly, and I wonder if any of you have notions about what the bright lines are. I mean where do you stop? I think I know, Shirley, what you're talking about, and I know Ralph and I have talked about this a lot.

I know what the intention might be, but I don't know how you draw the lines around what you're going to do. You certainly have already said you don't stop, Shirley, at the Ivy League, for example.

You don't stop there. There are others. And even the AAU gets in on it. You know, they say okay, well let's do the -- well that, even that's problematic. So how, what do you do?

MS. TILGHMAN: You know, I don't also have a clear answer, Larry, to that question. But one idea that we've played around with would be the idea for, you know, it has to start with a small organizing group, who then define what their threshold standards are going to be.

Then anyone who is willing to be judged by those threshold standards would be eligible to join your sector group. I mean

that, I can think of reasons why that might work. I can think of reasons why it might, you know, not work.

But I think it's going to be difficult, because I agree with you. You know, community colleges seems clear; maybe it's not. Maybe that's even a complicated group, you know.

Research-intensive universities, small liberal arts colleges. But I know there's this huge, huge, you know, very important group who wouldn't neatly fit into any of those categories. I think this is -- I think in the letter, I said the devils are going to be in the detail, and this is one of the big details we'd have to sort out.

CHAIR STAPLES: Judith?

MS. EATON: A way, Larry, maybe to get at that is again, why do we have to start with structure, which is almost invariably where we start when we think we have a problem in higher education, if the regional accreditors accredit overwhelmingly not-for-profit degree-granting institutions. There are a few exceptions to that, a handful.

What if degree-granting non-profit institutions were free to go to any of these accreditors? Then what might happen over time is you're going to see certain types of institutions going to certain types of accreditors. That, in turn, will have an impact on standards and expectations. I don't know that that addresses the cost issue.

You can achieve this organically, is what I'm trying to say, as contrasted with creating and imposing an alternative structure. Just something to consider.

CHAIR STAPLES: Larry, any more questions?

MEMBER VANDERHOEF: No thank you.

CHAIR STAPLES: Earl.

MEMBER LEWIS: There seemed to be one summary statement that actually most of you, if not all of you, agreed to, and I noted in my notes, and I'm paraphrasing it. But essentially that the standards should be situated within the institutions, that in some ways, that all of the institutions have an understanding about quality enhancement and improvement do so on an annual basis, do it over a period of time, etcetera.

One of the challenges sitting on this side of the table is trying to also deal with the fact that if you look at the larger complex of institutions that are in the sort of postsecondary education market, that come under the purview both of the Department and federal regulations, and you ask the question.

Okay, I can agree with the first part. I mean in my day job, I certainly believe that day in and day out. But the other part of the question then what are the baselines?

Because there's a part where as you look, whether you're talking about structures or not and all, there should be some baseline that we all can agree on, that should be included in a

set of standards that apply to the tier, in plural, of institutions.

That's sort of getting there with some of the things with WASC, but I'd love for your sort of reflection and thoughts on how do we think about the baselines.

MR. WOLFF: Not an easy task, but as agencies that periodically review what are standards, one could submit that the standards do attempt to get at that, that each of the accrediting agencies, regional and specialized, have.

I'd like to suggest -- and we divide the world into capacity standards and educational effectiveness. I'd like to challenge and frame. It's partly cost, it's partly in response to your question. The current law or the regulations require that every institution undertake a comprehensive self-study periodically, and be reviewed.

It is an old model, that if I take what people are saying here and have been saying in the hearings, if it is a data-centric model, then the idea of a comprehensive, labor-intensive, across the institution engagement is not necessarily the most useful model for all institutions.

It may probably, it would not be effective for Princeton to engage their faculty, and I think this is what Larry's talking about, the opportunity cost. So what I'd say is that first of

all, we have to say what are some of the data indicators that we could look at that would be offline, that could be used?

Much of it is publicly available. Every major institutions issues an annual report, has an audit, report on IPEDS, on faculty and other kinds of things that could be drawn, that do not require the institution to have to engage in additional work to generate.

Then the question becomes where is value added in the process. I would submit even in those regards, a comprehensive self-study may not be the best way of getting at those issues. I do think that the challenge that we have is, which I tried to talk about earlier, around for some institutions, completion is an issue and for others, it is not.

How do we take some off the table? What is good learning, and how do we evaluate it is another conversation to be had, and we have to be able to have a -- I don't know if I would call it a multi-tiered approach. I don't think that's the right way to approach it.

I think we need a nuanced approach, a sophisticated approach of what kind of learning objectives are most appropriate to a Princeton or an Amherst, that might be different from a comprehensive public institution, where someone is there to get a teaching credential.

CHAIR STAPLES: Earl.

