

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
NEGOTIATED RULEMAKING PROGRAM INTEGRITY
AND INSTITUTIONAL QUALITY
SESSION 2, DAY 4, AFTERNOON
FEBRUARY 8, 2024

On the 8th day of February, 2024, the following meeting was held virtually, from 1:00 p.m. to 4:00 p.m.

P R O C E E D I N G S

MS. JEFFRIES: Welcome back, everyone, from lunch. I am Cindy Jeffries. I'll be your facilitator this afternoon. Just a few things before we get started. The robust discussion was excellent and very welcomed by the Department. And we know these topics are full of questions and discussion. But in order to get through the entire rest of the document, which is a lot, yet this afternoon, we are going to try to limit topic discussion or section discussions to about 15 minutes. We do encourage you, if things aren't clear, even after explanation, we encourage you to submit some language that would make it clear for you, okay? Or clearer for you. And that can be addressed in the third session coming up next month. We also want to talk about- a little bit about protocols that, you know, please use your three minutes to state new ideas, new conceptual language, and not to reiterate things that have already been stated. We ask that you raise your hand and wait to be called on to respond because at any given time, we do have a number of people in queue, and we want to make sure that everyone gets a chance to speak. So with that being said, Herman, you want to pick up where we left off before a break? I'm sorry. It would not be Herman. It would be Carolyn because she had her hand up. So,

Carolyn, let's go ahead and start with you, and then we'll go back to Herman.

MS. FAST: Oh, thank you so much. I just wanted to remind everyone the provision that we were talking about before the lunch break was on page 25. It was under the substantive change requirements (n)(b) was the section we were looking at, I believe. So yes, it's now shown on the screen very helpfully. I just wanted to quickly respond to a comment before the break about the inclusion of provisionally certified institution as part of this provision. I think that it is appropriate to include a provisionally certified institution and include the language that the Department has here in this provision because, a provisionally certified institution has some sort of problem that the Department has identified that keeps it from certifying that the school is meeting all of its Title IV requirements. That might be a significant compliance problem. It might be a- an issue related to the fact that, you know, it's still under review from a change in ownership. But all of these things are things that are demonstrably risks to consumers because it's a situation where the Department doesn't have the information or hasn't had a chance to review the information, or there is a serious compliance problem to indicate that there might not be full

compliance with all of the Title IV protections for students and taxpayers. So that makes sense to me. And then also, just very also very quickly, the consequences that are set out in this provision are just that the accreditor would have to report the change and explain why they approved the change. And nothing actually very dramatic or drastic that would influence the institution in a very, you know, negative way. So, I think that it's appropriate and I'll leave it at that.

MS. JEFFRIES: Okay. Thank you. Seeing no additional hands, I'm going to go back to Herman to take us into the next section to discuss.

MR. BOUNDS: Alright. If we will scan down to the bottom of page 26. I think that is the next major change. And if we could hold right there, I don't think there's much after 26. So if you want to include in your discussions, anything in- [inaudible] anything in 26, anything in this section. So if you want to include in your discussion (c) all the way through to the end, please do so that way we can start into, 602.23 next.

MS. JEFFRIES: Scott, I see your hand is up.

MR. DOLAN: Yeah, I guess first a point of clarification that the Department truly means visits here. Because Herman, a couple times as we were

talking through this a little earlier, you had mentioned reviews and also giving the agency discretion to conduct those reviews that- in ways that they think are best. But there is a difference between how visits and reviews are handled on the accreditation side.

MR. BOUNDS: Got it. Understood. My- and my mistake and I apologize for that. Yeah, we're talking about visits. So site visits to all additional locations. It says- yeah, annual visits. Yeah, to all.

MR. DOLAN: Okay, I guess, I would reference the proposal that was shared between last session and this session, you know, you know, the Department says that they're really interested in ensuring consistency and quality across institutions and see visits as an important guardrail to protect students from significant changes that may impact the institution's resources and capacity. And the Department has also mentioned the real need to focus review on the greatest areas of risk. So it would be helpful to hear a bit more about intent and rationale about the shift from representative sample to all locations. From our perspective, this does create an undue logistical burden and cost on institutions. Our proceedings now are being held virtually. You know, in some ways, they're good enough for Federal regulation-making. And we've had

virtual visits on the accreditation side. The focus of these reviews are on academic control, adequate faculty facilities, resources, financial stability, and long-range planning. And it would be helpful to hear a bit more about how a visit to a physical location would really get at all of those issues in a way that would justify the costs associated with this. And, you know, bearing in mind that there are some institutions out there that do have up to 100 of additional locations based on the definitions that are provided. Some of those are abroad. Some of those might not be easy to access or safe to access. So I just think it's about balancing the intent, with the feasibility, and the costs associated with conducting these visits. So, we made recommendations around, you know, being a little bit clearer about guardrails that we might put in on the representative sample side. We think would be helpful to hear the Department's rationale for not hearing those proposed changes, too. So, there was, I know- and I know there was a lot there to react to. But I do think, you know, a thoughtful response to those various issues might help us all here.

MR. BOUNDS: And I'm not sure when all those recommendations came in. I mean, we will certainly, take a look at those. But again, I just spoke about this

a little earlier. And I don't want to draw that discussion out too much other than we would take some additional suggestions, but we just don't want it to be a case where during a ten-year accreditation cycle, nobody gets no- none of these additional locations gets a site visit conducted. That was the main reason for removing a representative sample to putting in all. We just didn't think it was unreasonable, especially again, if you're granting a ten-year accreditation cycle to ensure that all those [inaudible] that we're talking about. Again, I understand there's some disagreement here, but we would [inaudible]-

MR. DOLAN: Suggestions were submitted within the week of following the last session. So, and I understand the perspective, it might be helpful to hear a little bit more about what being on site adds to the conversation, rather than maybe a potential for a review of- across those areas. So yeah, I think just- and what expectations you'd be putting on some institutions. And, you know, there's the example of the military bases that we were trying to create a carve-out for. But there are also, additional locations that are sometimes within a couple of blocks of an institution that are downtown versus uptown. I just, you know, thinking through the concrete reality of the expectations here and the- and I

know institutional burden always isn't the reason we should be using here but, part of it is about really focusing on the areas of greatest risk to the institution's capacity [30 seconds] and resources, which was the Department's original intent. And it just doesn't seem like those things are aligned. Right? If we really want to focus our resources, let's focus on the areas of greatest risk. And in this instance, I don't think we're hitting the mark here.

MS. JEFFRIES: Okay. Thank you. Jamie.

MS. STUDLEY: I'll quickly underscore what Scott has said. The agency will be held to a reasonable- intervals and a reasonable plan for reviewing. And the Department has the ability to set guidelines, oversee how we do that. But if an institution has strong results for student outcomes, no triggers, no concerns, and strong performance, it really is not a good use of resources. And those resources include site reviewers. As the world gets busier, that's also a scarce resource to think about. It doesn't make sense to have- to go all the way to all. You know, Herman said the Department doesn't want to see none. There's a lot of space between none and all that can be generated by thinking about risk or concerns and considerations. Another detail. My agency has accreditation periods of

six, eight, and ten years, scaled to our perception of confidence in the institution's ability to return for another reaffirmation. Doing every location in a six-year period may not be the best way to manage that organization. And just finally, to underscore that we found that remote visits were effective. While the Department has had to require that we go back because it's a statutory requirement, we felt that we were able to do reviews effectively on a remote basis, but we really urge a reasonable standard, if this isn't the right language, then to find it. But to require us to go to every location where there is no sense of value, and the institution is performing well, is just not the best way for us to accomplish our shared purpose, which is to attend to the places where there are issues and concerns.

MS. JEFFRIES: Thank you, Jamie. I encourage everyone to put- to submit some alternative language for the Department to consider, either in the chat or in your upcoming proposal period time. Alright, I don't see any more hands, Herman.

MR. BOUNDS: Okay, I think that takes us to, 602.23.

MS. JEFFRIES: Okay. Do you- in terms of temperature check, what are you doing with-

MR. BOUNDS: Yeah, I think we need to

take- yeah, thanks. Thanks for the reminder. I think we probably need to take a temperature check on the overall of 602.22.

MS. JEFFRIES: Okay. Alright, having said that, let's go ahead and show our thumbs on 600.22 or 602. I'm sorry. 602.22. Alright, I have Scott Dolan. Jamie. Jillian. JoEllen Price. Carolyn Fast. Michael Cioce. Jason Lorgan. Laura Rasar-King. Those are the thumbs down that I see. Did I miss anyone? Okay. Wonderful. Okay, now let's move on to 602.23 and I'll turn it back to Herman.

MR. BOUNDS: Thank you. Most of the changes here in 602.23 we have discussed, but we'll- I'll start with- if we can scroll down to make sure I don't miss anything, we can scroll down to page 28. And this is a change we put here. I think this may have been some suggestion from, let me look at my notes here. Some suggestions from some committee members about the agency's posting the information in their petition for recognition on their website. I think we have a 60-day requirement here but would welcome discussion there. The next area of significant change also had- this has to do with changing of accrediting agencies and requiring- well, not requiring but having an opportunity for third-party comments. And we list some entities, What's the

mission of those comments and, of course, how they may be received. Oh, minor changes in (d) starts. The new procedures we put in because of our complaint guidance. So that goes down through (d)(1) through (4). I know we talked a lot about these previously, but if there's any other discussion here, we try to pull in some of the information from our new complaint guidance. Be it known that we did change some things and some things we did not pull over, but that was our intent here was to incorporate some of our complaint guidance. And I think that wraps up- there are minor changes on, looks like page 30. A couple of word changes there. Additions, not changes. And I think that wraps up, 602.23 and our next section will be 24. But again, I'll open up if there's any additional discussion on 602.23.

MS. JEFFRIES: Okay. Thank you, Herman. Any questions? Comments? Barmak.

MR. NASSIRIAN: You know, in general, obviously we- the more transparency there is, the better. The more public notice there is, the better. The more input is collected, the better. But I just want to point out that- and you know, I think I understand what the Department is attempting to do in (c)(2) with regard to consideration of an institution that's considering changing accreditors as a result of state legislation.

One, why should that- to the extent that we now have the distinct possibility of a creditor shopping by regulated entities, it seems to me that any change of accrediting agency should be subject to broad public input. It need not be motivated solely, by the change having been mandated because of state legislation. What we have set up in allowing regulated entities to now have basically a la carte choices of who regulates them. You know, some people may believe that people will look for Attila the Hun to regulate them. But, you know, if history is any guide, regulated entities will gravitate to the most lenient, least demanding regulator. And to whatever extent that is going to happen, it makes sense to at least solicit public input, regardless of what motivates the change. It may be a reasonable change, in which case, you know, public input will presumably comport with that reasonableness. That's just one concern. The other concern I have is what happens to the comments? You're submitting it to the entity receiving the comments, potentially the agency potentially considering the approval of an institution. It would be good to ensure that the comments are somehow recorded and made available broadly. Thank you.

MS. JEFFRIES: Thank you, Barmak.

Jamie.

MS. STUDLEY: I wonder if this is duplicative. The agencies already have third-party comment opportunities at designated stages and I believe have the discretion to take comment in whatever format seems best likely to promote the input that the public wants to give and the agency is able to manage. So, I have- third-party comment can be helpful. I just wonder whether all of this language is repetitious. I also add we didn't do item (b), and I thought we were going to go through these, chunk by chunk. Not Barmak's fault. Cindy, I thought that that's how you were going to manage them, but I just- I think this is, unnecessary repetition of things that are already the case.

MS. JEFFRIES: Okay. Thank you, Jamie. Thanks, Jamie. Any other questions? Comments? Laura.

DR. KING: Thanks. So we did skip over (b). I don't know if anyone has any more comments on (c) before I skip to a different topic if that makes sense.

MS. JEFFRIES: Please go ahead, Laura.

DR. KING: Okay so, on item (b), there's a new requirement about the agency posting its petition and all materials included with an application on our websites within 60 days. Where did where did this come from? What is the need for this? I think our petitions are available. I think they can be [inaudible]

for sure. I think the Department- does the Department now post them? I'm just curious where this came from.

MR. BOUNDS: I think some of this was proposed by some committee members. But to answer your other question, Laura, so we post the final- there's two postings. There's one posting that occurs when we send the final analysis to NACIQI. There's a posting on our website at that time, but that's only of the Department's discussion. Now, later, what we do is we try to post the final analysis, which then discusses- has the Department's narrative and it also has the agency's narrative, but we don't publish the supporting documentation at this time.

DR. KING: So you don't publish the petition at this time?

MR. BOUNDS: We don't publish. We don't we don't publish the exhibits, you know, the additional supporting documentation. What we publish now are the narratives.

DR. KING: Okay. So why- so I mean, that seems a little bit more reasonable. This is a tremendous administrative burden on accreditors. It's a new requirement. It's a tremendous administrative burden. And I'm not sure that I see the need for it. I don't have any problem with transparency. I don't care who reads my

petition. It's a lot of- it is a whole lot of redaction. It's- we put- we input our petition into a kind of an unwieldy accreditation or recognition management system. So it's reformatting all of that. It's hundreds and hundreds and hundreds of attachments. I just don't- I'm- I don't see the need for this. This is something kind of out of the blue from my perspective. And it's a tremendous administrative burden and I'm very opposed to it.

MS. JEFFRIES: Thank you, Laura.

Robyn.

MS. R. SMITH: I have a comment on a separate subsection (d), so if Jamie wants to go ahead. If you want to stick on (b) for now, that's fine with me.

MS. JEFFRIES: Jamie, is your comment on (b)?

MS. STUDLEY: Yes, it is. Laura put it very well. My- the first natural thing would be, could we post an explanation of the process of what a petition means and a link to the Department's site, but the Department isn't posting it all. One of the reasons, I think, is the Department's technology for doing this is so cumbersome that the way we have had to organize what we do is excruciatingly painfully adapted to the way that the Department system can take it. So the idea of

regrouping the literally hundreds of exhibits back into a normal format that would be comprehensible to and possible for us to do for the public is made much harder. It is not even just us doing it and posting it. It's we have to do in a way that works for this really difficult system. Then we would all have to do it. So I really think that it might- that the focus might be on the Department finding a way to have that which is useful done in a consistent way, so you don't have multiple agencies doing their best to meet this requirement if it went into effect, in a way that was then potentially inconsistent. So we'd be happy to help the Department do in a way that could be useful. I don't think there'd be a problem in saying here's where those materials are, and that's what's contained there, and that's where they fit in the process. I think that would be much more helpful for people than every accreditor laboring to meet this, translating from what we had to give to the Department and then a user in good faith trying to do something with in you tell me how many accrediting agencies, different structures, in order to do it. I think it is not the right way to achieve the openness that you want. I may have a different view than Laura. I think we already have to redact so that the Department can meet its [inaudible] obligations if they have to provide this information. So

I don't think that's where the extra effort lies. But I could be mistaken. The real problem is, doing this separately when the Department already has problems supporting its own needs and NACIQI's and the people who want to comment through the NACIQI process. I think that's where the fix ought to be. And [30 seconds] we would be happy to help find ways to do that that achieve the purpose of transparency.

MS. JEFFRIES: Thanks, Jamie. Robyn, if you don't mind, there's a note here in the chat that Carolyn's comment is also on (b), so if you don't mind, we'll go ahead and take her. Carolyn.

MS. FAST: Thanks. I just wanted to reiterate that we see this as very critically important to the process so that it is meaningful that the public can participate in the recognition process. Right now, there's a problem with public participation because of the fact that it's very difficult or impossible for people who would like to make public comments during the NACIQI recognition process to get access to these documents. If you ask the Department, the Department has to go through its [inaudible] processes, which delay how quickly they can release the materials ahead of a NACIQI meeting so that it's generally not possible to get the information before it would be necessary to comment on

the NACIQI commenting schedule. So in order to make sure that the public can actually make a meaningful comment, there needs to be a change to make it possible for access to the material. And this is why this is important that agencies be responsible for posting their own documents.

MS. JEFFRIES: Thanks, Carolyn. Okay, Robyn, thank you for being patient.

MS. R. SMITH: No problem. I'm happy to. So I just want to say we appreciate the Department's substantial improvements to the regulations governing the complaint processes and subsequent new subsection (d). I wanted to point out to the Department that we've made a few proposals to strengthen what we think are important ways to strengthen the complaint processes. We propose adding language that would ensure complaints are accepted, at least for monitoring whether or not the complaint was first submitted to the institution. And secondly, we submit proposals that would ensure accrediting agencies document not only their resolution of complaints, but also the process for monitoring the complaints, to identify any potential patterns of quality concerns or misconduct, and also to require the agency to make publicly available complaints data on at least an annual basis, as the Department proposed to require of organizations that lead state authorization reciprocity

agreements. So we did submit those and, I can post the language in the chat.

MR. BOUNDS: Yeah, thanks.

MS. JEFFRIES: Thanks, Robyn.

Appreciate it. Jamie, is your hand up again, or was it-?

MS. STUDLEY: Yeah.

MS. JEFFRIES: Okay, I couldn't tell.

Thanks.

MS. STUDLEY: I thought we were going to do these in order, so I'm trying to comment and jump around. So Robyn's comments were about the complaint issues, are we talking-?

MS. JEFFRIES: Yes, there were no more hands on (b). So we are- we are moving on.

