

DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
INSTITUTIONAL AND PROGRAMMATIC  
ELIGIBILITY COMMITTEE  
SESSION 1, DAY 1, AFTERNOON  
January 18, 2022

On the 18th day of January 2022, the following meeting was held virtually, from 1:00 p.m. to 4:30 p.m., before Jamie Young, Shorthand Reporter in the state of New Jersey.

P R O C E E D I N G S

MR. ROBERTS: Alright, welcome back, everyone. I hope you've got a chance to step away from your screen on that brief lunch break where we left off, and Greg, feel free to correct me if I'm wrong, was teeing up still on the Ability to Benefit Section 668.156 Approved State Process if you want to kick that off for us. Oh, just briefly, on the topic of your federal colleagues, we have Denise Morelli joining us on behalf of the Office of General Counsel for this section. So welcome, Denise.

MS. MORELLI: Thank you.

MR. MARTIN: I'll reiterate that. Hello, Denise, and yes, Brady, we are ready to go on to 668.156 the Approved State Process. And we I think we I think we read through the I think we read through the or if I'm not mistaken, I'm trying to remember, yeah, I think we did, we read through that section and we were still taking comments on paragraph A, so I wanted to make sure that there were no further comments on paragraph A. Before we move on to paragraph B.

MR. ROBERTS: Okay, any additional feedback, comments, guidance for the Department on paragraph A? David, yes, please.

MR. SOCOLOW: Only just to say that

you've got at the end before approving the state process, the Secretary is going to verify that the sample comply with the definition of an eligible career pathway under 68 668.2 above. But the sort of real meat which I know we're getting to later, of how you're really defining an eligible career pathway with more granularity is in 668.1.57 and I guess I would recommend that that be where you refer to what you're going to use as your measurement as to whether that sample complies. 157, not dot.

MR. MARTIN: Right, I see what you're saying because one-fifth, in 157, which is the how the school demonstrates, I think what we're doing here is, well, we'll certainly take that back and have our folks look at that because I think I think here we're saying is, you know, we're keying to the definition as opposed to the ways in which the school has to verify that it meets that definition. But, you know, that comment we'll take and see if we can, if there's a way to, I see what you're saying, that it's beyond the definition that it's incumbent upon a school to meet that definition. But really what we're doing here, so, you know, before approving the state process, the Secretary will verify the sample. So, we will be looking like so we will be, you know, necessarily applying the standards of 157 to

that process but-

MR. SOCOLOW: I figured that was implied, which is why I'm asking you just to make that explicit.

MR. MARTIN: Yeah, I'll take let's I'll start [inaudible] to make a note of that and we will, we'll look at that. Thanks. I see what you're saying there that, you know I do believe it's certainly heavily implied, but it might be that and I think we can do that, so I'm going to say that the Department can do that and so noted.

MR. ROBERTS: Thank you, David. Ernest, I saw your hand go up and then down quick and back up, did you have a comment?

MR. EZEUGO: Yes, but I'm happy to be in this in this order.

MR. ROBERTS: Okay, I gotcha. Alright, Yael, go ahead.

MS. SHAVIT: It's a small technical point. I mean, I think given the additional substance of the methodology by which schools can or by which programs can demonstrate kind of that they meet the definitions I thought I had earlier in the definitions section, just as a final separate subsection to say, as demonstrated by with the cross reference to the

substantive portion delineating what schools need to demonstrate. And I would say I think that would give me a little bit of peace of mind that the definition is connected to what I believe are or at least should be significantly more granular descriptions of what would need to happen to demonstrate the applicability of the definition.

MR. MARTIN: Yeah, I think we could accommodate that. I think that's understandable that you want, you know, people want the reference to the to the to one to the items in 157. So, I think we can do that. And when we come up, we'll incorporate that into a revised amendatory text.

MS. SHAVIT: Thank you.