MS. EATON: I remember one time that a member of our board of directors pounded the table and said let's get rid of the ten percent of the worst accredited institutions in the country, and that will improve accreditation, right? And people looked at him and said how are you going to identify them, all right?

I think that's the issue that you're raising. The suggestion that is being floated here, I think, in different ways and at different times is if we had a set of indicators or proxies, such as those that Shirley mentioned, but I don't think for this specific purpose, but that Anna's been mentioning, has mentioned two or three times, those proxies could be used as the baseline with regard to every institution.

Of course, the enormous challenge there would be to identify what those ought to be, and they wouldn't be all tied to institutional academic performance. Some of them would be fiscal in nature, and would we be willing to go there?

The attempt, I think, Ralph may disagree with me, to take the essentially standard -- essentially the standards of formative evaluation, which is what especially regional accreditation standards are, and to twist those into standards for a summative up or down judgment, is a way, I think we should not do.

How do we complement what is going on with accreditation, yet get at, Earl, what you're describing in there, a couple of examples on the table, and I'm dodging the issue that Anne has

raised several times about therefore, do we need gatekeeping. But within that, we might find some answers.

CHAIR STAPLES: Thank you. Jamie, and then followed by Susan.

MS. TILGHMAN: Could I just -- a quick addendum, a quick and obvious addendum to Earl's question, which is again, thinking about what is serving the public good here, there is no question that our accreditation agency should be primarily focused on those institutions who are not serving the public good.

I worry that what has happened is in, that over time, we are getting to a place where we are not -- that is not where our accreditation agencies are really focused, which is how to ensure that there aren't institutions out there that are using, taking advantage of students and federal aid dollars, and accomplishing virtually no education at all, and getting the focus there, seems to me, a very high priority.

CHAIR STAPLES: Jamie.

MEMBER STUDLEY: All of you have raised a lot of interesting issues. I have a couple of different dimensions of this. One is I think we all want to be sure that we neither privilege nor profile, thinking of profile as a negative and privilege as the opposite.

If we're setting baseline standards so that, and we have talked here, for those of you who weren't able to be with us, we

have talked about the possibility of separating the baseline from the continuous improvement process.

What do you need for Title IV eligibility, versus what do people elect to do, as peers, for their own improvement, for status, for scholarship eligibility and professional standards for other reasons, and with whom.

I'm very loathe to spend what I would imagine we will find is our limited ability to recommend things that are politically challenging, expensive, burdensome in any way. So I think Judith's point about not tackling structure, if the issue is not truly structure, and much of the structure doesn't come from us.

It comes from historic development of a particular system. So your institution could voluntarily join with others to create a new way of meeting both your peer review interests and your collaborative interests, and to meet Title IV eligibility criteria.

The way I'd ask a question that might be useful for us is whether not that we should compel the regionals to all join up, or to eliminate somebody so that somebody else can do it, but are there incentives we could create for encouraging best practices, or barriers that we by statute or regulation have created, that stand in the way of alternative approaches?

That said, I just want to mention. I'm sorry Art Keiser's not here anymore, because I would like to agree with him. As a

college president of a selective liberal arts college, I learned more about assessment, continuous improvement and understanding how to tell what learning was going on in my institution, from LaGuardia College and Miami- Dade, from Alverno and Evergreen State and Portland State, than I did from my college type peers, where we attempted to be a leader among our peers.

That doesn't mean that for every purpose it made sense for me to work with them in every way. But I know that the state-based activities that I was doing with a variety of, a cross-cutting variety of institutions in the state, were designed for very different purposes, from cooperation to public relations to state lobbying for private school funding, and were not around the issues of understanding what it meant to know what people had learned, what capacities they had developed in the time that they were with us and with my faculty.

But you see, I'd be interested in what each of you have to say about those incentive barrier kinds of questions, because do no harm isn't always applicable. But one of the things it means is get out of the way of the positive improvements, or encourage, you know, don't be a barrier in their way, or help make it possible for them to move forward.

So it may be Judith, Ralph and President Tilghman and all of you might want to speak.

CHAIR STAPLES: Anybody like to respond?

MS. EATON: Several things, Jamie. One, Ralph made the point at least twice today, and it's come up before, that institutions are required to go through the same comprehensive review over and over again, even if it is ten years and it really isn't ten years, I think, about anywhere anymore.

That's contrary to the way most countries carry out quality assurance, although they're shifting more to the way we behave, to the periodic review. But what if there were a way, and I don't know what it is, to be satisfied about the basics of an institution, such that we did not need the periodic, comprehensive review on the regular cycle, all right, is one way, is one thing we could look at, and encouraging some or piloting that in some ways.

Another area where I think we need some incentives, a number of have sat around here and said we don't think the accreditation standards are high enough. Well, how do we define that? If we should be concentrating on the institutions with the greatest problems, how do we identify them and how do we focus on them, all right, for the future?