MS. STUDLEY: But (c)-

MS. JEFFRIES: That's fine if you want to talk about (c), yep. [Inaudible] comment was on (c).

MS. STUDLEY: Okay. Okay. I guess I made that (c) seems redundant complaints. The- we're all working toward effective complaint processes. Five years seems like a long time. Many- one way to solve the problem of people who don't become aware of a basis for a complaint could be to have a different, period of time, say, three years. Some have suggested two years. But pick a number that is more manageable and does move people

toward bringing their complaints. And then, could certainly have a- if it was not discoverable or if the person had new information. But the difficulty of having clarity and being able to actually explore the basis for a complaint and encouraging people to bring them forward so that the school and the accreditor can do something about them means that five years could be just way too long. The otherwise observed element, agencies deal with information we receive from other sources whenever there is a suggestion of a failure to meet standards. But that kind of general information should not be subject to the specific complaints process. If I read something in the newspaper or somebody, you know, get a note in a bottle, that suggests that there's a concern at an institution, I do something about it, but I don't necessarily do in the same way or with the same structures as if it is a complaint from somebody who is waiting for a specific answer in a specific format. So we have an obligation to take things into account that might suggest a failure to measure up to standards. But lumping those into the complaint process could be disorganizing and unhelpful to actually jumping on them quickly and efficiently.

MS. JEFFRIES: Thanks, Jamie. Barmak.

MR. NASSIRIAN: Yeah, on the issue of the timeline, I'm not unsympathetic to Jamie's point, but

don't know how to deal with the fundamental problem that I think this committee has heard multiple public commenters about how they found out only years after the decision to enroll, that they were ripped off. You know, if there are misrepresentations made during the recruitment process and the person persists and ends up graduating and only upon graduation and a year-long search for a job [inaudible]-

MS. STUDLEY: Or non-graduation.

MR. NASSIRIAN: Or non-graduation for that matter. But the point is, the five year may strike people as too long but higher. You know, today average graduation rates for bachelor's degrees extends beyond five years. So I don't know that five years is unreasonable.

MS. JEFFRIES: Thank you, Barmak.
Robyn.

MS. R. SMITH: Yeah, I agree, you know, we have a lot of clients that have been ripped off by for-profit schools that come to us many years after the fact just because A) they don't know the legal standards. They don't know that something happened that they know something happened that shouldn't have, but they don't realize that they can even complain anywhere. And they often wait until their loans are in default

before they realize how- you know that they take action. And so I think one of the reasons you want a longer period is so that they can complain and mostly make the accrediting agencies aware of what's happened so that it can take a look at what's going on. So I think it's in the agency's interest as well to have a longer look back period, so that they can see if there were problems and see if they're ongoing and continue to address them. So it's really not unreasonable from a student's perspective.

MS. JEFFRIES: Thank you. Jamie.

MS. STUDLEY: I think that a different number and a later discovered standard might serve the same purpose that Robyn and Barmak are talking about because five is an arbitrary number. For this purpose, there may- you know, your student may come to understand that and have a complaint they want to bring forward in 6 or 7. So it would help to get- encourage those which can, to come in a reasonable time period so that we- so that those don't languish and then deal with the ones that are late discovered. The law has ways to adjust that so that is not barred by five years. So I think there's a reasonable ground that could serve both purposes.

MS. JEFFRIES: Okay. Thank you. We have one last hand up, and that's Carolyn. And then, we

will look to take a temperature check on this section, and okay, Laura popped her hand up so she will be the last one because we do need to move through these. Go ahead, Carolyn.

MS. FAST: I just want to quickly uplift a suggestion that perhaps the lookback period would appropriately be tied to the length of the institution's accreditation cycle. So if they're up for accreditation every ten years, that would be an appropriate number to peg the lookback period to. So that would be a- might depend on the accreditation cycle for the institution, but might be another way to look at what an appropriate complaint would be.

MS. JEFFRIES: Thanks, Carolyn. Laura.

DR. KING: Yeah. I had a question about under complaints all the way down at the bottom, number four published data annually on the volume and type of complaints received. I think I know what that means, what is and otherwise observed. How do I otherwise observe a complaint? Besides getting a complaint.

MR. NASSIRIAN: Read the papers.

DR. KING: That's not what that says to me. So we do that, Barmak, just for clarity.

MS. JEFFRIES: Let's-

DR. KING: Regular part of the

process.

MS. JEFFRIES: Let's let the
Department respond if they have a response.

MR. BOUNDS: Yeah. I mean, we would
just say the complaints that you have- that you have
received and when we say otherwise observed or things
that you- yeah, again, things that you may be aware of or
that- let me- that you may have observed and then you
may- and you may have started the complaint yourself
based on an observation.

DR. KING: So it's still about
complaints. So it might be something that comes up that
we then initiate our own process about.

MR. BOUNDS: Right. Yeah, that's what
we're trying to get- that's what we're trying to get to
here, is that either complaints that you have received
directly or something that you saw and then you started
your complaint process.

DR. KING: Okay.

MR. BOUNDS: But it's still- it could-
yeah, I get your point, Laura.

DR. KING: Thanks.

MS. JEFFRIES: Thanks. Barmak, Laura
was indicated as the last speaker. Do you have something
very quick?

MR. NASSIRIAN: Yeah, very briefly, I just want to remind people that most awareness of student discontent and student complaints typically arrives via media coverage. If you remember the cycle that began in 2010, 2011 was motivated by individual student stories on Frontline and elsewhere about how they had been abused and manipulated by certain institutions. So I don't know the extent to which the accreditors might have been independently aware of it, but if they were, they certainly kept the secret well, because it was Frontline that exposed it before we ever heard from the particular accreditor in those cases.

MS. JEFFRIES: Thank you. Alright. Herman, are you ready for a temperature check on 602.23?

MR. BOUNDS: I am.

MS. JEFFRIES: Okay, let's see your thumbs, please. So, Jamie Studley has a thumbs down. Jason Lorgan is a thumbs down. Laura Rasar-King is a thumbs down. Those are the only thumbs down that I see. Did I miss anyone? Okay. Alright. Thank you all. Okay, Herman, you want to take us to the next, 602.24?

MR. BOUNDS: Yeah, 602.24 is next, and additional procedures certain institutional credit agencies must have. And I know there's going to be a lot of discussions here. But basically, you know, our changes

here, we know that there are issues with- as we get to them with, you know, teach out plans, teach out agreements. You know, some being not good and just trying to come up with ways to ensure that they are complete. And again, also protect students. But we can start with (b). I just want to say that in general about teach out plans. And I'm just going to breeze through the- you know, our edits and changes there and then open it up to the floor. But the first section under (b) basically talks about the site visits to an additional location and what the composition of that, of that site visit team should be and depending on the branch campus, the agency can kind of determine what that- what the composition of the evaluation body should be when they go. We do have some other suggestions, though, but must include educating educators and, if appropriate, practitioners. So the next one is (c), basically with some additional language here we have for teach out plans. And then from (c)(1) group it talks about the triggers for the teach out plans. An agency must- you know, if any of these occurrences happen that requires a teach out plan by the institution, and then that plan must be approved by the accrediting agency. Again, there are several changes from (c)(1) through- if you go to the next page, I think page, yeah, 32. There are changes through there, (5) is talking

more about failure to secure teach out agreements. And I want to make sure I didn't miss anything. Oh, hold where you are with the slides. If you could go back up to- yeah, to page 31. I didn't want to go so fast that I [inaudible]. So if you look at under 31, it looks like (3) on that page. We're talking about- where it talks about the agency may require an institution that accredits or preaccredits to enter into a teach out agreement as part of its plan. That was added. And so I want to look at (4) on page 31. Sorry. Again I got- and this is where we talk about the agency must require an institution that accredits or preaccredits to submit a teach out agreement as defined in 600.2 to the agency for approval on the occurrence of any of the following events. So now we're saying we want to require teach out agreements, and then it lists those things that would trigger those agreements. But then we can move to page 32. And then (5) we talk about if the institution is unable to secure teach out agreements with other institutions as required under (c) (4) of this section. Those are things that must occur. Some other minor changes under 32. And then if we go to the next page under 33- on page 33. Again, some minor changes there. Under (d), closed institutions. I think we enhanced the language here about working with institutions to assure

teach out agreements that meet the requirements of 602.24 (c) (9) and we're talking there in an instance where you have a closed institution, it closes without a teach out plan or teach out agreement. Okay. Again, if we move down further to changes under (e) transfer of credit policies. We have added (3), (4), and (5). And those would be the last changes under 602.24. And I know I went very fast there, but I want to make sure we- that we kind of get through those. I will then go back and open it up for discussion, you know, discussions on them in order of the changes that we have presented here. Again, the main changes. Some of the main- one of the main changes here, we're requiring the teach out agreements, based on those certain- based on certain triggers. And then we have also some changes under the triggers for teach out plans. So I will stop there and open it up for discussion to the group.

MS. JEFFRIES: Thank you, Herman.

MR. BOUNDS: And sorry. Sorry for going through that really fast. I hope I didn't miss anything, but I'm sure you'll bring it up. I'm sure the committee will bring it up if they have questions.

MS. JEFFRIES: Thanks, Herman. Let's open it up for discussion on 24(b). That is the first change. So those who have comments on that, now is time

to put your hand up. Barmak.

MR. NASSIRIAN: I'm glad I could comply with the militant orderliness of going through the text. Yes, I have a comment on the new language in (b), the agency may determine the appropriate composition of the evaluation body for these site visits, except that the evaluation body must include educators and, if appropriate, practitioners. A couple of observations. I will once again re-up my earlier suggestion that executives, owners, and fiduciaries of regulated entities may play a role not dissimilar to Inspector Renault in Casablanca, where they can be standing physically amid a setting that should alarm them but choose not to observe anything of consequence. But more importantly, leaving that issue aside, which I do think again is very consequential and does belong in this section as well, I want to understand why the Department is writing it in such an attenuated way. Shouldn't- other than the public member, shouldn't everybody else on that- on those site committees be an expert of some kind? I mean, it's not enough to have a whole bunch of unqualified people and then a couple of educators, right? So it should be exclusively other than the public member, which, by the way, our accreditor friends tell us, are also experts. But assuming we prevail on definition of public, other

than the public member, the rest of the committee presumably should have to have some expertise, and it should be pegged to the statutory requirements with regard to standards that accreditors are supposed to enforce. Correct? So I want to make sure we get some clarity on that, whether there can be non-experts, non-educators as long as there's some educators, are we satisfying this language? And more importantly, I worry about the term educator without ensuring that they really have expertise that relates to the statutory standards that accreditors have to enforce. It may be someone with financial expertise. It may be a facilities person, may not even be in the education business, but may know something about laboratory design that the institution has to honor. So this- I think this needs a little bit of tightening up beyond the point of excluding people who may have an evasion of purpose as part of their reason to be engaged in the process. Thank you.

MS. JEFFRIES: Thanks, Barmak. I'm sure the Department would appreciate any written proposals on that. Herman, did you have something?

MR. BOUNDS: Yeah. I just want to make a couple of quick clarifications. So for the composition of site teams in general, which is covered under 602.15, no one could argue about our use of educators here, and

you'll understand when I- when I'm- when I discuss what's under 602- under 602.15 when we say that, you know, you have to have- if you're an institutional accrediting agency, what we say at minimum, you have to have academic and administrative personnel on its evaluation policy and decision-making bodies if the agency accredits institutions. Educators, practitioners, and/or employers on its evaluation bodies and decision-making bodies if the AG accredits programs or single-purpose institutions. So again, the definition of educator. Yeah, there could be some fudge there. So based on our requirements for the composition of site teams, what we have here are what we minimally would require. The reason we say as appropriate and let the agency decide, I think you may have brought it up, the agency may- they may think they may need a financial expert on the team. They may think they need some of these additional folks in addition to the minimum folks that we require. And then the public members, they're only required on the decision-making body. They don't have to be on the- they're not in the composition of the site team. So I just wanted to make those clarifications for everybody.

MS. JEFFRIES: Thank you, Herman.
Seeing no additional hands on (b) unless I'm missing someone. Let's move on to section (c), which is teach out

plans and agreement. And I believe there are- the numbers go 1 through 12. Yes. Okay. Robyn.

MS. R. SMITH: Thank you. So while it's important and I think it's great that Department is trying to encourage teach out agreements here, I want to reiterate, it's really super important that those teach outs are high quality programs. We don't want to see students who are already devastated from a school closure sort of encouraged and pushed into a program that is substandard and low quality. And I've been doing this for 25 years. I've seen a lot of school closures, and I've seen a few teach out agreements. They don't happen often. And every one I've seen, quite frankly, has been pretty bad. And the most recent one that I've seen and helped a client with, the school had never taught that program before, it didn't have the equipment it needed for the program. It didn't have the licensure to teach the software program that the students needed to get certified to work in the field. But it had been accreditor-approved, and I don't even know how that happened. And so we've suggested in- in January, we put in a proposal with pretty minimal and common-sense language to at least prevent some abuses. And I'm just going to read it here. We added to subsection (c) a new section (b) (i) that states there should be an assurance

that the institution that would offer the program of study under the agreement has operated the student's current program of study for at least two years and is not under a negative action by an institutional accrediting agency, state authorizing agency, or the Department. I just want to know, did the Department review this and has it rejected this proposal, or is- and if so, why? And if not, you know, will it be reviewing that? Thanks.

MR. BOUNDS: Yeah, I would say we would take a look at it. I don't- I can't honestly recall if we- I can definitely tell you we probably didn't discount it, but we'll definitely take a look at it again to see if we can include it.

MS. JEFFRIES: Okay. Thanks, Herman. Just want to make a note here that Magin Sanchez is coming to the table for civil rights organizations and consumer advocates. Next up is Jillian.

MS. KLEIN: Thanks. So first a question. So on (c)(1), am I reading this right, that every institution will need to submit a teach out plan to their accreditor at the point where they go through accreditation renewal? Is that what- is that what this- I'm sorry. You guys are laughing. I see everybody laughing, so I must be reading this wrong. Somebody help

me.

MR. BOUNDS: No, you're right.

MS. KLEIN: Okay. So that's what we mean, that we want every institution to submit a teach out plan to their accreditor? I don't know why Barmak is- I mean, this is a legit question, and I- so I feel- I mean, so yes, you answered my question. I don't understand this because when I scroll down to see what exactly a teach out plan is supposed to entail, it talks about a list of currently enrolled students, other institutions that, you know, are willing to enter into a teach out agreement. And I guess I'm confused about what it is we're trying to solve here by having 5,500 institutions submit a teach out plan to their accreditor, when many of them may be at no risk of closing. So I don't know if you can provide more information on that. And then I have another comment.

MR. BOUNDS: Yeah. So we- you know, we've- I guess over time we have found that- of course, that when- you know, sometimes when the teach out plan is needed in certain instances, they haven't been, again, they just haven't been very good and that, you know, the agency, you know, has to go out and then they have to scramble to get these teach out plans, you know, initiated. The institution has to initiate them and then

the agency has to review them. We're just saying in item one, if preliminary, once they get- you know, once they receive initial accreditation, they have some form of that plan in place. And we think that will make the other steps easier to complete at a time when one of those other actions occur updating that plan.

MS. KLEIN: So what benefit does it- I'm just asking a question. What benefit does it serve for the institution to provide a list of currently enrolled students to their creditor at the point they're going through a renewal of accreditation if maybe the school is not going to close for four years and those students aren't there anymore? And I guess a follow-up question is- I'll let you answer that first. Sorry.

MR. BOUNDS: Yeah, I think the first- again, the first step here is again, to have, you know, to have the teach out plan available there in some form and then once- if you look at (2) being separate from (1), then it says the agency must require the institution to update its teach out plan. So again, it's if there is a base level of information and then we get an immediate closure, what we we're looking at is to help facilitate those other steps in the process. I guess that's the easiest way that I can explain it.

MS. KLEIN: So what are the elements

that you would expect in a teach out plan, just so institutions can be aware of what it is that we need to provide? What is your expectation? Or where would a school find that expectation?

MR. BOUNDS: I'm not understanding your question.

MS. KLEIN: What do I, as an institution, need to provide in a teach out plan in the regular cycle of accreditation based on this requirement? Because my school has not ever been at risk of closing. So I've never put together a teach out plan. Is there a specific place where it says, besides just that other section that I referenced where it says [inaudible].

MR. BOUNDS: I think- right- I think you would follow the requirements that we have in this section in the, you know, in the initial creation of that plan. And then when those, you know, when those situations occur, then you would make any updates to the information that we are requiring under (c).

MS. KLEIN: Okay. I don't know. I think this is not great. I think it's super burdensome for institutions and accreditors. And I am also confused about exactly what I would provide that would be useful in this area. And I would say, and Barmak knows I'm going to say this like I'm fighty about the provisional

certification trigger that's further down on the page, and I think it shouldn't be there, and I'm happy to engage more on that. But honestly, I'd rather have succinct triggers that make sense for requiring an institution to submit a teach out plan [30 seconds] than a requirement that every literally 5,500 institutions, many- most of which may not be at risk of closing, are submitting- required to submit a teach out plan to their accreditor just in the regular course of going through re-accreditation.

MS. JEFFRIES: We have four more hands up. We still have two subsections in this to cover. So, are there any additional new comments about section (c)? Okay, Magin.