MR. ROBERTS: Thanks, Yael. Thank you to the folks in the chat who were plus one'ing that, we appreciate that. Ernest, go ahead.

MR. EZEUGO: Yeah. So first off, thank you for giving us your time today. I want to ask you to clarify maybe a set of clarifying questions around one here. I'm sorry in advance of this, it takes us a little bit of the course of the Approved State Process, but I had some questions regarding is this satisfactory completion of at least six credit hours and/or [inaudible] coursework? But am I right in understanding

that otherwise, right outside of the state process, a student attempting to qualify for ATB would be asked if not doing this, not participating in a you know the test would be asked to pay for or find a way to pay for six hours of credit before being approved for the process? And therefore, getting federal aid or am I misunderstanding that?

MR. MARTIN: No, the six credit, obviously the six credits or the more the 225 clock hours would have to be earned outside of the Title IV eligibility process, because at that point, the student's not eligible, so yeah, that is a concern, I think the schools that did that go that way that there is a possible there is a possible expense to the student for that, we don't we don't, we don't regulate that. It's a Congress put that in as a way that students could demonstrate satisfactory academic progress, it's reflected in our regulations. But if yeah, to your point, if that could wind up that could that be an issue for some students, the six credits? I suppose it could be, I don't know, you know, and I'm just speaking anecdotally, and it might be that some of our colleagues here on this panel who do that could want to address that, might want to tell the Committee what they do at their school. Sometimes there might be non-Title IV

types of aid that these students are eligible to receive while they're doing this. But I think that how that occurs is not something we would regulate as far as what expense the student might incur, to what extent the school might be willing to front the expense for that. I just don't know exactly what's going on out there in the world with respect to that. So, I invite anybody on the panel to comment.

MR. ROBERTS: Any immediate response to that?

MR. EZEUGO: I was well-

MR. ROBERTS: Sorry, go ahead, Ernest. No, please.

MR. EZEUGO: No, yeah, I just wanted to yeah highlight before I would, I would also love to hear what other, what institutions might do to kind of support students in that first six hours. I just wanted to clarify before other folks began to comment that, as Gregory kind of alluded to, I do have a little bit of concern about and I would love to see if the Department of Education might have or be able to get data overall about like how students essentially fill the gap, how institutions help in that process or not. Because I would certainly just to kind of voice it, my concern is that the expectation for students who might not be able

to afford that kind of entry level into eligibility may be taking out private loans. We obviously know how different and [inaudible] then. Excuse me, federal student loans and/or institutional loans that that, you know, I don't think I need to go too deep into how that could be problematic and how that has historically been problematic at some institutions.

MR. MARTIN: Yeah, your point, your point is noted, I as far as like what we can do well, the six credits, I would say, well, let's start with the fact it's statutory. So that's our regulations mirror what's in statute. It's when the students are taking those six credits, they're not eligible students and therefore the Department has no real authority to regulate what happens to it in that regard. There's no mechanism established by Congress or whatever to fund students at that point. So, I think it's possibly difficult for students. Again, I don't know because there might be ways in which schools are dealing with this. I'm just not aware of what they are. As far as data would go, we don't have any data on, you know, the data that we have for students' would be through our COD system would be through us through NSLDS. Those are all mechanisms that report on students who are regular students enrolled in eligible programs. So, we would not



be able to provide any data as to how many students are we know how many students we do know how many students accessed ATB through this process of getting the number of credits, but we do not know and cannot obtain how they how they paid for them. That would be something we wouldn't be able to do. The only thing I'd be able to offer if maybe someone on someone on this panel has access to people who might know you know if they can find that out through their colleagues and maybe come back and give us a brief description of maybe how that works, I would be curious to hear that as well. But right now, I think that's about I know it's probably not as fulsome response as you would like, but that's pretty much all I can offer. I know we have no data on that, on those things.