We need an incentive to create some mechanism for that, and then third, if we want to explore this issue of differentiation within or outside of regional accreditation, and perhaps based on sector, we need some incentives and some ways to look at that as well. All of these things, or at least two of them have been

mentioned as ways to strengthen accreditation to serve the public interest.

CHAIR STAPLES: Ralph.

MR. WOLFF: Well, I've commented on it before and I will say it again. I think that I am very constrained by your process. I just want to say it. We have to have a visit, we have to have a self-study. I mean this is really challenging, but do Stanford and Cal Tech need a visit?

MEMBER STUDLEY: I'll tell you one thing. I don't want to decide, just because I know their names, that they don't need a visit. But your point is well-taken. What is coming from our statutes, our regulations and our process that keeps you from doing something that seems smarter, and would still satisfy the bottom line requirements that we all, I think we all agree on.

MR. WOLFF: And so I would say that it's to look at could we create some zone of permissive or innovation and explore it and assess it and determine alternative approaches? I worry about the profiling effect of segmentation. Every solution has its own set of problems, and the term profiling is one I might not have come up with.

But I would say that there are many institutions that would feel that whatever accreditation they have is less than or secondary and not an impact. I think the real question is what

are the standards of performance around key areas, and this is where I would agree with Kevin.

It's not just that regional accreditation may be better or gold standard in other venues, but what are the standards of performance that we apply? The ability -- then so I would say a number of our regions are looking at separating out compliance and improvement, and even our compliance models, like the Sachs off site review, are all standards, and very voluminous processes.

So I would welcome working with people in the Academy and with the Department, about alternative approaches that puts the emphasis on the right syllables for different kinds of institutions. That's where we need help, and we need regulatory adaptiveness to permit that to happen, but that assured you that our criteria were adequate.

I think there is enormous value to expanding the conversation about what are the metrics. I'm not convinced that it's just graduation rates, given their complexity, or just default rates. There are a lot of issues of capacity. We are seeing a fundamental shift in the faculty role, even at residential-type institutions or brick and mortar-type institutions.

We need conversations about how do we look at quality in that context. How do we conduct evaluation processes for online learning, when our frame is visit-based? So what I'm saying is

that whatever the structure, the kinds of questions that need to be what will assure quality at the end of the process, and how do we become more transparent?

I think we need to have conversations, and have some give and take with you all on an experimental basis. I would submit that what we're doing, what the Higher Learning Commission is doing, what the New Pathways project, are very interesting models, that we ought to collaborate on.

But our goal should be high accountability, but also appropriate allocation of cost.

CHAIR STAPLES: Susan, and then we're running out of time. I don't want to cut people short, but I want to make sure we get --

(Off mic comment.)

MS. TILGHMAN: All right. The only thing that I would add is that I completely agree with you, that nobody should get a pass, and it should certainly not be based on reputation.

But I do think we can develop, as Ralph said, a series of metrics, that we are persuaded would give confidence to the accreditation agency and then the federal government, that this is an institution that is financially, you know, solid, and is serving the best interest of its students, and sending them off into productive careers.

I don't think that is going to require voluminous amounts of data. I think there are -- whether I've got the right set, I

wouldn't presume to say. But I think there is a finite, reasonable set of information that were it in the hands of the accreditors, they could with confidence turn to the Department of Education and say we are confident this is an institution that is serving its students well.

And then, the great benefit of being able to do that, is then the accreditation agencies are really going to focus on the institutions that we're worried about, that are not fulfilling those needs.

MEMBER STUDLEY: I would just add or, if it turns out that they -- once they can identify who those are, that maybe that's not a role for accreditation, because peers may not be good at saying you flunked. So there are different recombinations.

MS. TILGHMAN: Absolutely. I agree with that.

CHAIR STAPLES: Susan

MS. PHILLIPS: Many of the comments that I was going to inquire about have already been echoed around the table. So I want to come back to something that Ralph, you had mentioned, and I ask this in the context of what President Tilghman had mentioned.

You included in your discussion about what WASC is doing, a couple of notions that are, I'll call them relatively new to the accreditor role. One was sending in SWAT teams, and another was creating learning communities.

In those, what I heard was an active agent of quality improvement, as defined by the accreditor, as opposed to the accreditor being merely an evaluator, rather than now. The accreditor as active agent. So I was intrigued by that, as a role for an accreditor, and then put it into the context of Princeton's experience with their accreditor, and wondered if the two of you or others might sort of address that role of an accreditor in shaping the educational quality of the institution, as opposed to being the mechanism by which it shapes itself.

MR. WOLFF: I might begin to say that it's not so much a new role, but it's an expansion of a role. One of my sound bites is you can't regulate yourself into the future.