MR. SANCHEZ: Thank you. Just wanted to comment support generally in terms of the [inaudible] teach out plans, particularly from a racial equity standpoint. There's a really good report from SHEEO and I have- Rob Anderson was involved on that one. But in terms of when you look at the post closure attainment gap, when these events transpire, right, there's an attainment gap at 1.6 times larger for students of color, the minority students. I think that goes really to the essence of why it's important not only that you have these plans, but we have strong plans itself. I- this is a little bit of a

side comment, but, I had forwarded a memo in terms of racial equity and advancing racial equity that I hope the Department looked at. And I think this is one of the areas where that's so important when protecting these students. Thank you.

MS. JEFFRIES: Thank you. Magin. Another note, David Cohen is coming to the table for proprietary schools. Barmak, you got something new for me?

MR. NASSIRIAN: Yeah, I just wanted to suggest that- this goes back to Jillian's point. I kind of understand the Department's approach here. You know, the time to require people to buy fire insurance is not when the house is on fire. You want to make sure people have it in case the house catches fire. But in this instance, I tend to agree with her that this is a little bit of an overreach to require institutions that are older than the republic that are sitting on 50 plus billion dollars of endowment money to have a teach out plan. It's sort of a meaningless exercise. So I would suggest to the Department to create robust triggers for mandatory teach out plans. And they shouldn't just be plans in somebody's head on a piece- or on a piece of paper. They should be backed up with contractual arrangements that are satisfactory to the- if it were me,

I would have put in state authorization, but it should be because we don't have that much authority on state authorization or in state. I would mandate that the accreditors be the mechanism of enforcement, but it should be limited to institutions that trip a wire. It shouldn't be everybody, because there are many institutions that are at no risk of closure anytime soon. Thank you.

MS. JEFFRIES: Thanks, Barmak. And I'm sure the Department would welcome any assistance in identifying triggers that would be important for the negotiators' perspective. Jamie.

MS. STUDLEY: Anytime Jillian, Barmak, and Scott agree, I think I've saved time. And all is not a very good basis here. There are some triggers. People should be aware that when an institution is on probation, a teach out plan is required. That when an institution is on warning, we are required to determine whether a teach out is required. And at any time where there's a risk of closure, we can do it. And in the example of my organization, my staff can order it. So that you don't even have to wait for the permission to be available. Two, there are successful teach outs. I'm going to take a chance and say that there are schools and there's at least one school in LA, or two in the LA area that Robyn

hasn't seen people from because there was a completely successful teach out and 100% of the students were placed into programs appropriate to their very complicated family and marriage and art counseling degree programs. She did mention one specific about the two years, because I'm trying to see where the different proposals can be helpful. The two-year restriction, I think, would stand in the way of something that happens that is very student-centered. When there is a quality program in a school that cannot sustain the entire institution, sometimes the program, the faculty, the curriculum, everything that the student wanted, transfers in toto to a new institution. And I believe those are- in addition to subchanges for the new institution- they are part of the teach out arrangement that allows students to continue the program that they were looking for under another umbrella, and I'd hate to have those stand in the way. But the final point for another day is that we need a better approach to teach out and closure overall. And because accreditors lose the attention of places that know they are cratering and they don't have- they don't care very much about what we have to say and they may feel the same about the Department, we need some kind of solution that takes the resources in the system and protects students when closure is going to happen, and

that we- that has the expertise to do that, maybe the authority to provide insurance or [inaudible] arrangements. Happy to discuss that offline. But I think there are some better. The house on fire arrangement doesn't make sense because any of our houses could [30 seconds] for any of a number of different reasons. I think, you know, Barmak got to the same place, but it is extremely unlikely that every institution is in random danger of closure. Thank you very much. This is a hard one, and I think we can- we may be able to make progress offline in additional ways because it's one of the most important places to protect students.

MS. JEFFRIES: Thank you, Jamie. I have two hands up on section (c) and then we are going to move to (d) and wrap up with (e) so we can move on. You're approximately halfway through the issue paper and you have just about an hour and a half to cover everything. Erika.

MS. LINDEN: I will be succinct. This is not my area of expertise in terms of creating teach out plans, so I may be asking a stupid question, but the way it's written, it says the agency will require an institution it accredits to submit a teach out plan. Our institution has nine different programs. There is probably not another institution to which all of those

could be farmed out if the institution closed. So is this actually also a question about a teach out plan at the programmatic level? I hope not. And I think all is, in fact, overreach as well. I'll stop there. Thank you.

MS. JEFFRIES: Thank you, Erika. David Cohen.

MR. COHEN: Yeah, I'll be succinct too. I applaud the Department for taking this, and it is important. And I also agree with Barmak that, you know, I think the tripwire is set way, way too high here. Again, and I want to echo what Erika was saying, you know, there are a lot of programs that are very, very specialized. And there aren't programs necessarily, you know, within a local commuting distance for students that are similar and particularly in areas of the country that are spread out in rural. So when the Department says that, you know, it has to be programs that the student can travel to easily, has the Department- I'm wondering if the Department has really mapped out where the various disparate programs are across the country, and whether there are schools that are all within easy commute distance that can serve as a teach out. I think that would be quite problematic.

MS. JEFFRIES: Okay. Thank you, David. Michael Cioce, is your comment on (c) or (d)?

MR. CIOCE: It is on- sorry, it's on the teach out plans. I feel like the majority of the language thus far has been sort of reactionary teach outs that have been necessitated. So, as opposed to voluntary. Right? So there have been programs that institutions have decided to close. So, I just I just want to throw that into the mix. These are all ones that where there's, to my eye, are sort of- at the programmatic level, not at the institutional level. So I think I'm sort of- I would be confused if an institution that opts to sunset a program isn't- is being included or is not being included the same way as a program that is being forced to teach out/close. So just food for thought.

MS. JEFFRIES: Thank you, Michael, appreciate it. So let's move on to section (d), closed institutions and open it up for any comments there. [Inaudible] Okay. Any comments on closed institutions?

MS. STUDLEY: Yeah. Something happened with sound. The- could you go to the- next to page 34? The- this language is complicated in that while accreditors tried to do some of these things, we are not staffed or scheduled to do it, and I think it falls into the category I described of how we can think about effective ways of providing the guidance to students, that increases the skill set for doing that. And the

capacity, and that this is not the best way to accomplish that. We were- I mean, we do post information. We try to and I believe we have, a responsibility to students to help them know what to do, what the rules are, what the Federal opportunities are when they think about their options under the circumstance. But in terms of sort of counseling and coaching the institution or, even getting into a more direct role, that could be challenging and not the best solution for student efficiency. Certainly providing information and coordinating with state agencies is.

MS. JEFFRIES: Thanks, Jamie. Alright, seeing no other hands for section (d), we move on to the final section in 602.24(e), transfer credit policies. Michael Cioce.

MR. CIOCE: So the- as far as two-year institutions go that are sort of built for transfer or at least while we clearly also accept transfer students, our primary orientation is towards the four-year institution. So I guess I'm questioning on (4) like, how that, including information on the share of transfer students enrolled at the institution, is going to be monitored, operationalized, tracked, checked, verified. And then on (5) credit transfer acceptance rates given that, you know, many, many community colleges are open access. So,

I just feel that that's a broad brush for both of those, for both (4) and (5) given how the majority of the two-year sector operates.

MS. JEFFRIES: Thank you, Michael.

Jillian.

MS. KLEIN: Thanks. I'll try and be brief. So on the new language under (e), I am not super concerned about the share of transfer students, about (4) or (5), really, but I think (3) is challenging. And also, I don't think it's in the best interest of students, especially when we talk about students who are bringing in transfer credits. They, as you all know, some of them bring in two transfer credits. Some of them bring in 45 transfer credits or more. And the amount of time it will take for those students to complete their program will vary widely, depending not only on the number of transfer credits they bring in, but then all the other sort of life situations, especially as you're talking about adult students, as they're having other demands on their time to move through their program. And I feel like it's actually a disservice to students to put a number out there about the average time to complete a program. Really, for anybody, but especially for transfer students, because I think it can be really misleading, as a student as assessing what their experience might be at

the institution and how long it may take them. They may be discouraged if they see a number that's slower than they think it will take them, or they may be falsely encouraged if they see a number that's faster than it will realistically take them. And certainly, we're all interested in providing good information to students and good disclosed information to students, but I feel like this particular item actually does a disservice to students as they're considering their options across different institutions, especially since institutions all take different approaches towards which transfer credits they do or don't apply to a student's program. So I'm largely fine with (4) and (5). And if there's other information that you would like to have institutions include for transfer students, definitely open to that conversation too, but want to make sure that it's information that's going to be in the best interest of the student.

MS. JEFFRIES: Thanks, Jillian. I just want to make a note that Scott Dolan has come back to the table for private non-profits. Jessi Morales, you are up next.

MS. MORALES: So, also on the point of (e), I won't go through kind of how arranged everything is because I think everybody would want to kill me at

that point. So we'll just talk about the topics and then can submit the language to see the formatting. But on, Jillian's point, I think it is really important to be able to see, not only the transfer rates, but how long it takes to complete that at that school because it pertains to how expensive or not expensive it's going to be, but largely how expensive it's going to be. But in terms of adding the language, I think one of the other things that we were looking at adding was under the accrediting agency must instead of having, what we currently have is (4)- adding the (4) to include information on the share of transfer students enrolled at the institution. I think that needs to be up there and then on the following for ensuring institutions transfer credit policies that are effective, making sure that it's as- like as part of it, the average time to completion for transfer students as well as credit transfer acceptance rates towards general education credits and towards requirements for the program of study, that data and information should be included as well. And then adding in the line, assess the institution's credit transfer acceptance rates from institutions also approved by the institution's accrediting agency, and require the institution to provide an explanation for why any such institutions from which it does not accept any credits. This is something

that has come up a lot, I think, in the advocacy space, in terms of if you're not willing to accept the credits from a school from the same accrediting agency, obviously something's not going right. And so just that should be important information to be added as well.

MS. JEFFRIES: Thank you, Jessi. Scott Dolan.

MR. DOLAN: I understand the point from a student and a consumer perspective. I work at an institution that accepts transfer credit from a variety of different sources in ways that are trying to help students complete their degrees, where they weren't able to do so previously. 100% of our students are transfer students. I have, and David kind of beat me to this in the chat, I think we need to be really clear about what we mean by credit transfer acceptance rate. So I get the need for us to not want to make students duplicate credits that they've taken elsewhere. But, credits that can transfer and can come from a variety of different sources, institutional sources, it could come from credit for prior learning, it could come from ACE-evaluated credit, it can come- and institutions have widely varying policies on this for good reason. Not just to prevent students from- or to make students take courses at their- but because they're protecting the integrity of their

programs and the outcomes that they're looking to ensure students meet. So, I understand the general intent. I get somewhat concerned that it doesn't lack a full contextual understanding for how this works in a concrete reality. So I just think we need to think through are there other mechanisms by which we can get this information and improve on how we collect this information and present this information to students so that they can make more informed decisions on their pathway. I just don't think including information on credit transfer acceptance rates would require us to define that much better than it is here. So that's all.

MS. JEFFRIES: Thank you. We'll take Barmak, and then we'll do a temperature check and move on to the next section with changes. So, Barmak.

MR. NASSIRIAN: Yeah, I agree with Scott. You can quote-unquote accept credits and not expedite time to degree because the credits don't really satisfy requirements. So you could technically satisfy the acceptance metric without really doing much by way of benefit to the student. I think the point Jessi made is really the germane one. Remember that in the- as you know, I'm a big fan of various trinities and the holy trinity of credit evaluation is quality, comparability, applicability. Those are the three tiers of analysis that

credit evaluation is supposed to satisfy before receiving institution grants, academic credit for incoming credit transfer requests from other schools. Of the three, quality is supposed to be addressed by accreditation and therefore the- probably the most telling component of anything having to do with transfer credit here would be to ask institutions what percentage of credit transfer requests they deny, not on the basis of comparability or applicability, right. Art history student trying to become a physicist has a lot of courses they don't count- they don't satisfy the physics program. That doesn't count if the courses are not comparable. That is understandable. But if you have the same calculus course and you don't take it and the- both institutions are accredited by the same agency, the fact of that disparity, that one entity doesn't accept the other- the other entity's credits tells you a lot about the consistency and the rigor of the accreditor's enforcement practices. So that would be, I think, Jessi's comment, I think, would be the most telling metric that would reflect on the accreditors' practices on what's going on in terms of transfer credit. I want to remind people, accreditors were founded to facilitate transfer of credit among peer institutions. When we tied billions of Federal dollars to quote-unquote, voluntary accreditation, guess

what? We blew up. We blew up seamless transfer of credit precisely because purpose of evasion crept in and people began to seek accreditation, not for the purpose of identifying their peers, but for the purpose of getting their ticket punched to access Federal money. Thanks.

MS. JEFFRIES: Thanks, Barmak, appreciate it. Alright. So that concludes discussion on 602.24. Can we go ahead and take a temperature check on this section? Can I see your thumbs? Jason Lorgan is a thumbs down. Joe, I can't see your thumb. There you go. Thanks. Is he the only thumbs down? Okay. Yep. It's the only one thumbs down, and that's Jason. Okay. Thank you very much. So, Herman, I'm looking at 602.25, and unless I'm missing something, I'm not seeing any changes in there.

MR. BOUNDS: Yeah. Nothing there.

MS. JEFFRIES: Okay. Alright, so let's move to. How about- Jamie?

MS. STUDLEY: 26.

MS. JEFFRIES: Okay.

MR. BOUNDS: Yeah.

MS. JEFFRIES: About 602.26. Okay?

MR. BOUNDS: Okay. We'll start at 602-

MS. JEFFRIES: Can you give us a brief overview?

MS. STUDLEY: I'm waiting for- is Herman going to summarize, or do you want us to jump in?

MR. BOUNDS: Yeah, I'll summarize quickly. There's not a lot there, though.

MS. JEFFRIES: Yeah. Go ahead please, Herman. Brief overview.

MR. BOUNDS: Yeah, real lickety split. We added the language instead of written notice under 602.26(b), of course, we added the decision letters. And I think we added decision letters under (e) instead of the brief summary. I would say too, some agencies already submitting us decision letters in those cases. And then looks like the last one is (g) is where we're asking for a notification if the agency grants and extension for good cause. And it looks like that's just a notification. It's not a- doesn't seem to be a- yeah. And also a brief description of the reason for the extension. So I'll stop there and open it up.

MS. JEFFRIES: Okay. Thanks. Jamie, do you want to lead us off here?

MS. STUDLEY: Yes. I- back up to the first reference on decision letter. Some agencies publish the decision letter, my agency does, but some agencies provide written notice with the reasoning and do not structure their decision letters in exactly the same way.

So we think that it would be better for the Department to do the language in what it's looking for rather than the document that it is asking for, which would require some agencies to change practice that the Department has already found acceptable. So if they want written notice with some kind of- you know, and the basis for the decision, we think that would be appropriate flexibility.

MS. JEFFRIES: Thank you, Jamie. Any other comments on (b), on the decision letter? Alright. How about (e), any comments on (e)? Same change about agency's decision versus brief statement.

MS. STUDLEY: Yeah, exactly.

MS. JEFFRIES: Okay seeing none. How about section (g)? Laura.

DR. KING: I wondered if Herman can talk about the reason for this. I, you know, I guess I don't have a problem with notifying, you know, these bodies about good cause extensions if we have them. But, I mean, I've never gotten ever once with any notification that I've ever given any sort of even acknowledgment that it's gotten there. So I wondered if you could talk about what the Department does with these notifications. Is it reviewed? Is there- what purpose is it serving?

MR. BOUNDS: I think it's more of information. I think we talked a lot about it. I don't

want to continue on about the criticalness of extensions for good cause, the reasons that they're giving. Again, I think for us, it's just getting information on the reason that an agency might have awarded extension for good cause, especially when it's an institution that may be, you know, that may be in public life. That kind of keeps us abreast of what's going on and the agency's decisions. And again, we're not questioning your decision. We're just wanting to look at your rationale. The other thing I would say, Laura, that agencies normally nowadays submit information via DAPIP. So it may take a time- some time for an analyst to go into DAPIP and see if that information is in there. But, you know, I don't know about your agency, but if any e-mails come into me about certain actions, you know, we try to at least say, yeah, we have them. But if you have not been getting those, we would be happy to make sure that we look at that closely. But that's the reason for (g) without dragging discussion out.

MS. JEFFRIES: Okay. Thank you.

Alright. Seeing no additional hands on 602.26. Let's go ahead and take a temperature check on that section, if I could see your thumbs. I'm not seeing any thumbs down. Okay. It is- how about section 602.27? Looks like outside of a numerical change or is one change in there?

MR. BOUNDS: Yeah, there is one change in 27.

MS. JEFFRIES: Okay. Briefly highlight that for us, Herman?

MR. BOUNDS: Yeah, we can actually just go straight into discussion. It's pretty self-explanatory. You know, if- you know, we're asking for a list updated semiannually for institutions that are eligible for participation in Title IV that have applied for initial accreditation.

MS. JEFFRIES: Okay. Thank you, Herman. Jamie.

MS. STUDLEY: The words are comprehensible words. But the purpose of this provision is unclear. So rather than my trying to speculate, Herman, what, why?

MR. BOUNDS: Yeah. So this gets back to a couple of things with the large number of institutions that are now changing accrediting agencies. Now, we also have another process for that in our reasonable cause determinations. But then this kind of helps to help us kind of match what those two processes are doing with a reasonable cause, because we, you know, an institution may submit an application to change that goes through the FSA process, but then we don't really

have information on when that situation actually occurs. And then this also helps us to kind of track and be able to follow a situation where we may able- where we may want to make some inquiries to the agency about their fiscal and administrative capacity to handle the expansion. So meaning if we see a large number of gains of institutions, then that just puts this- puts that on our radar to say, okay, we may want to have some conversations with the agency about their ability to take on these new institutions.

MS. JEFFRIES: Thank you, Herman.
Jamie.

MS. STUDLEY: Yes. Well, I guess some of that, but hoped it wasn't the answer. The Department has pre-approval requirements that institutions have to go to before they are allowed to discuss with us the possibility of accreditation. I think your answer partly boils down to you want us to do a list because it's easier than FSA telling you who's in FSA's queue. I hope that's not the logic.

MR. BOUNDS: No, that's not- that's not the case. If that's- if that's how my explanation came across, that's not the case.

MS. STUDLEY: Okay. That's what I thought I heard. Good. Glad to hear that.

MR. BOUNDS: Yeah.

MS. STUDLEY: So, institutions who want to make a change, and I know we're getting to other more complicated change issues shortly, but institutions that want to make a change must go to the Department for pre-approval. So the Department should know about those. Second, and you know to whom they are seeking to move, because that's part of the application that they have to make. Let's think about the other piece. Institutions that are not accredited. This would put us in the position of determining what institution is eligible for Title IV, if they are not yet participating. That's not our job. I believe education wants to make that determination. So it's an odd thing to ask us to do. You know, we're- there's the danger of focusing on one regulatory issue and forgetting that I have new startup teacher education programs. I don't know whether they will qualify, and I wouldn't know when they might qualify for Title IV. But we'd be expected to create this report. And finally, I don't know the answer, but is there an interest that a new institution at the early stages of applying for initial accreditation has some, I won't go as far as privacy right, but whether- given that they're just in discussion with us and they're not doing anything with education yet, whether that is part of your- whether

that's something the Department needs, would it just be a burden for both of us? And do they- do we have to tell you on their behalf? If you've got questions about capacity or what the wait list is for us or how many schools we're processing, there other ways to get numbers without a list. There's nothing I'm trying to hide from you. I don't think there's anything that you couldn't know, but one more list updated semiannually of [30 seconds] or that don't matter to the Department seems worth reconsidering.

MR. BOUNDS: Yeah. Just real quickly, Jamie, we try to address some of those things you just discussed by the point at which you actually accept the application, and then you're actually starting the accreditation process, not all of your pre-conversations with an institution. When you're- you have institution A, you're ready to go. You know we schedule the site, now you're in our process. That's what we meant. That's what we meant to capture, not all the early discussions.

MS. STUDLEY: Well consider for example, whether the numbers at the points that we report to you is the name of the institution appropriate or is there some downside for institutions? But it's just an odd requirement.

MR. BOUNDS: And we'll definitely take

your comments under consideration.

MS. JEFFRIES: Okay, thanks. Alright, I appreciate it. Seeing no other hands, can we take a temperature check on 602.27? Thumbs, please. Okay. I'm not seeing any thumbs down. Alright. Question to pose to you. We normally take a break in the afternoon. You have probably about 25 pages yet to go through. Do you feel like you need like a quick ten-minute break or five minute-break or? No? Okay, let's keep plugging through, though. Are you okay, Herman?

MR. BOUNDS: Yeah, I'm fine.

MS. JEFFRIES: Okay. Alright. It doesn't look like- let's see, where were we? Should be at 602.28. Yes, 602.28. Do we get a brief summary?

MR. BOUNDS: Yeah. Let's see. Let me let me close- let me close my screen here. Alright. So we are at 602.28. And I think the first change is under (d). And I actually think the major change or compared to- I think the major change here is we added state agency to the equation because that was not there previously. And I'm going to- and I'll open it up for discussion. But I want to double-check that. But I think that was the only issue there.

MS. JEFFRIES: [Inaudible] Herman, and I'm done. Any comments on 602.28 on the change there in,

looks like (d)? I'm not seeing any hands. Temperature check? Can I see a show of thumbs?

MR. MARTIN: I have a lot of trouble hearing you, Cindy.

MS. JEFFRIES: Oh, [inaudible]. How about that?

MR. MARTIN: That's still a little muffled.

MS. JEFFRIES: Let me see if my thing is charged up now.

MR. MARTIN: That's better. That's much better.

MS. JEFFRIES: [Inaudible]

MS. MORALES: Did you call for a thumb check? Sorry, I didn't hear anything, but I see thumbs.

MS. JEFFRIES: Yes, I did.

MR. MARTIN: It was kind of muffled at first.

MS. JEFFRIES: Yeah, that's- I don't know, my headset was dead and I was using the computer. I think that speaker is tired. But my headsets working, so, yeah. Can I just see the thumbs, please? Not seeing any thumbs down. We're good to move on. Thanks for bearing with me while I made that technical switch. Alright. It doesn't look like there's any change in 29, 30.

MR. BOUNDS: Yeah, 30, there are some minor changes here in (a), but then we- I think we can go down to where some of the- where the major change is. The change on page 41 is just to add the advisory committees. That's not much there. But we can go down to I think it's page 43. And I think that's where the bulk of the change is.

MS. JEFFRIES: 602.31?

MR. BOUNDS: 602.31 and then we have (a) and we'll go through (a)(1). You notice that (a) was scratched. And basically here's where we incorporated agency categories, for our risk-based review. So I think at this point I'll just open up discussion. I think folks can- have read that and can see some of the changes here that we have proposed but we brought back for agencies in a specific category, based on a number of factors. One, you know, Title IV volume. And then we can also consider, you know, complaints and other things when we're talking about applying the risk-based review process and those requirements are lower here, but I'll just stop here and just open up this whole section, for, you know, for, for discussion. I would just remind everybody too that before the new regulations became effective, we kind of had a form of a focused review, which we were only looking at a subset of criteria. So the concept here is not new. So

I'll just leave it at that.

MS. JEFFRIES: Okay. Thank you.

Thanks, Herman. Jamie.

MS. STUDLEY: There are some, you know, well, the concept of, paying attention to the situations that warrant close attention makes sense. Wondering if the Department has any- anything they can tell us about what participate extensively means? And then a second, just to be efficient, the- anything where a number of, for example, legal actions or complaints are received could mean a lot of different things. And people have pointed out here that legal actions against an accreditor could be because they are rigorous and institutions are not happy with those results. Complaints can come from a variety of reasons. I would suggest that the sheer number is not informative, but the- since that could be gamed. But that complaints that were resolved in a certain way or led to determinations of compliance issues or, in other ways of saying, was there substance to these that should suggest that the Department should take a further look. The agency must submit a comprehensive application suggests a level of certainty. I think it would be- you know, if it's really saying that the Department will look at this information and make a reasoned decision about what level of scrutiny the agency

should have, I think that's already the case. But if lesser problems suggest that the agency may be able to do a more simplified review, that would be certainly- you know, move in a positive direction. But what is extensive and how do you keep these from doing exactly the opposite of what you want, which is, forcing greater review of the agency, the very agencies that are being most rigorous?

MR. BOUNDS: Yeah. So let me answer the- I think the last maybe part of your question first here. So you're correct. We currently look at outside information, legal actions, complaints in those things. And like you just said, Jamie, we evaluate the- you know, the information or the extent of those situations, for lack of a better word. Meaning we would not, you know, change categories just based on, you know, you had 200 complaints. We want to see the content of those complaints and what they consisted of. So it's all a-kind of like a qualitative review of this information. And then if we saw a pattern, oh, wow, there are things where there are complaints against, you know, institutions that maybe the agency had taken no action against. But we evaluate- we would evaluate all those things. Same thing with, you know, same thing with lawsuits or legal action. So it would be an evaluation of those things to determine whether we needed to take some

additional action. And then I think the thing that I left out before, we're talking about one of the separations between the types of reviews is we're talking about agencies who participate exclusively in Title IV and of course, that's a- those are statutory requirements anyway, is that we are supposed to prioritize our reviews based on the amount of Title IV volume that an agency is responsible for and so that is a current statutory requirement.

MS. JEFFRIES: Thank you, Herman.

Jessi.

MS. MORALES: Can you all hear me?

MS. JEFFRIES: Yes.

MS. MORALES: Sorry. I just- I have the screen open and then it closed. Okay. So, in some of the language that we submitted proposals for, we just wanted to flag that we want to add in (a)(2) and (a)(4), that in addition to the other areas, the Department requires all the agencies, even the lower risk agencies, that it's not requiring to respond to other criteria to answer to additional areas, which is 602.27(a)(6) and then which is the requirement that agencies submit to the Department the name of any institution or program that accredits that the agency has reason to believe is failing to meet its Title IV

obligations or is engaged in fraud or abuse, and then also adding 602.28, which requires agencies to respond to negative actions or decisions by other accreditors. And as we've been discussing and proposing here, by state and Federal agencies, we just think these are important things that we make sure we keep an eye out on because it's super important to students as well as taxpayers in general. So, wanted to have those as something that is looked at across the-

MS. JEFFRIES: Thank you, Jessi.
Jamie.

MS. STUDLEY: Yeah. I'm just encouraging the Department to look at the very specific language. And I'll try and do the same. The type of application that must be submitted is determined by the Department if an agency has been the subject of a significant number, the agency of actions complaints, the agency must submit a comprehensive application. I think this is a place where it's appropriate for the agency, for the Department, the US Department to make a reasoned determination about which level is appropriate and significant number is just too blunt an instrument. But I do appreciate the return to risk levels. I'm picturing Kay Gilcher, who implemented something like this years ago, and it is sensible to think about different tiers.

MR. BOUNDS: Yeah. And we'll take your language suggestions too, Jamie, and go back and take a look where we can make that clear that it's also the substance. It's what I was looking for. It's the substance of the complaint. Yeah.

MS. STUDLEY: Do you- does the Department have any current thinking about what participate extensively in Title IV means? Some idea of where it stands might be helpful to accreditors of different sizes.

MR. BOUNDS: Yeah. You know, right off the bat. And we're still discussing where that break might be. But we know right now that, you know, most of the accreditors whose sole purpose is Title IV are probably going to- could fall into that first category, meaning the, you know, the former Regionals and Nationals might fall into that category. It's been the- you know, under the- you know, the second category of the ones that accredit the freestanding institution. And if there's going to be a break between. You know, some of the former regionals and nationals. So we're you know- this is a work in process. Yeah, yeah.

MS. JEFFRIES: Okay, Jillian.

MS. KLEIN: Yeah. Sorry for this question. I again, I'm not an expert on this, but is

this- am I understanding this section to suggest. So I see in five it says agencies described in the section must submit a comprehensive application at least once every third cycle. So does that mean- because I remember in another section in here talking about sort of a five-year rerecognition process. So does that mean this complete application is only required for accreditors once every 15 years? Is that what this is saying?

MR. BOUNDS: That would be right. And remember the agencies that we have, for lack of a better word, I'm gonna put in category one. They're always getting a full review. So you know, they're always going through the full review. It's the agencies based on their Title IV volume, which are, I think in category two here, where they are already on the sort of focus review, you know, based on our risk factors. And then the programmatic agencies, which are not Title IV gatekeepers. So of those agencies, we're saying that, yeah, every third cycle, they would still have to come in and do a full review, even though currently they're under this focused review.

MS. KLEIN: I see. So institutional accreditors like the former Regionals and Nationals are going through this sort of full cycle every five years. Is that what you're saying?

MR. BOUNDS: Yeah. And again, as I just spoke with Jamie about we- you know, there could be some variance in volumes of Title IV dollars that we have to consider. But if you're in one, one is pretty clear. You have to submit a comprehensive evaluation.

MS. KLEIN: Yeah, okay. Thanks for the clarification. Barmak and I were about to agree again because I was about to lose my mind that accreditors were only being evaluated every 15 years. But I feel better now. Thank you.

MS. JEFFRIES: Thank you, Jillian. Alright. Any other comments on so 602.31? We're looking at (a) and I think that's the only change. Correct?

MR. BOUNDS: Let's see. Yeah, I think that's it.

MS. JEFFRIES: The only thing I see in yellow, yeah. Okay. So, are you ready for a temperature check? Can I see your thumbs?

MR. BOUNDS: I think so.

MS. JEFFRIES: Okay, great. Can I see thumbs, please? Jamie, you look like you're deep in thought. Alright. I'm not seeing any thumbs down. Alright, let's move to the next section with change. I see a little bit of yellow in 602.32. It's a strikethrough.

MR. BOUNDS: Yeah. Let me get down to 32. Yeah. These were- I think some of these we had discussed earlier. So I won't go through them again. But we do have some. Yeah, we do have some strikethroughs in 32. But if anyone has any comments or discussions in the text that's here, I'm happy to entertain those. But yeah, there's no yellow there other than the strikers.

MS. JEFFRIES: Okay. So nothing other than what was presented in the first one except that one strike through. Any discussion on that, do you feel you need a temperature check or can we just move on? Hello.

MR. BOUNDS: No.

MS. JEFFRIES: Oh, okay. Do you- negotiators, do you want a temperature check on that or just move on? I think we'll just move on.

MR. BOUNDS: Okay. Alright.

MS. JEFFRIES: So, 602.33, I'm not seeing any yellow changes in there.

MR. BOUNDS: No. No yellow.

MS. JEFFRIES: 602.34. Again, I'm not seeing any yellow. Any discussion anybody wants to have on that? Okay. 602.35 again, no yellow responding to the advisory committee's recommendations. Not seeing any hands. So 602.36. Looks like we have some changes there.

MR. BOUNDS: Yeah.

MS. JEFFRIES: This section is on senior Department officials' decisions, right? Okay. Okay, Herman, you want to give us a brief overview?

MR. BOUNDS: Yeah. And this is just providing some additional options for- I think we're in the- for the Senior Department official. And this is basically related to the grant of initial period- the initial period of recognition. Happy to take any comments here.

MS. JEFFRIES: Okay. We'll open it up for comments on that section. It looks like the changes in (e) romanette 2. Barmak.

MR. NASSIRIAN: Yeah, I would replace the may with shall. It just strikes me as imprudent to give a blank check to somebody who has never done this within the purview of your recognition. So I think there should always be a period of- there should be a- an explicit limit for new entrants. It could be a longer limit depending on, you know, the judgment of the Senior Department official, but it should never- it should be mandatory that scope is specified.

MR. BOUNDS: Yeah, I'll wait and respond at the end. I just want to remind this- these changes were- you know, this was put in based on some comment or submission. So whoever submitted those please,

you know, make your comments too. But I'll make one final comment once everybody's done.

MS. JEFFRIES: Okay. Carolyn.

MS. FAST: I agree with Barmak that it makes sense to have limitations in this in this way. And one proposal that I just wanted to lift up was that, limiting the number of schools that an accreditor, a new accreditor, could accredit based on how many schools that they accredited prior to getting recognition. So, if a school only, accredited one school prior to recognition, they should be limited to- they shouldn't be able to go to, you know, a thousand schools, initially until they're more established. So the proposal was that they would be limited to double the number of schools that they had prior to getting recognition.

MS. JEFFRIES: Okay. Thanks. Carolyn. Any other comments? Jamie. You're on mute, Jamie.

MS. STUDLEY: Sorry, I was going for the chat, I apologize.

MS. JEFFRIES: Oh no worries, no worries. The buttons get ahead of me every day too, so don't worry, okay? Alright. Anything you wanted to add, Herman, before we do a temperature check on 602.36?

MR. BOUNDS: Yeah, just for information purposes, I don't want to slow the process

down. I just want to remind everybody that an agency that's coming in for initial recognition, you know, they aren't- they don't go before NACIQI and they don't get a staff recommendation until the staff is sure that they have met all of the recognition criteria. So when they show up from the NACIQI, there are no- you know, they are there are no remaining issues. So, it's not like the case where somebody would go forth that's, you know, that's kind of on shaky ground. But I understand that, you know, folks may want to- may think the limitations should automatically occur. But in my opinion that may not- it may not be the case, but again, we'll definitely consider all of your comments.

MS. JEFFRIES: Thanks, Herman.

Alright. Seeing no additional hands, let's go ahead and take a temperature check on 602.36. Let me see your thumbs. Okay, I'm not seeing any thumbs down. Alright, Herman. I'm sorry. Oh, I thought maybe I missed someone. Okay, Herman, take me- take us where we need to go next. 602.37, I'm not seeing anything unless I'm missing something.

MR. BOUNDS: No. There's nothing in the preset, except for some minor, you know, regulatory provision changes, but it's based on other changes there. 37. There's nothing in 37. 38. I think we would be down

to the subpart (d) and maybe down to part 604. Does that look- Yeah.

MS. JEFFRIES: That's what I'm- yeah I think so. Yeah.