Regulatory action is retrospective. Enormous changes are occurring in higher education before our eyes, and the students, the modal student today is not the historic, traditional student.

Peter talked about it, new delivery models. Students are taking distance ed on campus. I mean there are all kinds of things that are happening. The kinds of questions, once you get beyond threshold levels, we believe, my commission believes, are the kinds of questions that require less regulation but more innovation, more responsiveness.

That's where the learning community is. How can we learn from one another that are best practices? Our experience has been that even our best institutions, one some of these issues, can

learn from one another. But also what is good learning is one that we all need to be in a conversation about, so that it's not reduced to a single metric, or to a very narrow workplace competency, when we're also trying to prepare students for a lifetime of career change and a meaningful life.

These are conversations, not regulations. So first of all, with respect to, let's just take a very concrete issue, graduation rates. There is some very high quality research on cost effective ways to improve completion. But it has not filtered its way into many institutions.

So we believe that if we are going to make it a key element in our review process, then we need to assist institutions in how to improve those graduation rates. It's not simply either you meet that rate or we're terminating your accreditation. But it is how, for a particular subgroup, would that work. The same is true with particular -- what is good writing? What is critical thinking?

That is -- we would like to engage faculty in those kinds of conversations, but do it in a way that allows it to be centered within an institutional context. I will say that years ago, it would have been true to say that many of our best institutions were opposed to learning outcomes assessment or challenged it.

But now, we're finding some enormously, I think, excellent work being done at some of our best institutions. How do we

bring that into the whole community? So we're trying to explore ways that that could be done, in a convening role, in a learning together role, so that when we do conduct our evaluations, that actually we're able to talk about standards of performance, and something deeper, at a deeper level about learning, than how did you perform on a CLA or a very simplistic reductionist view.

MR. CAREY: Yes. I agree with much of what Ralph said. It seems like the conversation has done a good job of making a distinction between minimum standards and aspirations, between regulation and peer-driven continuing improvement.

The minimum standards/regulatory part of this conversation, a lot of it is about money. It exists to protect the taxpayers' money. It exists to protect the students' money.

A lot of the judgments that we make about institutions are financially based. Will they be open next year? Can they pay their faculty? Do they have enough resources to provide a minimum level of quality?

One way to kind of get at that is right now, the organizations that are making these financial judgments don't have the financial stake in the decision. If it's the government that's making the judgment, then it's the government's money. So I think this was brought up at a previous meeting.

One could imagine holding accreditors financially responsible for the financial bad consequences of their accrediting

decisions, because you know, they're members of your organizations, right.

So if you're a member of Middle States, for example, and Middle States makes a bad choice and gives accreditation to somebody who it shouldn't, and the taxpayers lose and the students lose, you don't lose.

So from an incentive standpoint, I think if the accreditors had a financial stake in their accrediting decisions, perhaps they would kind of come at that from a different standpoint. They would have reasons to build resources and expertise, which you need in order to make these decisions.

On the other hand, if we're talking about aspiration, if we're talking about excellence in student learning, if we're talking about continuous improvement, then we're beyond regulation. Ralph is exactly right. You can't have a compliance mentality. No one became excellent or improved or met the future or what have you because the government wrote a law telling them to do it.

Those kinds of things only matter if the people involved believe they matter, and both implicitly and explicitly endorsed the standards.

So I liked what President Tilghman had to say about groups sort of voluntarily saying this is the bar. I think that that should be, perhaps this is your implication, structure-neutral.

In other words, you don't have to be this or that kind of university or college or what have you, as long as you're willing to kind of get to a certain place. So that would, you know, move the conversation more toward the kind of outcomes that Ralph is talking about, and different organizations can make different kinds of choices and embody different kinds of values when it comes to those standards.

But it would all be disconnected from the regulatory Title IV process, which is just very different and requires a different set of expertise, process, standards and attitudes, quite frankly.

CHAIR STAPLES: We have -- I'm sorry?

(Off mic comment.)

MS. TILGHMAN: I would just -- very quickly, I can do this really quickly. I would just underline something that Kevin said, that continuous improvement is a value that is either embedded in an institution's DNA, if you'll excuse a molecular biologist using a term of art, or it's not. I agree completely, that it is very difficult to induce continuous improvement simply by federal legislation.

On the other hand, if we were to -- if you, rather, were to in the future adopt a system not unlike the one that Anne Neal was proposing much earlier, I think most institutions that I know would welcome voluntarily, every ten years, going through a

rigorous peer review, that looks at the efforts that the University or the college has undertaken, in order to achieve continuous improvement.