MR. BOUNDS: Okay. And so for 604, I would just like to say to the representative for the state boards of nursing, you know, we got some of those recommendations and suggestions in a little later in the process. So that's why, you know, maybe some of those weren't, you know, they weren't all incorporated. I do think, that under- let's see, I think it was under student achievement. Yeah, under student achievement. If you scan down to page 58. That we did take the suggestion for their student achievement marker. The National Council licensure examination. So we did put that in, and we'll- we will consider the other changes that you suggested. The other thing that I would say here is that, you know, waiting for some additional explanation of the changes that you had recommended. Again, that was the reason for not making the changes now. And we have some of those. The other thing I would also say, too, is that, you know, some of the changes that were recommended were changes from the additional 1969 Federal Register that the state Boards of Nursing had been having to respond to since that, you know, since that time, again, so we

wanted a little more information on why we thought- why you thought those changes would need to be made. And then, Cindy, I just have one question for you so that I'm not breaking protocol, but is there a point where we can ask the committee a question, the committee person a question, or is that not allowed?

MS. JEFFRIES: No, the purpose here is to have some back-and-forth dialog, so-

MR. BOUNDS: Okay. Well, okay.

MS. JEFFRIES: That's fine.

MR. BOUNDS: Hi, Amy. So we were trying to- we were trying to understand and we- you know, you had struck here, you know, providing the financial audit or audited fiscal reports, you know, I think as part of the annual reporting process, I believe.

MS. ACKERSON: Yeah. The course catalog and the fiscal report, right?

MR. BOUNDS: Yeah. Course catalog. So the question that we had about the fiscal report is that, is there at any point where, say, a state board of nursing, could accredit like a freestanding school of nursing that may be not attached to an institution, and it only [inaudible] nursing approval to allow the students to apply for grants under, you know, Health and Human Services or something like that? That's what we

were trying to understand if that could occur.

MS. ACKERSON: Okay, right. Good question. Yeah. Good question. So, the problem with the audited fiscal report is that sometimes inside of an institutional audited fiscal report, you can't get to the nursing program. So we- on regular review, we do audit the nursing program budget. Now keeping in mind that nursing program approval is not accreditation.

MR. BOUNDS: Right. We understand. Yes.

MS. ACKERSON: So there is some language that I believe probably was a copy and paste issue into this section that still talks about accredited or pre-accredited programs and that wording needs to be changed to approval. But, you know, the truth of the matter is, an approved nursing program could also have a nursing program accreditation along with a sponsoring institution accreditation that's going to allow for all those double and triple checks on the audited fiscal report of the institution. So if there is, by chance, a standalone nursing program, that standalone nursing program still has to be accredited by an agency that would make it eligible for Title IV funding. So, you know, like I said, we're still talking about a very small number of nursing regulatory boards here. There's only

five of us left. And so all of those still require accreditation by the sponsoring institution. Your question on if it would restrict their funding from a HRSA grant. That's something we're still trying to figure out. It was a conversation that we had with HRSA that nobody could really answer. But, you know, the collection of the actual audited fiscal report every single year just, like I said, it becomes an arbitrary piece of paper in our eyes. And same for the course catalog. I mean, those resources are all available online. If for some reason that- something that we trigger on annual report should trigger an approval, you know, a regulatory visit, we can pull all that information. But that annual report piece, you know, that's all in coordination with National Council for State Boards of Nursing, you know, for data collection purposes and some and some compliance issues. So those two pieces of information, just, like I said, become arbitrary pieces of paper because the nursing program information is embedded in such a large document sometimes.

MR. BOUNDS: Okay. So yeah that helpful. We were just- and we just didn't know if there was a possibility of a state that may have, say, a school of nursing who may not have accreditation by- they may not be Title IV eligible, but they only use the state

Board of Nursing's approval that gain access to those other grant funds. And that was something that we were trying to consider.

MS. ACKERSON: I can't think of a case in modern age that that is the case, but I will certainly do my due diligence and find out.

MR. BOUNDS: Yeah, that was the only question that we had when we were trying to figure out the applicability of the, you know, of the audited fiscal reports. But we will- we are going to take a look at all your suggestions and, you know, take those into consideration, you know, when we review this for the next session and the only other thing I would, I would just like to say to for us, and this is applicable to agencies that are recognized under 602- under 602 and 19- under 602.19, it talks about accrediting agencies have to have some sort of monitoring practices and they collect information annually. Now, the State Board of Nursing criteria is the only one that kind of lists what that should be. For accrediting agencies, it's only financial information and student achievement at minimum. So I would also just remind you that, you know, when we look at annual reports, we consider that maybe a monitoring process where an agency would catch things early. And I think that's why that was prescribed there. I wasn't

alive- well, I was alive in 69, but I wasn't doing this. I wasn't doing this particular job. [Inaudible] ten years before that, but I wasn't doing this job ten years before that, so I just [inaudible].

MS. STUDLEY: It just feels like you were, Herman.

MR. BOUNDS: Absolutely.

MS. ACKERSON: And I don't mean to begrudge the committee. I mean, understanding that not lot of folks on this committee have a dog in this hunt besides nursing program approvers on this particular section. But I just think since it is language that is so old, it's just- I would ask the Department, use the opportunity to maybe update it. Like I said, it doesn't really offer a lot of concordance with what some state Board of Nursing regulations offer. So, and I apologize for the late submission of the rationale, I'm going to play the new kid card on that. Didn't realize when all of it came into play. So-

MR. BOUNDS: Alright. Thank you. So we'll- and again, you did give us- yeah, I'm glad you corrected me. You did give us the written rationale. So we will definitely go back and take a look at that. But you definitely answered my question, so I'll be quiet now. And if any other committee members- [inaudible]-

yes, go ahead.

MS. ACKERSON: If I could just take my opportunity just for one more comment, just the last subpart (c) and the recognition process, the whole- I don't understand the Department's rationale for wanting to review nursing program approval agencies every four years instead of the normal every five. So if that could just be considered as well.

MR. BOUNDS: Yeah, it is. We- you know, we also recognize another group of state folks that are state vocational agencies. And they are also four years. I think our original rationale here was, is that the state boards, whether it's the state Board of Nursing or the state vocational agencies, they have much less and much complex criteria that they have to comply with. And we also- we're looking at the state agencies, you know, the personnel, financial, and administration, you know, can be changed by the state authority, we think maybe more rapidly than, say, in accrediting agencies, which may- which, you know, influenced us as having the recognition period every four years. But again, that's still under debate and we'll take any of your comments under consideration too.

MS. ACKERSON: Well, it's a two-year review process, so it's just with the shortened timeline

of doing it every four, it becomes a- it comes- becomes almost a continuous process.

MR. BOUNDS: Yeah, I understand, I understand, and we are working on the- if you look- if you- if you recall under, you know, our [inaudible] under the new 602.31, you know, we're looking to shrink that process too. But again, your rationale and comments are well taken, so. That's it for me, Cindy, on that.

MS. JEFFRIES: Alright. Thank you. I want to point out, Herman, in the chat, there is a message from Legal Aid that said they proposed several conforming changes to section 604. So they asked the Department to take a look at those.

MR. BOUNDS: Okay. Alright.

MS. JEFFRIES: Okay. And Scott Dolan is returning to the table for nonprofits. Okay. So, in terms of discussion over this subsection subpart (d) with the- or I'm sorry, not (d), the subpart (a) with the nursing education piece, are there comments? Other comments here that other negotiators would like to make or questions they would like to ask of Amy? Not to throw you under the bus, Amy, or anything like that, but-

MS. ACKERSON: It's fine, I waited all week.

MS. JEFFRIES: You always get to be

the last. Last but not least. Barmak.

MR. NASSIRIAN: You know, I believe the committee heard from a couple of witnesses who described the practice by some programs of attempting to manipulate their NCLEX pass rates by administering high-stakes tests right before graduation to weed out students who would be less likely to pass. Would it be possible- I don't know that that's a huge issue for state agency oversight purposes, but to the extent that we flag NCLEX pass rates in this language, it would be nice to also add some additional language to require agencies to also monitor attempts, institutional attempts, programmatic attempts to manipulate their pass rates through administration of outside high stakes tests for what it's worth. Because we heard- we've had a bunch of complaints. I think one of the public commenters was a former Army medic who had enrolled in a program. So it would be good to echo that sort of protective language here as well. Thank you.

MS. JEFFRIES: Thank you, Barmak.

Scott Dolan.

MR. DOLAN: I agree with what you're saying, Barmak, in terms of the intent, right, just to ensure. But on the flip side, right, institutions might use that as a way to evaluate the preparedness and what

support a student might need in order to pass a high-stakes exam, which, yeah, it's just a different kind of environment. So, I agree with you. Like, we should try to have some protocols in place that, you know, make sure that this is being done appropriately, reasonably, correctly, in the best interests of the students. But, to take and fail the NCLEX and then have to retake it comes with the cost, comes with time. Like there's a whole host of things here around some of this work. And some of those pieces are built into the design of the program. So, I just- you know, just think to round out the perspective and to take a balanced approach is an important one. But the only reason why I wanted to jump into that conversation.

MS. JEFFRIES: Thank you, Scott. Amy.

MS. ACKERSON: Just to reiterate, there are only five nursing regulatory boards still approved by the Department, so there's only five states left. So I would encourage you, if you have concerns about those kinds of things, you take them to individual nursing programs or to the State Board of Nursing that actually sets the regulations for nursing programs in that state, because if you're talking about Missouri and Kansas, I'm with you. But we're just talking about five regulatory boards left in the US still recognized by the

Department, unfortunately.

MS. JEFFRIES: Thank you, Amy. I'm not seeing any further hands on this Nurse Education, the- I'm sorry, the Secretary's recognition of state agencies for their approval in nurse education. I'm not seeing any additional hands on that. Do we need a temperature check?

MR. BOUNDS: No, I think- because I think we're probably going to go back and take some suggestions from-

MS. JEFFRIES: Okay. From Amy? Okay. So I think that brings us up to-

MR. BOUNDS: It looks like we're under 611, I guess?

MS. JEFFRIES: Yeah, 611.

MR. BOUNDS: And I think the first yellow is on page 64.

MS. JEFFRIES: Okay.

MR. BOUNDS: And I'll ask my colleague, Donna, to jump in anytime, Donna, that you want to since some of this is under- since this is under 602.11 if you have any comments too.

MS. MANGOLD: Okay.

MS. JEFFRIES: Alright. Any- did you just want to open it up for discussion on that piece?

MR. BOUNDS: I think- yeah, I think

so, yeah.

MS. JEFFRIES: Alright, alright.

Jessi.

MS. MORALES: So I just wanted to flag for the Department that I'll be submitting some additional language, but in general, very supportive of the Department's efforts to prevent accreditor switching when it serves- essentially when the only reason for the accreditor switching is for- to evade accountability or avoid sanctions. And it's leading to a race to the bottom, when it is that case. And I think that it is core to making sure that accreditation works well for students. There's nothing wrong, obviously, with changing agencies, provided that it's a decision made for the reasons of the mission and not slowly- solely to evade accountability or to find an agency with an easier-to-meet standards. But to require that movement to agencies that outside parties believe are less rigorous is a major problem. And once that happens, the accreditor catching the institution has a clear incentive to avoid pressing the same buttons as the first one, even if those are the right buttons to press. So again, I'll be sharing some- submitting some language, just to keep an eye out for that and urge the Department to keep thinking about this section.

MS. JEFFRIES: Okay, thank you, Jessi. Jamie.

MS. STUDLEY: The first principle at stake here is that all policy in this area has to hinge on the fact that we have confidence that federally recognized accreditors would enforce core statutory requirements and their own standards. You're not going to get a different result on core issues. Jessi put it in terms of pressing the same buttons. I think we're aligned on the idea that you should not be able to forum shop or avoid the fundamental Federal requirements for an accredited institution. Second, institution. It's reasonable for institutions to be able to change accreditors. The Department has processes to approve reasonable cause for that, and voluntariness, and that's an appropriate break on- to achieve what she just spoke about, which is not to avoid penalties or sanction conditions by the institution. And has requirements, or is looking at ways to prohibit forced switching. And we agree that is poor practice. It would undercut the improvement focus on- that is a fundamental piece along with accountability of accreditation as it's practiced. It makes it- would make it hard for agencies to plan for capacity on a practical level, and it would unnecessarily drive institutions to spend resources on a not good

practice that would take away from what they could better direct to students. So the idea of the provisions related to force switching are worth looking at. But that said, forced staying also poses dangers. Requiring an institution to stay with one accreditor for two full cycles is an unreasonable requirement if you look more broadly. So we understand that this conversation is prompted and driven. We've got in our minds recent state laws, but we have to also think about how the rules could affect different situations and have unintended consequences. So we appreciate the value of staying and improving under an accreditor, but I'll just give you a kind of neutral example. If a DEAC-accredited institution moved to WASC, spent six years in their first cycle of accreditation, were in good standing, and then decided that DEAC, in fact, had served them better, why prohibit them from returning to DEAC? Or what if it were the other way around? They moved from my agency to DEAC and said, I thought, you know, it was worth a try, but I actually think the system is more sympathetic to me and my students elsewhere. So I think we should cut off things that are unacceptable, but let's not go overboard. We need to think about other conversations. But at heart, what requirements should be put into effect everywhere? And forced switching is a very dangerous practice.

MS. JEFFRIES: Thank you, Jamie. Other comments? Barmak.

MR. NASSIRIAN: I think Jamie is making a good point, but part of the challenge, I think, has to do again with the duality of his accreditation, a mechanism for quality assurance, mandatory Federal quality assurance, or is it a quality- voluntary quality improvement activity? And, you know, candidly, it's very hard for me to understand why you would have this many options as your choice of regulator and the thought process that goes into it at the institutional level. You know, it's possible that for purposes of truly voluntary support services and quality improvement, one accreditor may be better than the other, but it's much more likely, it seems to me, given the criticality of institutional accreditation for purposes of access to Federal funds, that institutional behavior will be primarily dictated by institutional convenience, and state behavior may well, as we've seen, be dictated by political preference. And it's very hard to contemplate the regional accreditation scheme we had prior to 2019. Was that all involuntary then? Because institutions really had only a choice of one regional accreditor or a national accreditor that was historically completely ill-fitted for their purpose? This opening up of regional accreditations reach to the

entire nation, I think, will in fact create nothing but accretion shopping and nothing but a race to the bottom, for what it's worth.

MS. JEFFRIES: Thank you, Barmak.

Scott Dolan.

MR. DOLAN: I mean, I'm probably not following protocol here because it's a rehash of what Jamie said. I think the argument was to have some standard core requirements that we all agree to that set a minimum threshold that all creditors are expected to meet. And then there is obviously variation based on the kinds of institutions that accreditors work with. So, and to your point, Barmak, I think the idea that it can't- accreditation can't be both a minimal standard and setting loftier standards for ourselves around continuous and quality improvement, I just- accreditation to me is a hygiene check, and I love the idea that we have as a component of that, setting higher standards for ourselves and continuously improving, according to the work that we do in addition to the essays that we put together, which are reflections by institutions, universities as a whole, across three years of a process where we evaluate data and evidence consistently. And we also report to our accreditors on an annual basis, data and evidence, and have potential follow-up actions based on that, too.

Right? So I just think- I go back to just making sure that we're all clear about what the process of accreditation is. I think it's both. I think it's there's a minimum compliance component of it based on data and evidence. There's a serious self-reflection around continuous improvement involved, as well. Doesn't mean there aren't opportunities for us to have important conversations about where we need to get better across the board. Federal, state, accreditor, institution looking in the mirror on that. But I think let's start from the same premises so that we can have informed conversations about where those improvements should be.

MS. JEFFRIES: Thank you, Scott. Any other comments on the 600.11? I'm not seeing any. Did you want a temperature check, Herman?

MR. BOUNDS: Yes.

MS. JEFFRIES: Okay. Do a temperature check. If I can see your thumbs, please on 600.11.

MS. STUDLEY: Can you put the language back up? I- I'm just structuring between what's there and what's been discussed.

MS. JEFFRIES: Okay. Because it's difficult for me to see thumbs.

MS. STUDLEY: Yeah, I'm asking you to take- to just make sure we're-

MS. JEFFRIES: Okay.

MS. STUDLEY: -looking at the right-

MS. JEFFRIES: Okay. Okay, can we take the language down so I can see the screen? Okay. Alright, there we go. So, show me thumbs. Sorry-

MS. STUDLEY: I'm sort of-

MS. JEFFRIES: Jamie. Well, I'm coming to you last, Jamie, so. Alright, I see just the one thumbs down with Jamie. I know you were waffling there, so-

MS. STUDLEY: Yeah, it's a- you know, I think it's as to part of it. Not opposed to the effort to do this, but that particular section is- just want to convey that it- that requiring the two-year stay just seems- is not currently accepted.

MS. JEFFRIES: Okay. Alright. So where does that take us, Herman?

MR. BOUNDS: Well, looks like we are down to (2), page 64. And that- those changes there will take us into loss of accredit- yeah, nothing there. So yeah, looks like paragraph two there. And this is all related to reasonable cause.

MS. JEFFRIES: Okay.

MR. BOUNDS: Multiple accreditations to be reasonable. So, happy to open discussions there.

And, again, this is 611 and Donna. If you want to chime in, go ahead.

MS. JEFFRIES: This is 611, number (2).

MR. BOUNDS: Yeah.

MS. MANGOLD: I think that these are just- things that moved around. I don't think that they're substantively different. I think we've just reordered things within section two. Within each, within multiple.

MS. JEFFRIES: Okay. Do you want to open it up for any questions if there are any? Any questions? If, in fact, it is a reorder, do you need a temperature check on that section?