I think it would be, you know, whether it becomes voluntary or whether it becomes mandatory, I think it is a very good thing for an institution, to take time once every ten years or so, and really very seriously and comprehensively reflect on what its weaknesses are and how it needs to move forward to improve as an institution.

But allowing the institution to define, you know, its own weaknesses and how it's moving forward to improve those weaknesses, is the way I would put it.

CHAIR STAPLES: I know that Arthur had a question and Larry has one, and I think we'll wrap up.

MEMBER ROTHKOPF: One brief question to Ralph. Just before the break, you outlined your seven initiatives, transparency, multiple forms of decisions, recommendations, etcetera. I thought they were really very important and I don't want to lose sight of them.

My question is what kind of reaction did you have from your institutions to that, to these initiatives? Were they receptive? Have they been?

And secondly, to what extent are other accreditors following the lead of your organization, because I think what you're doing

is something that voluntarily I don't like the idea of the rule coming down from the top. But I do like the idea of an accrediting body adopting some standards and some initiatives that I happen to think are very good and actually very consistent to what we heard from Peter Ewell this morning.

So I'm interested in the reaction, both in your region, but also around the country.

MR. WOLFF: First of all, we're about, I don't know what I'd say, 25 percent into the process. So the commission has embraced each of these goals. We have task forces on each, and the task forces are comprised of wide representation from a whole wide range of institutions.

Each of these have been affirmed by the task forces. Now we're filling in how would we do it, what would be the reporting mechanism and the like, and that's what the funding will be used to do.

The pushback has been around multiple levels of accreditation. That's scary. What would that look like, a report card or a quality indicators report? How would that be? Very considerable concern about that. Publishing and focusing institutions even more heavily on retention and graduation concerns, that that will lead to a lowering of quality. We don't believe that to be the case.

So the devil is -- a lot of the devil will be in the details. But I will say that at the commitment of the commission has been affirmed twice unanimously, that this is the direction to go, because it builds on what we've done, it's the right thing to do, and will address the future.

One thing I didn't say is we have a task force on changing ecology, because we're scanning the future and saying that whatever model we have is going to need to adapt to these changes that are already occurring.

As far as the other regions, we're sharing it. One of the things that the regions that we're all talking about is how do we look at the issue of transparency. So there is some considerable interest in what will happen when we make, assuming we do, which I hope we will do a year from now, all of our action letters public and have them on our website. What will be the implications?

I will say that we'll have to figure out how that will work and will there be an executive letter, if there are private issues. But we're clearly committed to moving forward, and I'm sharing the results, or at least what we're doing with the other regions, so that we can see how what they're doing fit into a common agenda, of trying to be more responsive to these public concerns.

CHAIR STAPLES: Larry, you have the last question, and then we have to get to our third party commenters. Okay. Thank you very much for coming. It was a very useful conversation, and we appreciate your time and your input.

## Appendix G

### Transcript of the Oral Comments Made by the Public and Committee Discussion Concerning Issue Three: Accreditor Scope, Alignment and Accountability

#### Public Commenters' Presentations

CHAIR STAPLES: We'll now proceed with the third party commenters. Why don't you all, the three of you come up? Joseph, is it -- I don't know if it's Vibert or Vebert, Susan Zlotlow and Bernie Fryshman. Forgive me if I didn't pronounce any of your names accurately. Mr. Fryshman, why don't you go first? I know you're looking to get to transportation. So I would like to have you have that chance.

MR. FRYSHMAN: Okay. Thank you very much. I very much appreciate that. I will speak a few words about accountability for accreditation decisions, and I guess I was very pleased that at the end, I heard Ralph talk about some of the other elements of outcomes, and identifying elements for accountability, that have nothing to do with structure and nothing to do with graduation rates and placement and commonality, retention as proxies for learning. They're not.

They're numbers, and sometimes the numbers make sense, sometimes they don't. I was troubled, and again I'm appreciative to Ralph for at least touching on some of these things. We

should be talking about things like deep reading, critical thinking, confidence in addressing problems, lifelong learning. The transformation, we still believe in that.

I speak for my agency, for the rabbinical schools. That's what we're all about. We are looking for the transformation of the human being, and where I teach, well, when I teach, I also look for that. These are not elements which are easily measured. They're measured by experts

They're not measured by numbers, and sometimes the numbers paper over the reality. So we're focused on -- we're diverted. We're looking for things which are not really relevant.

Now I'm not here really to say what other agencies should do. Every agency should have a right to do what makes sense in its own field. Every agency should be able to define what its field is, establish. The onus should be on the agency to establish, through the Department of Education, what makes sense and why it makes sense and how it's going to be measuring.

But the word measuring doesn't mean measure with a yard stick. It means measuring with tools which are characteristic of what it is you're trying to measure. Numbers, at least in my kind of education and in certain other kinds of education, make no sense.

They may have, they may make sense in agencies where there is an occupational component, where you can count success, you can

measure success. You can use these placement and job rates as a proxy for success.

Not in every kind of learning, and I guess that would be my message to the Department of Education, that even though the regulations are one, the standards are one. But the way in which you impose the standards has to be done with a great deal of cleverness.

I thank you very much, and once again, I very much appreciate your giving me the opportunity to speak first.

CHAIR STAPLES: Thank you, and thank you for your comments. I appreciate your time. Whatever order the two of you would like to proceed, go right ahead.

MS. ZLOTLOW: You go first.

MR. VIBERT: Good afternoon, Mr. Chair and members of the Committee. My name is Joseph Vibert. I'd like to take the opportunity to respectfully remind you of a group of not insignificant stakeholders who are very interested in these proceedings.

I'm executive director of ASPA, which is the Association of Specialized and Professional Accreditors. ASPA represents 61 agencies that assess the quality of specialized and professional higher educational standards for education programs in the United States.

Our member accreditors set standards, to ensure that students in educational programs receive an education consistent with standards for entry to practice, or advanced practice in each of their respective fields and disciplines.

More than half of ASPA members are recognized by the Department of Education, and 14 of those have Title IV responsibility. The others who are recognized by the Department, have other federal linkages which have not been brought up in these discussions. So I'd just remind you of that.

Protection of our stakeholders is the primary concern of professional and specialized accreditors. This includes potential and current students, graduates, programs, consumers of our graduates, services and state and federal governments.

Programmatic accreditors serve the important role of ensuring that when students complete programs, they possess the necessary profession-specific competencies to interact safely and effectively with the public. These specialized competencies are very different from the competencies that may be required for accreditation at the institutional level.

It's interesting that in this day and a half that's been devoted to the discussion of accreditation, that no programmatic accreditor was invited to make a presentation. So my members live and breathe these issues on a daily basis, and we would ask that you keep us in mind for future such discussions. Thank you.

CHAIR STAPLES: Thank you. Please proceed.

MS. ZLOTLOW: Hi. I'm Susan Zlotlow. I come before you now with trepidation, because I already came before you once, and I get to come back before you in a year.

But I wanted to share some observations. They are kind of meta-observations, and it's a concern that I heard some people mention something that I'm afraid will be lost.

A lot of time has been spent talking about standards at a big picture level, at statutes, at regulations. But what I haven't heard at all is the process. Accreditation is both a status and a process. Recognition by NACIQI is a status. We want to be recognized, but it's also a process.

One of the things that's clear is by the Higher Ed Opportunity Act, there was a change in not only the composition of NACIQI, but the role of NACIQI. My concern is when we look at things like what is the standard, what is the process and what is change, you all are focused on the standards level and not the process level.

I believe that you have an opportunity to make changes already inherent in the change in the structure, I haven't heard you discuss it. One of the things that Dr. Pepicello was talking about is the granularity of the standards. The reality is if you look at the regulations themselves, they are not that granular, okay.

The statute itself is not that specific. The regulations are a little more specific. What is granular is what has come out of the Department. They have, the staff have had to go to the level of provide a guide that is granular.

In that guide, it even says this is guidance. So the reports you are getting are at a granular level, but I'm not clear that that's the role of NACIQI, to say are you living by the guide, or are you living by the regulations.

I would ask that you as a group talk about your own process now, and that was brought up by a number of speakers, and I don't want it to get lost, okay. Ralph spoke to that, Judith talked to that, and Peter, you all talked to that. But you have, if you're talking about change, you're talking about providing input to the Secretary, who will take that on advice and provide something to Congress, who will take that on advice.

Regulations, Jamie will go into negotiated rulemaking, and they will take that into advice. So I want you to look again at your charge and your process, and discuss what you can do now, based on the regulations, not on the specifics, to look at some of the things you want to look at.

So I would say it's always interesting, and those of us in accreditation land, as I call it, we know that our commissions love to talk about policy, and program review is just tedious. But that's what happens. If you focus on the details, if you

focus on the big picture, you are setting precedent with every meeting, when you go forward with accepting granularity.

Part of the problem we need to understand is the process right now, where if you go more granular and provide specifics on everything, and everyone is out of compliance, we as accreditors have to pass that along to the agency, for me programs for the institutions we accredit. I would ask that you provide more role modeling and thinking with part of the discretion, we call it professional judgment that we think is important in any kind of quality assurance mechanism.

CHAIR STAPLES: Thank you very much. That was very helpful testimony. At this time, we'll take a brief ten minute break, and then we'll begin our discussions.

(Whereupon, a short recess was taken.)