MR. BOUNDS: Donna, what do you think? I think we could. I don't think it's necessary, but if folks think so, I mean, we could.

MS. JEFFRIES: Let's just do it just to move things along. Okay. Can I have a show of thumbs, please? I'm not seeing any thumbs down. Alright. So I think that then brings us- did you all just look at two or did you look at three as well? Because I think the last- outside of section three, the last thing we have is 668.14, which doesn't look like a whole lot there. And then you might get a five-minute break.

MR. BOUNDS: I think Donna mentioned about the reorganization of everything. So I don't know if everybody-

MS. JEFFRIES: Yeah, I think it was covered with the temperature check. Can we move to 668.14, program participation? Anything else?

MR. BOUNDS: Looks like you just have stricken language here.

MS. JEFFRIES: Okay. Any comments on this language that has been struck? Alright, let's do a temperature check. Okay. Can I see your thumbs? I don't see any thumbs- oops. One thumb down. Jillian. Okay, babe. Gotcha.

MS. KLEIN: I mean, I have anger spilling over from the teach out plan conversation earlier, so assuming the Department does something with this unprecedented moment when Barmak and I agreed on something, then I can obviously get to a thumbs up. But that's my [inaudible].

MS. JEFFRIES: Alright. Well, you made it. You made it through the- oh, Scott, you have a comment?

MR. DOLAN: I apologize because there was a break promised, and, I guess I have a protocol question.

MS. JEFFRIES: I didn't promise it, but I mentioned it.

MR. DOLAN: I just have a protocol question. There was a lot of language that was introduced between sessions one and two, right? And certainly some of the language was not incorporated at all, and others was taken sort of at face value verbatim. And in some instances, it feels like the language that was taken, doesn't always align fully with the original intent and preambles that were shared with us during session one. So when, you know, I'm not asking for why, you know, my proposals weren't incorporated. But I thought maybe- is it reasonable to request the Department to at least provide a justification, a rationale for the language that it does incorporate and how that fits into its overall intent, right? And it's aligned with where we started. These sessions move very, very fast. People are working tirelessly, sometimes on very tight deadlines. You know, we had a Thursday due date last time and we're trying to do our best to represent our constituencies. And I think it would be helpful to understand when language is incorporated where it's coming from. So it's just a question.

MS. JEFFRIES: Okay. It isn't, you know, necessarily- I don't know how it ties into

protocol, but, you know, I know that in some cases, a lot of cases, they do explain why they put in and how it fits. In other cases, they may not. So if you have particular question on that as we move through it, then, you know, you can ask that question, how does this fit into your original intent? Okay?

MR. DOLAN: Yeah, I guess I've asked that question, as have others. I just don't know the assurance of when or if we will get an answer to those questions. So it's just a- it's just to put it out there to see if there's a response.

MS. JEFFRIES: Sure. Happy to talk with you some more offline if you want on that, Scott, because we do need to move to- where did you go? Where did my meeting go?

MR. BOUNDS: Greg has his hand up.

MS. JEFFRIES: Greg, go ahead.

MR. MARTIN: I- just very briefly, I just- I mean, well, we can address that again in more detail maybe when we come back. But I do want to say, and I understand the frustration that comes with all this material, you know, in the compressed period of time. It's something that obviously affects everybody. But, as far as like going- we have hundreds of pages of submissions to us. We make every effort, we review

everything. Obviously, we can't include everything, I think to go through a line item of everything that came in and why we took something or why we didn't take something would take an inordinate amount of time and limit- and take away from discussion at the table. Certainly where there are questions we're always able to respond to those and we'll make an effort in the next round to maybe be, you know, clearer about what we took and didn't take and why. But again, I don't want to promise a line-by-line accounting for that because there just simply isn't enough time for it. But anytime the question comes up about something specific, we're willing to entertain that. So, with that, I'll say, thank you, everybody, for the final week.

MS. JEFFRIES: Okay. Alright. It is 3:30. So let's go ahead and start with our public comment. If you have not- if you have a scheduled time or you're on the waiting list and you have not logged in to the meeting, please log into the meeting at least 15 minutes prior to your scheduled time or the wait list so that if we can get to you- alright, so, Krystil or not sure who's admitting today.

MS. K. SMITH: I am. So, Cindy, just add to when you log in as a commenter, please make sure you're logging in with the name that you use to sign up

with. Thank you. So Cindy, our first speaker is Mia Ferguson, and Mia is in the room.

MS. JEFFRIES: Okay. Hi, Mia. Can you hear me?

MS. FERGUSON: Yes, can you hear me?

MS. JEFFRIES: Yes. Welcome. And you have three minutes to address the committee today with your comments. You will receive a 30-second notice of when your time is about to expire. So with that, you may begin now.

MS. FERGUSON: Good afternoon. My name is Mia Ferguson, and I'm a junior at the University of Kentucky. Thank you for allowing me to speak today. At the University of Kentucky, they offer a program called First Day that provides me the option to get access to all of the materials I need for participating courses by the first day of class. This program is so convenient, and it saves me a significant amount of time and money for the classes that it's available for. Before attending UK, I started my career at Georgetown College where they did not offer any programs like this. I was on a scholarship, so I had to purchase as many of my course materials as I could at the campus bookstore. The bookstore would often run out of books, so I got in the habit of returning to school early after break to ensure

that I would be among the first to be there to get the materials that I needed before they ran out. I hated having to cut my break short and leave my family sooner than I wanted to, just so I could get back on campus in time to get my course materials. If I wasn't able to get my materials at the bookstore, then I had to stop, shop online to make sure that I would get them in time so that I wouldn't fall behind in my classes. Without first-day materials, I had to spend a lot of time shopping around and trying to find the best price for my course materials. A few times when purchasing online, I accidentally bought the wrong books or the wrong edition of the book, and it ended up costing me a lot more of time and money. I'm grateful to know that the University of Kentucky offers First Day for most of my courses, and I have a- I have an easy and cost-effective way to ensure I have the right materials that I need by the first day of classes, without all of the hassle that I used to experience at Georgetown College. Plus, they're so easy to access and use because they are all automatically right inside of my UK learning. Thank you.

MS. JEFFRIES: Thank you, Mia.

Krystil, who's next, please?

MS. K. SMITH: Next, we have Heidi Smith, who is from Front Range Community College, and

Heidi is in the room and connected to audio.

MS. JEFFRIES: Okay. Good afternoon, Heidi. If you can unmute. There you go. Welcome. You will have three minutes to address the committee with your comments, and you will receive a 30-second notice of when your time is about to expire. So with that, you may begin.

MS. SMITH: Okay. Good afternoon. My name is Heidi Smith, and I've been teaching microbiology at the community college level for 20 years. As I was preparing for today, I struggled to truly convey my advocacy for inclusive access or similar programs. So instead, I decided to turn to the words of those that really matter in this decision, the ones we should all put first and foremost in every policy we consider for education. The students. Here are the powerful words of two of my students as a representation of students from all over the country. Student A. I'm a first-generation college student in my second semester, excited but still scared to death that the obstacles of college will keep me from my dreams. The obstacles are real. Last semester, I did the only thing I knew to do to get materials for my class. I went to the college bookstore and I looked at my classes. For one class, the materials were out of stock and I was set back two weeks. For the other class, I

spent \$158 on a required book. I got to class and found out some of my classmates were able to buy used books or rent from an online store, spending less than \$30. Not only did I feel stupid, but although it may seem like a small amount of money, every dollar counts in my path towards finishing my degree. This semester, I was relieved when my micro professor explained that all of our materials were included in our course fees at a really low cost compared to any books I saw at the bookstore. Even though this class is going to be really challenging, at least it isn't because I don't have the tools I need. Student B. Waiting on financial aid is always stressful. Luckily, our college has pushed back their tuition payment date to several weeks after the start of the semester, but that doesn't help with getting books and other materials we need for classes. Several times my financial aid has been late and I've gotten significantly behind. Even when it's on time, I have to pay full price for all of my books. This is maddening when my classmates are able to go on search for the best price. I was so pumped when two of my science teachers this semester told the class about inclusive access. We all pay the same price and is rolled into our tuition and fees, so there's no issue with late financial aid payments. And crazy, the cost for not only the book, but

also the required online homework system was only \$80. You have now heard the testimony of two students. Their stories represent only a few of the many challenges faced by today's college students navigating college for the first time, managing incredibly busy lives, dealing with the sometimes convoluted financial aid system. With time, I could have lined up hundreds of students to share their stories today. But just from these two alone, you have heard how First Day acquisition programs have led to their confidence, their academic success, low-cost materials, and hugely important equity for all students. Truthfully, out of dozens of surveyed students, there was not one, and I mean not one negative review of inclusive access. I implore you to consider that these programs have moved higher ed a giant step forward towards equity and academic success. [30 seconds] all students on the same playing field, giving them all equal accessibility to course materials, no matter what their personal situation is. And the truth is, they help most those students who need a little extra support to be successful in college. To disallow these programs would be to take two large steps back in the progress that we've made. Thank you so much.

MS. JEFFRIES: Thank you, Heidi.

Krystil, who do we have next?

MS. K. SMITH: Next, we have Peyton Weber, who is representing herself. Peyton is in the room.

MS. JEFFRIES: Okay. Good afternoon. Peyton.

MS. WEBER: Hello. Good afternoon. I'm Peyton Weber.

MS. JEFFRIES: Okay. Yeah, hang on one second here, Peyton. You have three minutes to address the committee, okay? And you'll get a 30-second notice when your time is about up. So with that, please go ahead, Peyton.

MS. WEBER: Good afternoon, everyone. My name is Peyton Weber, and I am a sophomore at the University of Iowa in the Tippie School of Business. At my school, a program called Icon Direct enables me to directly access the course materials I need for my classes. This program saves me a lot of time and significantly reduces my stress level at the beginning of the semester. When I start a class that offers Icon Direct, I get a wave of relief knowing that I don't have to go to the bookstore or shop around online trying to find the lowest price, and then hope they arrive in time for my class start. A few weeks ago when the semester started, I was able to immediately get access to most of

my course materials online because they were delivered through Icon Direct. Unfortunately though, one of my classes did not offer the option to purchase my book through Icon Direct. I had to spend a ton of time tracking down the book I needed for the class. It was sold out at the on-campus bookstore, so I had to go to the other bookstore across town, and it was also sold out at that bookstore. Then I had to wait- then I had to wait a couple of weeks for the book to come back in stock. I was so stressed out waiting for this book to arrive and not having what I needed to study with until a few weeks into class. When classes start, I don't want to be stressing about when and where I will get my materials. I want to be focused on completing my assignments, preparing for exams, and setting myself up to be successful in the course. I don't want to have to worry about how I will get my materials in time for the first assignment. At the top of every syllabus, it explains how to opt out of Icon Direct if I don't want to purchase these materials that way, and it provides a link if I choose to opt out. But I would never consider this option because college is stressful enough without adding stress figuring out how to get the materials I need for class. This program makes my life so much easier. It's a lot more convenient for me to just know I will have the

materials I need to be successful in the class right away. I hope you will consider keeping these programs in place. Thank you.

MS. JEFFRIES: Thank you, Peyton.

MS. WEBER: Thank you.

MS. JEFFRIES: Krystil, who's next?

MS. K. SMITH: Our next speaker is Cathy Wiskes from the University of South Carolina.

MS. JEFFRIES: Hi, Cathy. You will have three minutes to address the committee this afternoon. You'll receive- you will receive a 30-second notice when your time is about to expire. So having said that, you are free to begin.

MS. WISKES: Thank you. My name is Catherine Wiskes, and I am a professor at the University of South Carolina. And I'm also the coordinator for all of our beginning Spanish 2 classes. I've been teaching at the university for 26 years, and a constant concern of mine over the years has been the cost of materials for our students. So while shifting to a digital platform with an e-book and making the physical textbook an optional purchase, that has reduced our cost for- reduced cost for our students, that some of them still cannot afford to buy their materials by the first day of class. And those students start the semester off struggling and

fall behind their classmates. A rocky start to the semester affects their confidence and consequently, their ability to succeed in the course. My campus currently does not offer inclusive access, but I wish we did. When my son started college last year, his school had inclusive access and it was wonderful. There were no additional bills to pay, no confusion over which addition to purchase, no trips to the campus bookstore for purchases, and then return trips for returns. No shipping delays while waiting on materials to arrive from retailers like Amazon or rental services like Chegg. My son had everything he needed from day one. So speaking as both a parent and an educator, I am a supporter of inclusive access. I don't see a downside to it. If someone doesn't like it, they have the ability to opt out, and I'm confident that if it were an option on my campus, we'd have a higher success rate in our classes and a higher retention rate among our students.

MS. JEFFRIES: Thank you.

MS. WISKES: Thank you.

MS. JEFFRIES: Krystil, who's next?

MS. K. SMITH: Our next speaker is Dalia Hernandez, who is representing herself. And Dalia is in the room.

MS. JEFFRIES: Okay. Good afternoon,

Dalia.

MS. HERNANDEZ: Good afternoon.

MS. JEFFRIES: You will have three minutes to address the committee with the 30-second notice that your time is about to expire. So with that, please begin.

MS. HERNANDEZ: Thank you for the opportunity to speak with you today. My name is Dalia Hernandez and I'm here with the Office of Pre-College Programs at California State University, San Bernardino, where I serve as the director of the Upward Bound and Upward Bound Math Science programs. At Cal State San Bernardino, we host five TRIO programs: Educational Talent Search, Educational Opportunity Center, Student Support Services, Upward Bound, and Upward Bound Math Science. The Office of Pre-College programs at Cal State San Bernardino supports the Department's proposal to expand the language and eligibility for Federal TRIO programs to continue to serve disadvantaged students, including undocumented students. The proposed regulation will enable- will enable Federal TRIO programs to continue to serve disadvantaged students for which they were created and enable Federal TRIO programs to serve eligible undocumented students enrolling in high school every year and pursuing postsecondary education. The

Office of Pre-College program serves more than 30,000 students and their families, and of which a large portion are undocumented or from mixed-status families. Through the Performance Partnership Pilot, also known as P3 for disconnected youth, the Department waived immigration status requirements that are barriers to achieving improved outcomes for TRIO programs in California, including the Talent Search Classic Student Support Services and Classic Upward Bound programs. The California P3 agreement became effective in November 2022 and is in effect until September 2026. As a result, eligible TRIO programs under the Office of Pre-College programs at CSUSB have been able to serve undocumented students and have contributed to and benefited from the high level of effectiveness of these programs. The Office of Pre-College programs' E3 participants have exceeded expected outcomes in maintaining their grade point average, academic good standing, persistence in their high school graduation or diploma, and progress towards postsecondary enrollment. I would like to close with the family- following impact statements from students whose lives have been changed as a result of the P3 waiver and their names and all of the disadvantaged students that the Office of Pre-College programs works with, including undocumented students. We urge you to reach a favorable

consensus on the proposed changes for a Federal- Federal TRIO program eligibility. Over the last year, Upward Bound has been-

MR. WEATHERS: 30 seconds remains.

MS. HERNANDEZ: -and that of my parents. Navigating through the college access journey is difficult, but it's even more difficult for those of us that have additional challenge- challenges, such as being undocumented. Please consider approving the language on the Federal TRIO programs extended eligibility. Thank you.

MS. JEFFRIES: Thank you, Dalia.

Krystil, next?

MS. K. SMITH: Next, we have Joshua Ashby, who is representing himself. Joshua, if you can unmute your phone and turn on your camera. Here we go.

MS. JEFFRIES: Joshua? You have three- good morning or afternoon. You have three minutes to address the committee, and you will receive a 30-second warning before your time is about to expire. So, please begin now.

MR. ASHBY: Thank you. Hello. Thank you for the opportunity to speak. My name, as you already know, is Joshua Ashby. I'm commenting in support of the proposal to eliminate automatic billing of textbook costs

without a student's authorization. I'm a fourth-year undergraduate student at the University of Central Florida or UCF, and I'm studying to receive my bachelor's in science in physics with minors in computer science and math. I'm also the president of Wiki Knights, a student-based organization dedicated to advocating for the adoption of open educational resources throughout UCF. As a recipient of the Pell Grants, I'm very passionate about this issue because I want to make sure that my Federal Student Aid is being used on necessities and in the most effective way possible, but automatic textbook billing programs do not allow students to have agency or knowledge that textbooks and other materials may be able to be found at more affordable rates. I know many students who are in a similar situation, and after speaking to many of them throughout my years at UCF, I have not met one who is in favor of being automatically billed. At UCF I'm thankful that we're one of the only campuses to have an opt in model. Approximately 60 to 70% of UCF students typically opt in. Personally, I can usually find my textbook cheaper online so I don't opt in unless I have to. I've also seen several- been in several courses where the option to opt in to a textbook was given. However, I was told by other students and peers that the textbook wasn't necessary, which certainly saved

on my expenses, and I appreciate that. But I know students who like the convenience of opting in, and that's their choice. And I want to emphasize choice, because it's incredibly important to me that students are not billed without their explicit consent. With all the things going on at the beginning of the semester, I know I'd forget to opt out and get charged twice. Also, it's not always obvious how much inclusive access is going to cost, and it would be really stressful to get billed for textbooks when I didn't ask to buy them. A few years ago, Barnes and Noble actually tried to get UCF to switch from an opt in to an opt out system, but thankfully the student body pushed back. In particular, Wiki Knights led the charge among students to push back against this policy, and because it was clearly not in the best interest of students, I was so moved, I decided to join Wiki Knights myself, and I continue to do similar work. I understand why textbook companies oppose the opt-in model, since they probably make less money when students are given a real choice. But making profits for the textbook industry is not what the higher education is for. I believe that if UCF can implement an opt-in program, every other college should be able to too. Frankly, I'm proud and thankful.