## Appendix H

### Submissions and Written Comments Received Concerning Issue Three: Accreditor Scope, Alignment and Accountability

Below is the list of individuals who provided written materials that addressed Issue Three: Accreditor Scope, Alignment and Accountability. The list is sorted by the commenter category, e.g., Invited Guest or Public Commenter. Access the Invited Guests' submissions as shown below. Access the public commenters' materials at [www.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/naciqi-6-2011-comments.pdf](http://www.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/naciqi-6-2011-comments.pdf).

#### Invited Guests' Submissions

Judith Eaton, President, Council for Higher Education Accreditation (CHEA)

Ralph Wolff, President, Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges (WASC)

Dr. Eaton submitted five documents to the NACIQI in consideration of Issue Three. They include the following:

- Accreditation and Accountability: a CHEA Special Report ([http://www.chea.org/pdf/Accreditation\\_and\\_Accountability.pdf](http://www.chea.org/pdf/Accreditation_and_Accountability.pdf));
- The Common Data Project, a CHEA Occasional Paper ([http://www.chea.org/pdf/CommonData\\_Aug2000.pdf](http://www.chea.org/pdf/CommonData_Aug2000.pdf));
- State Uses of Accreditation: Results of a Fifty-State Inventory ([http://www.chea.org/pdf/State\\_Uses\\_of\\_Accreditation.pdf](http://www.chea.org/pdf/State_Uses_of_Accreditation.pdf));
- CHEA Accountability Template (See Section 3 of the Accreditation and Accountability: a CHEA Special Report or <http://www2.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/chea-1.pdf>); and
- Dr. Eaton's remarks before the NACIQI entitled "Toward Framing the Future Role of Accreditation: The Problem, Suggestions, Cautions" (<http://www2.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/c-eaton.pdf>).

Dr. Wolff submitted three documents to the NACIQI. They included the following:

- WASC's Core Purposes of Accreditation – Perspectives Related to Different Roles (<http://www2.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/wasc-1-3.pdf>);
- WASC's Overview of the Accreditation Redesign Process for 2012-2020 (<http://www2.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/wasc-2-2.pdf>); and
- Dr. Wolff's remarks entitled "WASC: Redesigning Accreditation as an Agent for Public Accountability," (<http://www2.ed.gov/about/bdscomm/list/naciqi-dir/2011-spring/d-wolff.pdf>)

#### Written Comments Received from the Public Concerning Issue Three Only

- H. Kim Bottomly, President, Wellesley College and
- Bernard Fryshman, Executive Vice-President, Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission.

## **Appendix I**

### **Transcript Concerning the Committee's Final Discussion of the Three Reauthorization Issues**

CHAIR STAPLES: I want to thank everybody for your participation today and your patience, and we obviously are -- we have an awful lot more of conversation that will occur, I'm sure, this afternoon, some of it in written form and some of it in other forms. But we just want to say to all those who are participating in the audience how much we appreciate you coming and your testimony and your input.

Whether we discuss it in the next stretch of time today or not, please understand, we will continue to talk about these ideas, and we will have future opportunities to try to shape them into a set of model recommendations that we will carry forth.

At this point, I would like to recognize Susan Phillips, to describe a little bit of where we are and what we expect to do the rest of the day.

MS. PHILLIPS: So I have a proposal, given that it's Friday afternoon and I can see the homing pigeon qualities increasing in all of us. I think overall, after a bit more discussion, this meeting has given some very strong ideas for development of recommendations about where we are.

So what I'd like to do is to spend a bit of time with the last issue that we just heard about, and then wrap up where we are now

and promise you some food for thought in written form over the next couple of weeks.

So let me come back to the question of Issue No. 3, Accreditor Scope, Alignment and Accountability, our Issue No. 3 of the three that we have selected. Because you have done so well with my task of addressing the issue of what's working well, what we want to keep, what's getting better and what we want to grow, as well as the opportunities for correction, I thought I would just sort of fast forward and suggest to you what the end of that conversation might look like, and ask you to edit it.

So I'm going to propose that what we might say as a group, and again, feel free to edit this as we go along, is that the answer to the question of what's working well, on the issue of accreditor scope, alignment and accountability that we want to keep, is that the accreditation self-improvement functions are working well for those with a DNA so inclined, that the leadership of institutions is indeed promoting excellence and creativity, and that regional and specialty accreditation is seen as an indicator of quality. So it's a good quality indicator.

I'd also say that we were, we'd agree that one of the things we're doing well is diverting resources away from improvement and towards data collection that isn't seen as getting us towards improvement. Okay. So that's the list of things that I propose we might conclude that we're doing well.

The list of things that I might propose that we would have as a conclusion for the questions of opportunities for correction, for change, for doing things differently, I'm going to subdivide into four categories.

One is four gatekeeping functions. There might be a smaller set of threshold standards or proxies that are not common or national, and that are institutionally based.