MR. WEATHERS: Joshua, you have 30

seconds.

MR. ASHBY: Oh, sorry. Thank you.

Thankful for the choices that my institution has made in order to provide material access. So I want to thank the Department for looking out for students in making automatic textbook billing opt in. I yield my time. Thank you.

MS. JEFFRIES: Thank you, Joshua.

Krystil, who's next?

MS. K. SMITH: Yes, our next speaker is Madison Lewis, who is representing herself. Madison is in the room.

MS. JEFFRIES: Madison?

MS. LEWIS: Hi.

MS. JEFFRIES: You will have three minutes to address the committee with a 30-second notice of your time about to expire. So with that, you may begin now.

MS. LEWIS: Okay. Thank you so much. Good afternoon. My name is Madison Lewis and I am a sophomore at Iowa State University in Ames, Iowa. At Iowa State, we have a program called Immediate Access that gives me really easy access to all of my course materials required by my instructors. What's great about this program is that I get all of my materials by the first

day of class, at a lower price. My experience with this program has been great. I have no complaints at all about it and it saves me a lot of time. It helps me get prepared for my classes so I don't have to worry and waste a lot of time searching for my materials. I can also access my textbook right inside the canvas platform, which helps me stay better engaged throughout my course because I can refer to the course materials right where I need them alongside my other assignments. This semester, I had a very nerve-wracking experience with a class related to getting my course materials. I'm in a psychology course that did not offer immediate access, and I was trying to order the required textbook for my course. The book was on backorder at the bookstore, so I tried the library. Unfortunately, the library only had ten copies, and there were about 80 other students in the class who also needed it. I also tried to find the book online, but I could not find the specific edition that I needed. Everyone in the class was so frustrated and was complaining to the instructor, so she finally decided to switch gears two weeks into the semester and offer a digital copy of the book through immediate access. That way, everyone in the class would have access to the same edition of the book and can use it whenever they need it to do their readings. Immediate access is very convenient

for me. After what I've gone through this semester with my psychology course, I don't want to have to get my course materials any other way. Thank you for your time.

MS. JEFFRIES: Thank you, Madison.

Krystil, who's next?

MS. K. SMITH: Our next speaker is D'Arcy Harrison from the Cosmetologists of Washington, United. D'Arcy is in the room.

MS. JEFFRIES: There she is. Her audio is connecting. There you are. Welcome D'Arcy.

MR. HARRISON: Hi.

MS. JEFFRIES: Hi. You will have three minutes to address the committee today and a 30-second notice before that time is about to expire. So with that, please begin.

MR. HARRISON: Hello. Good afternoon. Thank you for the opportunity to speak. My name is D'Arcy Harrison, and I became a licensed cosmetologist in Seattle, Washington, in 2003, graduating cum laude with a BFA from Emerson College prior to that in Massachusetts in 1999. I am here on behalf of Cosmetologists of Washington United, a nonpartisan 501C6 trade association representing and advocating for small businesses and professionals and personal services in Washington State since 2019. We continue to excel with grassroots action

and advocacy of small business and against potentially harmful regulations. We represent over 60,000 licensed operators working with hair, skin, and nails in cosmetology, as well as massage, permanent makeup, and tattoo. In Washington State, we require 1,600 school hours for a cosmetology license. According to the US Department of Labor Statistics, over 298,000 people nationwide are employed as workers in the general field of cosmetology. According to Data USA, 91% of all cosmetologists identify as women. Since 2020, cosmetology trade schools have successfully implemented and graduated students using distance education. More students currently have the ability to get licensed and learn due to the increased flexibility and access to asynchronous delivery. Not all learning is hands-on and no trade school can be 100% online. Students can currently learn science, color theory, safety, and sanitation when not physically present in school. If I was a college student today, I would have access to distance learning. It's frankly discriminatory to eliminate distance education for cosmetology, a field dominated by women, the Department unfairly thinks seat time should be the main priority rather than a comprehensive learning environment. Asynchronous distance education and personal services trade schools makes the career more accessible

because students can learn at home and school, not just at school. It also creates more equity for parents, single parents, people changing careers, and people going to school part-time due to work commitments. Removing access to distance learning also denies equity for diverse learning styles, the differently abled, those who use English as a second language, as well as marginalized communities and varied income levels. Since the introduction of distance learning in 2020, the interest of [30 seconds]. Thank you. Has noticed an increase in students entering the field of flexibility has supported students in making a career change in Washington State. Currently, we are experiencing a shortage of cosmetologists. It's way overdue that we approach education as a broad spectrum available to all, and not a privilege for the well-positioned and privileged. The nature of providing personal care is not only important to those receiving haircuts and manicures, but also those seeking to improve their circumstances by becoming a licensee in personal services. Thank you.

MS. JEFFRIES: Thank you, D'Arcy.

Krystil, who's next?

MS. K. SMITH: Next, we have Chandra Crosby from Evergreen Beauty College. Chandra is in the room.

MS. CROSBY: Good afternoon.

MS. JEFFRIES: Good afternoon, Chandra. You have three minutes to address the committee this afternoon with the 30-second notice of when that time is about to expire. So with that, you may begin now.

MS. CROSBY: Thank you so much. And continuing on the topic, I wanted to speak that was discussed on Tuesday, I am Chandra Crosby again, and I'm the director of Evergreen Beauty College. I have been a licensed instructor for almost 20 years, and it was super important to me that the asynchronous clock-hour delivery would enhance the quality of education and not take away from it. I appreciate the thoughtfulness of the Department's definition and guidance in 2021, as it was thorough yet still open to educational innovation. And since the new definition went into effect in 2021, our organization has worked closely with our state regulator and our accreditor to develop comprehensive policies ensuring all students remain regular and not- sorry, not substantive interaction when participating. Clock hours are not awarded to our students until they demonstrate active participation in the learning activities online. Passive consumption of knowledge, or merely just logging in to an online system is not acceptable. Asynchronous delivery has allowed our teachers so much flexibility.

They now can flip the classroom, where our time in the physical classroom is focused on applying the lessons and bringing them to life, versus learning the material for the first time. This has really helped our students to retain the information being taught and put it into practice so much faster. Our accreditor measures our successes on outcomes, and I wanted to share with you that since 2021, our students are succeeding even more every day. Asynchronous delivery has made our education more accessible for our students. It has allowed many of our nontraditional students, such as parents or single moms, working individuals, etc. the flexibility they need to learn to successfully and still be able to care for their families and financially and emotionally. It just allows them so much more time to be able to learn and succeed. In addition, our pass rates on licensing exams have increased because the students are now learning on the same medium which they are being tested on, which is the computer. They are forced to engage in the material, and the engagement helps our students to graduate to get licensed and work. I ask that you do not strike the definition of asynchronous delivery from clock-hour programs. It is and it can continue to be done well. Students are learning, they're thriving, and they're having fun while doing so. If you're able to leave it- if

you're unable to leave it as is, please consider the middle ground where you can- it gives you the insurance that you need, but still allows the students flexibility to learn outside the walls of our class.

MR. WEATHERS: 30 seconds remains.

MS. CROSBY: Thank you- and on their own time. Please continue to allow our students to participate in the blended program with asynchronous education. Thank you for taking this into consideration. Being a beauty school graduate myself with a career that I love and enjoy, I thank you for allowing me to speak on behalf of our students, our educators, and our industry professionals.

MS. JEFFRIES: Thank you, Chandra. Okay, Krystil, who is next? We have time for one more.

MS. K. SMITH: Yes. So my last one is Jo Kragbe, who's representing themselves, and they are in the room. If you can either start speaking or turn on your camera, Jo?

MS. KRAGBE: I'm here.

MS. K. SMITH: Okay.

MS. JEFFRIES: Okay. Jo, welcome. You have three minutes to address the committee this afternoon, and you will receive a 30-second notice prior to the expiration of the time. So, that having been said,

please go ahead.

MS. KRAGBE: Okay. My name is Jo Krage, or Jennifer Kragbe. I work at Lockheed Martin Space. I am a media specialist. I am a graduate of Full Sail University. I graduated with my bachelor's in entertainment business and a master's in public relations. I graduated valedictorian both times and also advanced achiever both times. And I'm speaking on behalf of the school, in regards to, I guess, really funding and kind of- kind of clearing the name of Full Sail University being, considering that it is a for-profit school. I guess I know that for-profit schools typically get a bad rap for, I guess, being quote-unquote scam schools. But this is- from my experience, I've been at a community college and I've been at a for-profit school, and I feel as though I got more education and more from my education going to Full Sail University than I did from going to my community college. So that's pretty much what I have to say today. I was under the impression that there were going to be questions. Is there? Do you have any questions or?

MS. JEFFRIES: No, there- there'll be no questions. But we appreciate your time and your comments. Thank you.

MS. KRAGBE: Okay. Thank you.

MS. JEFFRIES: Krystil, I think we could probably squeeze one more in.

MS. K. SMITH: Okay.

MS. JEFFRIES: We still have a couple minutes, so-

MS. K. SMITH: In that case, we will admit William Hoover, who is from Bunker Hill Community College. Will, if you can turn on your camera and/or unmute yourself. [background talking]

MS. JEFFRIES: Thanks, Will, for joining us. You have three minutes to address the committee today, and you will receive a 30-second notice prior to expiration of that time. With that, please begin.

MR. HOOVER: Okay. Thank you very much. Ladies and gentlemen, esteemed colleagues, and students, today, I stand before you to advocate for an initiative that enhances academic access and champions the principles of diversity, equity, and inclusion. I speak of the value of inclusive access for the purchase of college course materials. These materials stand far beyond the traditional textbook. They most often include subscriptions to ADA-compliant digital tools that provide real-time engagement, active learning, and remediation. You cannot purchase a used subscription and

sell it back to the bookstore. Inclusive access also provides a significant discount for these materials, so inclusive access is indeed a very unique apple that cannot be compared to most oranges of the past. Inclusive access symbolizes higher education's commitment to leveling the playing field for all students, regardless of their socioeconomic backgrounds. It permits the cost of their subscriptions to learning platforms to be applied to their school bill without upfront payment, thereby dismantling a significant barrier to education that disproportionately affects those in lower socioeconomic groups. Imagine a student entering college eager to embark on their educational journey, only to find themselves burdened to choose between paying for their course materials and/or feeding their family and paying their rent. For many, this presents a daunting obstacle, delaying or preventing them from engaging in and completing their studies. The repercussions are profound. Being forced to prioritize financial concerns over their academic pursuits further perpetuates cycles of inequality. With inclusive access, students need not fret how they will afford their necessary materials to succeed. Instead, they can focus on immersing themselves in the learning process, seizing every opportunity to thrive and succeed academically. Inclusive access ensures

all students have equal access to essential course materials, fostering an environment that celebrates diversity and promotes equity. It sends a powerful message to our community. Every individual, regardless of their socioeconomic status, has an equal opportunity to succeed. Lastly, in supporting inclusive access, we affirm a commitment to build an inclusive educational landscape, one where every student feels valued, empowered, and supported. True progress lies not in exclusivity, but inclusivity, not in barriers, but in bridges. I implore you to continue championing the cause of [30 seconds] Thank you. I implore you to continue championing the cause of diversity, equity, and inclusion through inclusive access. Let us stand together in solidarity, ensuring that every student, regardless of their background, has the resources they need to thrive. Thank you very much.

MS. JEFFRIES: Thank you, William. Okay, with that, it concludes our public comment today. We thank everyone who participated in that. So just closing remarks and, I know this might not be the most well-received, but nonetheless, I want to go over some discussion about the proposal submission. Okay? So proposal submission deadline is Wednesday, February 14th. Now, the reason for that is that there is a holiday that

falls in between the sessions here and the Department feels they need every single moment they can squeeze to be able to review in a timely manner these proposals, alright, and draft some language because the protocols say they, you know, they will strive to have their proposals to you seven days in advance of the meeting. If you're cutting out a day for a holiday and we stick to a Thursday- that Thursday, or we move it back even further, that is all the less time that they have to review your proposals. If proposals are sent after that, we're not saying they would not necessarily be looked at, but there is a risk that they would not have time to look at them and incorporate them into the language, okay, in the areas that they could agree on. We also want to convey that in this go around, to every extent possible, we're going to ask that you make your proposals comprehensive, as opposed to individual submissions on individual sections of the issues. To the extent that you can please try to make them comprehensive. There're a couple reasons for that. We did hear concerns from negotiators about the multitude of documents that they received and the, you know, the burden that it puts on people to try to review all of those. The Department has that same concern. We as FMCS facilitators, we want to make sure that we can get things out as timely as possible to you and when we open

our emails and we have, you know, numerous different ones, we want to make sure that we don't miss anything. So if you can make them comprehensive, that would be greatly appreciated. And lastly, please remember to include your rationale or context in your proposals in a Word format. Okay, I know that's not probably- I know it's not the news you wanted to hear about the date, but, in order to meet all the other criteria and deadlines and give the Department time that they need, unfortunately, it is a necessity. DC, you have your hand up.

DR. PRINCE: Yeah. So, the question I have is, is instead of having to, in essence, you know, with these deadlines, which I understand deadlines, believe me, I get it, and the timeframe which we're going to meet, does it make sense for us in the Department to have a discussion about having another session after the March session?

MS. JEFFRIES: You know, I'll let Greg respond to that because there are so many nuances to doing that. So, Greg, do you want to address that or maybe one of the general counsel?

MR. MARTIN: Sure. I'll be glad to address that. When we plan these negotiating sessions, we have a couple of things we have to do. The first thing being, give enough time for people to discuss these

topics and for us to try to reach consensus. After that, we have a very tight schedule of writing that has to go on in order to meet our master calendar for promulgation of the regulations. So the planning for this starts very early. And once it's done, it's- the logistics of it are fairly determined. So, we believe that these sessions have been- are- the time we've allotted, though we understand that there's a lot of material in a relatively short period of time, is adequate for the task, and the Department's disinclined to consider any additional sessions.

DR. PRINCE: Help me understand, how is that applied, when just recently- not trying to be combative- just recently the Department added an additional negotiation sessions on student borrowing? How is that no different than-?

MR. MARTIN: We did add a topic. We did add that session, but that was- that was to- ostensibly to discuss something which had not been covered in the previous- would've been covered in the previous negotiation sessions. So, you know, when we schedule these, we, as I said, we allot of certain amount of time for them. It's difficult logistically and from the standpoint of our planning to add another session. And there is and there is- you know, I think that there

is also- what has to be acknowledged is that it's difficult to determine the point at which a topic has been discussed enough. You know, I mean, it's always- there could always be more time for discussion of any topic. I mean, especially with the breadth of experience and knowledge that we have around this table. I think discussions of a lot of these topics could go on indefinitely, but there does, unfortunately, have to be a limit to the amount of time that we can devote to that. And we believe that what we have scheduled is adequate for that purpose.

DR. PRINCE: Well, I would just ask the Department- go ahead. Sorry.

MR. MARTIN: No, I said I would invite my counsel to add anything if she wants to.

DR. PRINCE: I would just add that I think the Department would- it would serve the Department if we only had an extra day, maybe not a full four-day session, but an extra day on a- in a specific topic that might be a- that might be more important. And I would say it sounds more like state authorization and accreditation based on the discussion that we have this week and what the Department has come back with, assuming, that by the next session in March, there will be some more consistent- there will be more consensus built. Excuse

me, I'm getting tongue-tied, consensus built on other topics, but it seems as though that state authorization and accreditation to the Department seems to have, you know, very strong views about as well to negotiators to at least include a day or a day and a half on those two particular topics and not having to rehash anything else out that wasn't that distinct or in essence, that much negotiation necessarily needed on the wording. So that was just my only recommendation. But thank you.

MS. JEFFRIES: Thank you. Scott Dolan, really quick because we are over time.

MR. DOLAN: Understood. I guess just related but unrelated to DC's point there. Is there a further update on the subcommittee work around TRIO and where that fits this week coming up in the next round and not to, you know, not to raise a [inaudible]-

MR. MARTIN: It's pretty much just as Cindy described it earlier, I believe yesterday. The subcommittee will meet again tomorrow, the TRIO subcommittee. And we will have a report out from them during our third session. Just to reiterate that the- anything that is put together by the subcommittee or recommended by the subcommittee will have to be voted on by the main committee. So you will hear the report out and whether or not- whatever ultimately is proposed is

accepted or whether there's consensus will be up to the main committee. I do also want to point out that, you know, when we come back, in the final session, hopefully, some of the items we've discussed, obviously, I think everybody knows this as from the tenor of what happened this week that we'll be closer on some things than others. So if we- you know, hopefully we can resolve some issues relatively quickly, yielding us more time to discuss those areas where we might be further apart, such as state authorization and accreditation. Thank you.

MS. JEFFRIES: Okay. Thank you all. I want to thank you especially for all your hard work, your diligence, and working with us as facilitators to be able to get through your whole entire documents. We do appreciate your willingness to work with us on that. So with that, have a great rest of the time until we see you in March. And, Jamie, I loved your comment. Happy Valentine's Day. So, thanks again.

Zoom Chat Transcript

Program Integrity and Institutional Quality- Session 2, Day 4, Afternoon, February 8, 2024

***Chat was copied as presented, as a result minor typos or grammatical errors may be present.**

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:
brady, we aren't broadcasting

From P, Jillian Klein, Proprietary Instit to Everyone:
Reacted to "brady, we aren't bro..." with 😞

From Krystil Smith | FMCS Facilitator to Everyone:
FMCS National Labor Management Conference is June 26-30 in New York City

From Krystil Smith | FMCS Facilitator to Everyone:
Please remember your Naming Conventions

From P, Jillian Klein, Proprietary Instit to Everyone:
Carolyn, I don't disagree that based on the language in the provisional certification section, those risk items should be included. My concern is that ED has historically used provisional certification as a lever when they are behind on processing institutional applications, which is my concern. I am working on language that I will submit to ensure that the issues you are concerned about are covered but also does not permit this as a trigger when ED is simply short staffed.

From P, Jillian Klein, Proprietary Instit to Everyone:
Comment for ED on this section (602.22(c)) - this as written also needs an update to the "additional physical location" language

From P. JoEllen Price, Financial Aid Administrators to Everyone:
I share the same concern as Jillian. I have experienced delays in reviews without knowing the reasons for the delays. Non-compliance issues were resolved months before program review was closed.

From A - Zack Goodwin (he/him), Financial Aid Administrators to Everyone:
Reacted to "I share the same con..." with 🙌

From A-Alyssa Dobson, 4Yr. Public Institutions to Everyone:
Reacted to "I share the same con..." with 👍

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:
came in immediately after session 1

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:
I'm not sure what the harm is in cases that Jillian is concerned about. If the reason for an institution's provisional status are innocuous, the accreditor can approve the change, report it to ED and explain that the provisional status did not cause concern because it was due to reasons beyond the school's control.

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

If a physical location is so remote, so dangerous, or so far beyond the reach of the accreditor, how can the accreditor be sure what might be going on there?

From P, Jillian Klein, Proprietary Instit to Everyone:

Replying to "I'm not sure what th..."

But, accreditors do not have visibility into why a school is provisional, so they wouldn't have this context. And, the larger concern in this section is that it sends a flag to states/other agencies/etc that provisional always equals risky, which given Donna's answer to my question is not always the case.

From P - Erika Linden, Private Nonprofit IHEs to Everyone:

Plus 1 to Jamie

From P. JoEllen Price, Financial Aid Administrators to Everyone:

Replying to "I'm not sure what th..."

Thank you for articulating my concern.

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

Replying to "I'm not sure what th..."

The school can tell them

From P, Jillian Klein, Proprietary Instit to Everyone:

Replying to "I'm not sure what th..."

But, in these cases, to JoEllen's point, the school does not even know why they are provisional. To my comment earlier, we will put together some language to try to codify all the reasons you all agreed to in the last neg reg for which institutions can be provisional, notwithstanding "paperwork"

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

also agree with Jami on outcomes focused reviews. some of the language we proposed last round might allow for a focus on areas and/or organizations where there may be reason for concern.

From P - Erika Linden, Private Nonprofit IHEs to Everyone:

Erika back in for Private Nonprofits

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

Replying to "I'm not sure what th..."

I thought you are concerned about cases where administrative delays, late audits, etc. are the reason for being on provisional status

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:
My comment is also on (b)

From P, Jillian Klein, Proprietary Instit to Everyone:
Replying to "I'm not sure what th..."

Yes, that is what I'm saying. I'm concerned about cases where ED is behind on paperwork and puts institutions into provisional due to Department understaffing.

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:
If redaction is not an issue, formatting does not strike me as a good reason to not share important information, without which, the rationale for accreditor's decisions would be entirely opaque

From P, Jamie Studley, Institutional Accreditors to Everyone:
1. we may be able to post petitions but it's the exhibits that are a serious problem.

From A - Michale McComis, Inst. Accreditor to Everyone:
Reacted to "1. we may be able to..." with 👍

From P, Jamie Studley, Institutional Accreditors to Everyone:
2. If ED posted them they would not have to go through a FOIA process so that could be a more efficient process for the public and ED and agencies

From P - Laura Rasar King, Specialized Accreditation to Everyone:
Agreed. I have no issue with posting the petition. The exhibits are the problem.

From P - Laura Rasar King, Specialized Accreditation to Everyone:
Complaints - A 5-year lookback is far too long to be able to investigate appropriately. I would support 2 or 3 years at the most.

From Robyn Smith, Legal Aid orgs. to Everyone:
Sorry folks, too hard to post the language we propose here because I can't format it here. Take a look at pages 14-15 of our proposals.


From Robyn Smith, Legal Aid orgs. to Everyone:
Re complaint processes.

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:
I would suggest a look back period for complaints tied to the length of the institution's accreditation cycle. So if only renewed for accreditation every 10 years, should be a 10 year look back for complaints.


From Robyn Smith, Legal Aid orgs. to Everyone:
+1 to Carolyn's suggestion.

From A - Zack Goodwin (he/him), Financial Aid Administrators to Everyone:
Reacted to "+1 to Carolyn's sugg..." with 👍

From P, Jessi Morales, Students/Borrowers to Everyone:

Reacted to "+1 to Carolyn's sugg..." with 


From P, Jessi Morales, Students/Borrowers to Everyone:

Reacted to "I would suggest a lo..." with 

From A, Emmett Blaney, Students/Borrowers to Everyone:

+1 to Carolyn's suggestion that the look-back number be directly connected to accreditation cycle.

From P. JoEllen Price, Financial Aid Administrators to Everyone:

Reacted to "+1 to Carolyn's sugg..." with 

From P, Jamie Studley, Institutional Accreditors to Everyone:

To Carolyn: but if their accred is coming up for review in two years from now would you make the timeto complain two years? I don't think that works? To Carolyn: And the longer the cycle the longer people have to compain? that's a reverse on the level of risk or concern. Please note this is DIFFERENT from comments on accreditation

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

Replying to "To Carolyn: but if t..."

No, I wouldn't peg it to where the institution is in the accreditation cycle, but to the length of the accreditation cycle.

From P., Diana Hooley, State Attorneys General to Everyone:

We are supportive of the Department's efforts for a more robust complaint procedure here. With respect to the lookback period, we would note there is value in a longer lookback period to determine how long a practice has been ongoing.

From A - Michale McComis, Inst. Accreditor to Everyone:

In order to help ensure consistency in the process, due process, and to helpful for complainants, please consider the following change:

(iv) A requirement that agency staff will provide assistance to a complainant who does not submit a complaint correctly under the agency's prescribed method(s) in an attempt to have the complaint submitted in accordance with those methods.

From P, Jamie Studley, Institutional Accreditors to Everyone:

those reqts are elsewhere. This sentence is redudant/obvious. Yes, we do populate teams with the expertise relevant to the schools program, mission, and history of concerns, complaints or areas for attention. Don't know what this adds

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Reacted to "those reqts are else..." with 

From A - Zack Goodwin (he/him), Financial Aid Administrators to Everyone:

Reacted to "those reqts are else..." with 

From A - Michale McComis, Inst. Accreditor to Everyone:

Reacted to "those reqts are else..." with 

From P, Jamie Studley, Institutional Accreditors to Everyone:

shd be "school's" program in my note

From P - Laura Rasar King, Specialized Accreditation to Everyone:

Reacted to "those reqts are else..." with 

From P - Erika Linden, Private Nonprofit IHEs to Everyone:

Reacted to "those reqts are else..." with 

From P, Jamie Studley, Institutional Accreditors to Everyone:

To ED: what does this add/achieve?

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Replying to "those reqts are else..."

for our accreditor, the requirements: The teams on this visit are selected based on key attributes: their qualifications, experience, expertise, and extensive training that they receive to not only understand the requirements of affiliation and standards, but also to evaluate institutions against these standards


From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

Magin Sanchez is joining the table to comment.

From A - Michale McComis, Inst. Accreditor to Everyone:

Requiring Every institution to submit a teach out plan is an incredible over-reach. Better/different triggers is far more appropriate

From A-Alyssa Dobson, 4Yr. Public Institutions to Everyone:

Reacted to "Requiring Every inst..." with 

From A - Michale McComis, Inst. Accreditor to Everyone:

Failure to meet the federal financial composite score is an example of an earlier trigger

From P, Jillian Klein, Proprietary Instit to Everyone:

David Cohen is coming to the table for proprietary schools

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

agreed on the need for sensible guidelines here. And are we suggesting that private nonprofits with endowments greater than 45 billion. barmak beat me to it

From P - Erika Linden, Private Nonprofit IHEs to Everyone:
Serious concern about ALL institutions. Create reasonable triggers that are meaningful.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:
Reacted to "Serious concern abou..." with 👍

From P, Jillian Klein, Proprietary Instit to Everyone:
Take a note, Barmak just agreed with me!! We must all be exhausted!

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:
Replying to "To Carolyn: but if t..."

It seems logical to me that an accreditor would want to consider complaints for the whole period of review between accreditation cycles. So if a school comes up for accreditation every 6 years, let's say, and there is evidence of misconduct via a complaint from the first year of the six years, shouldn't the accreditor review that complaint at the time of review? Otherwise, the accreditor would not be considering relevant information from the full review period.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:
😊

From A-Alyssa Dobson, 4Yr. Public Institutions to Everyone:
I would like to point out that teach out plans are not always easy to create within the public sector. We have CBA's and other legislation within our states that would make the requirement very burdensome at best.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:
agreed jami. and it's imperative that we focus our efforts on what successful teach outs look like given the increases in closure we are seeing. so important for us to think deeply about this, but to do so reasonably.

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:
I think we need to set the tripwire much earlier than when there is imminent risk of closure. AT that point, the proverbial house is already on fire and the teach-out option is almost certain to be even worse than the program that is collapsing

From Robyn Smith, Legal Aid orgs. to Everyone:
Jamie, I understand your issue with the 2 year requirement we propose, we are just trying to ensure that the situation I described does not happen. Perhaps we can come up with some other way of doing that.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:
Replying to "I think we need to s..."

some important conversations needed about how to evaluate institution's fiscal capacity to operate.

From A, Magin Sanchez, Civil Rights/Consumer to Everyone:

Reacted to "Take a note, Barmak ..." with 😊

From (P) Barmak Nassirian, Veterans & Mil. Students to Everyone:

The insurance analogy makes sense when you factor in the option of self-insurance by those that have the means to cover the loss (i.e., cash buyers).

From P, Jamie Studley, Institutional Accreditors to Everyone:

Robin, happy to talk with you about that. I understand a concern about lack of expertise by the school; let's see if we can avoid cutting off some of the best potential solutions.

From P - Erika Linden, Private Nonprofit IHEs to Everyone:

To David's point, we have a doctor of podiatric medicine program - one of ONLY 10 in the US!

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Reacted to "Robin, happy to talk..." with 👍

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Reacted to "Jamie, I understand ..." with 👍

From A, Magin Sanchez, Civil Rights/Consumer to Everyone:

Reacted to "+1 to Carolyn's sugg..." with 👍

From P - Erika Linden, Private Nonprofit IHEs to Everyone:

Scott Dolan back to the table for this segment for Private Nonprofits

From P, Jamie Studley, Institutional Accreditors to Everyone:

While agreeing that transfer is an area for improved info and practice, I would be concerned about the potential for widely varying definitions so that resulting info would not be meaningful to prospective and other students. Jillian is making a point i agree with about the wide variety of transfer situations.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Reacted to "While agreeing that ..." with 👍

From A, Michael Cioce, 2 Year Colleges to Everyone:

To Jamie/Jillian- see FTFT and the usefulness of that in all things federal!

From A-David Cohen, Proprietary Institutions to Everyone:

Can the Department define "credit transfer acceptance rate"?

From A-Alyssa Dobson, 4Yr. Public Institutions to Everyone:

+1 to David Cohen's question; I'll add that at many schools a class will transfer into one program and not another. Example: our pre-PA biology program won't take any transfer credit for their required sciences, yet all of our other programs will take sciences easily.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Rates don't necessarily evaluate quality. Seems more a quantity measure here.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Erika will step back in

From A - Michale McComis, Inst. Accreditor to Everyone:

Please consider the following change to the transfer language: e) Transfer of credit policies. The accrediting agency must confirm, as part of its review for initial accreditation or preaccreditation, or renewal of accreditation, that the institution has transfer of credit policies that—

- (1) Are publicly disclosed in accordance with § 668.43(a)(11);
- (2) Include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution; (3) Are consistently and fairly applied and do not discriminate solely on the source of accreditation;
- (4) Include an assessment of the equivalency of the credits being requested for transfer;
- (5) Include information on the average time to completion for transfer students;
- (6) Include information on the share of transfer students enrolled at the institution; and
- (7) Include information on credit transfer acceptance rates;

From Robyn Smith, Legal Aid orgs. to Everyone:

We suggested several additional changes to 602.26 and ask the Dept. to consider those, including disclosures of negative actions and the reasons for such actions (in subparagraph (e)) and related changes in § 602.26(c)(3), (d), and a new subparagraph (f) that would require disclosure to the Department and the public of negative actions, not just adverse actions.

From P, Jessi Morales, Students/Borrowers to Everyone:

Reacted to "We suggested several..." with 👍

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

Reacted to "We suggested several..." with 👍

From P - Carolyn Fast, Civil Rights/Consumer to Everyone:

We encourage the Department to look at our proposal on limitation actions in 602.32.

From P, Jillian Klein, Proprietary Instit to Everyone:

David Cohen is coming to the table for proprietary schools

From Robyn Smith, Legal Aid orgs. to Everyone:

+1 to Barmak and Carolyn.

From A, Emmett Blaney, Students/Borrowers to Everyone:

+1 to Barmak and Carolyn.

From P, Jamie Studley, Institutional Accreditors to Everyone:

The option or requirement to limit seem ok but I believe Carolyn's formula is too narrow to write into regs, the SDO should have more room for determination

From P - Laura Rasar King, Specialized Accreditation to Everyone:

Amy Ackerson (Nursing Education Boards) will come in for 604.

From A - Michale McComis, Inst. Accreditor to Everyone:

There are times when an agency does not "approve" a teach-out agreement because it is not in the best interest of students. Thus, please consider this addition to the language: (6) In prioritizing an agency for review, the Department may consider factors that include, but are not limited to—

(i) Whether any of its accredited institutions closed without an approved teach-out agreement in place, when such an agreement was required in accordance with §34 CFR 602.24(c) and it was reasonable for the agency to have approved the agreement in advance of the closure;

From Robyn Smith, Legal Aid orgs. to Everyone:

We proposed several conforming changes to section 604, so ask the Dept. to take a look at those.

From P - Erika Linden, Private Nonprofit IHEs to Everyone:

Scott Dolan returning to the table for Private Nonprofits

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

i think it's an important perspective.

From A, Amy Ackerson, Nursing Program Approvers to Everyone:

Laura will rejoin the table for programmatic accreditors

From P - Laura Rasar King, Specialized Accreditation to Everyone:

Laura Rasar King back in for specialized accrediting agencies.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

i think this is a very reasonable point.


From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

are those mutually exclusive?

From P, Jamie Studley, Institutional Accreditors to Everyone:

Scott's point is very well taken

From P - Erika Linden, Private Nonprofit IHEs to Everyone:

Reacted to "Scott's point is ver..." with 

From P - Laura Rasar King, Specialized Accreditation to Everyone:

+1 to Scott's point

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:
that would be great

From Cindy Jeffries - FMCS Facilitator to Everyone:

After public comment I will be providing information on proposal submission information and next steps. Shouldn't take more than 5 minutes or so please do not log off immediately after public comment.

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Reacted to "After public comment..." with 👍

From P. JoEllen Price, Financial Aid Administrators to Everyone:

Reacted to "After public comment..." with 👍

From A - Zack Goodwin (he/him), Financial Aid Administrators to Everyone:

Reacted to "After public comment..." with 👍

From P, Jamie Studley, Institutional Accreditors to Everyone:

Happy Valentine's Day, everyone

From P. JoEllen Price, Financial Aid Administrators to Everyone:

Reacted to "Happy Valentine's Da..." with ❤️

From P, DC, HBCUs, MSIs, TCUs to Everyone:

Reacted to "Happy Valentine's Da..." with ❤️

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

Reacted to "Happy Valentine's Da..." with ❤️

From A - Zack Goodwin (he/him), Financial Aid Administrators to Everyone:

Reacted to "Happy Valentine's Da..." with ❤️

From Cindy Jeffries - FMCS Facilitator to Everyone:

Reacted to "Happy Valentine's Da..." with 😂

From P - Erika Linden, Private Nonprofit IHEs to Everyone:

Then perhaps we start with the more contentious items next month.

From A - Michale McComis, Inst. Accreditor to Everyone:

Reacted to "Then perhaps we star..." with 👍

From A, Magin Sanchez, Civil Rights/Consumer to Everyone:

Reacted to "Happy Valentine's Da..." with ❤️

From A, Scott Dolan, Private Nonprofit IHEs to Everyone:

thanks to you all at FMCS too, Cindy