For the functions of improvement; that there be a provision of peers for that process, however that's defined; that perhaps there would be a provision of benchmarks; that there be opportunities for community learning, however defined; that there be differentiated processes; and that there be opportunities to focus on those who need it most.

For public accountability functions, for the public, simplified but meaningful information about what accreditation means, and for institutions, transparency of the accreditation process itself.

The fourth category of things that could be changed is directions to NACIQI, in which we might raise some questions about our role, both in terms of a policy agenda, a standing policy agenda, and in the policy that we make in every agency recommendation.

Okay. So that was a half hour of discussion, all wrapped up into one three minute discussion. What would you change, what would you add, what would you delete, what would you suggest?

CHAIR STAPLES: Susan, I apologize if I missed this, because I admit for one second I took my eye off what you said. The issue that I thought that was interesting for us to put on a list to contemplate, whether it's for this process or for the future, is the way in which we might look at modifying the regulatory process to promote innovation, to allow more innovation out there.

In other words, there are -- comments were made, I think they were fairly compelling, that the regulations themselves limit the innovation that we might like to see happen, and that we put on our list at some point the idea of taking a look at what limits more flexibility, by virtue of the statutes or regulations and might that find a way into our recommendations, that there be an opportunity for waivers or for some other mechanism for innovative work.

MEMBER STUDLEY: Cam, I would only add to that, and to explore whether there are any that exist now that we can take advantage of.

MEMBER WU: Or to put it a different way, some people around the table have said are we willing to consider really bold ideas. Maybe one way to do it is here are really bold ideas, and here

are the more incremental ideas, if we're willing to think about the big, bold ideas.

CHAIR STAPLES: Anybody else? Arthur?

MEMBER ROTHKOPF: Yes. I'd just like to maybe throw out an idea that doesn't go to the specific recommendations here. But over the last couple of days, we heard a lot about data that's collected that's useful, data that's collected that's not useful, and data we might collect.

I think we've all got sort of different ideas about it. But I think there's one resource we might think about going to and getting some advice. While our recommendations are going to, you know, up the line to the Secretary. I think it would be helpful if we could, and maybe it's Susan or some subgroup, get the ideas of the staff who deal with this all the time.

In other words, we spend the first day and a half relying on the staff, and getting their input as to what's happening and not happening and where we ought to take advice or not take advice or, you know, recognize an organization.

But I just think it would be useful to find out from the staff who are sitting around here, what their thoughts are on data, based on their experience, which is quite extensive, as to what they think is useful or not useful, what could be better.

So I guess I'd just throw that out as an idea that we might aid in our deliberations, particularly on the data side, but even maybe on the process side as well.

CHAIR STAPLES: Any other comments? We did talk -- Susan, maybe you could mention how we might, there might be an opportunity after today for members to convey more thoughts to you, those who are here and those who have left, so everyone recognizes this is not the last moment to have input on this phase of the process.

MS. PHILLIPS: Absolutely. It being Friday afternoon, I'm not sure if I've done simply a masterful job of capturing all of our points of consensus, or there simply is exhaustion.

In any event, I would welcome more discussion about what's working well and what are the opportunities either you want to underscore in what I mentioned, or you want to add or subtract.

I'd also offer the opportunity to, you know, as you go on in your next week or so, to jot down comments that have occurred to you, as this, as you slept on this and considered what's been a pretty big banquet of information, what we might want to include in our recommendations.

CHAIR STAPLES: And I think, as Susan mentioned earlier, that she is intending then to turn that around in some sort of a summary fashion again, and we will send that out to the full committee prior to the subcommittee meeting in September, and the

full Committee can then weigh in again, make sure by the time the subcommittee meets they've got all the input that came out.

So if there is no other comment right now, I'm sorry. Aron, yes?

MEMBER SHIMELES: I know this was said already, but I just wanted to get the student perspective on the record. So I just want to say I agree with Jamie and Art, when they were talking about the value of regional accrediting bodies, in forcing diverse institutions to engage with one another, because from my student experience and my undergraduate experience is the most recent of anyone on the board, I'd say that a lot of student frustrations come from the tendency of institutions to over-rely on what their perceived peers to be doing.

I think the extent to which institutions can look beyond their closed circle of pre-determined peers, to look at what other innovative things that other institutions are doing, I think that's a really positive thing.

That isn't to say there isn't value in having institutions of comparable size or stature look to one another for best practices. But I still think there's just a value in those diverse institutions engaging with one another.

CHAIR STAPLES: Thank you very much for that. If there are no other comments at this time, we will call the meeting to a close, and again, as Susan said, if you could over the next week

or so, send any additional comments to her, that would be very helpful with that process. Thank you very much, and have a good trip home.