MR. EZEUGO: No, I appreciate your sharing, and I appreciate the statutory kind of complications of doing much about it. It was largely just curious on the data. So happy to take here other folks share you know or institutions that provide support or help or have any answer generally to these.

MR. MARTIN: You know, I will say this, let me just say one more thing about it. That I think, you know, yes, it could be that cost could be an issue, but I think that when you look at the mechanisms

for establishing Ability to Benefit that, we all know, of course, the ECPP must be there, ECPP must be there. But so, absent the state process, which is just starting to ramp up in states, you traditionally had the tests and the credits now, you know, for students who are not. Some students are not good test takers, right? They're not. They're nervous test takers. They don't their aptitude doesn't come through on tests. People have problems with that. Other students might not have that might not be able to demonstrate aptitude on a test when they come in. But once they come into the school situation and start taking classes, they begin to shine. Maybe they get some, some tuition there in the background. So, I think even though it has potential pitfalls, it's a valuable alternative because otherwise students would have been left with the test and that was it. For some students, that's not a viable option, so I'll leave it at that.

MR. ROBERTS: Great, thank you.

Emmanual, I see your hand is raised, but your off camera right now. Do you have a do you have a comment or a question for the committee?

MR. GUILLORY: I apologize. I do not now, I think that was just my error.

MR. ROBERTS: Not a problem, not a

problem. Just wanted to make sure I didn't miss you. Alright, Will, go ahead.

MR. DURDEN: Thank you. Kind of, I think on Gregory's invitation, if I could just share a piece of information from Washington about that point that Ernest raised. Ernest, your 100 percent right on that six-credit option is an alternative to testing, which is a great thing, but it itself is a funding barrier for students. And while we see some institutions looking for ways to chip in, other types of workforce funding to fill that gap, it's exactly why we wrote the state plan the way that we wrote it and why it's so important for us to protect the integrity of the state plan process. Because our state plan dictates that when a student co-enrolls in one of our I-BEST programs and high school completion because the success rates are so high for that dual enrollment that that student would be deemed ATB eligible quarter one. And so, our solution was directly to address the financial barrier that the six-credit option still creates to get students into those supported pathways funded from the first quarter.

MR. MARTIN: Thank you for that clarification, Will, that was very helpful.

MR. ROBERTS: Great, thank you. Anyone else? I'm not seeing any hands in the queue, but folks

are more than welcome to raise their hands if they have anything they'd like to add. Okay. In that case, Greg, do you want to walk us down to paragraph B or do you want to do a quick check on A?

MR. MARTIN: Let's do a quick check on A, see where we are.

MR. ROBERTS: Sounds good. Alright, if folks want to come on camera, just a quick temperature check to see where the committee is right now on the language as proposed for Section A. Raise those thumbs high. I've got a very tiny screen. Alright. At minimum, not seeing any thumbs down. Thank you all for that. Anything else the Department needs on section or paragraph A, Greg, or are you ready to move down?

MR. MARTIN: I'm ready to move down, and I'm going to propose that we look at B and C. And so, we'll look at B and C next. Okay, so let's walk through these, these proposed changes. So, for a state applying for approval for the first time, so bear in mind this is for the first time, the Secretary may approve the state's process for a two-year initial period by going back remember referencing that two-year period because of the need to have data. If the state administering the process can demonstrate that the that the students it admits under the process without a high

school diploma or its recognized equivalent and who enroll in participating institutions have a success rate and the state's process satisfies the requirements contained in A, C, and D of this section. And the state process must allow participation of only those students under 668.32(e)(3) of this part, so they must be eligible. And monitor on an annual basis each participating institutions compliance with requirements and standards of the state process. Require corrective action if an institution is found to be in noncompliance with state process requirements and terminate the institution's participation in the state process if the institution refuses or fails to comply with the state requirements. And I think we'll just move on. Yeah, let me move on to move on to Do because it's sort of holistic. The Secretary response to the state's request for approval of its state process within six months after the Secretary's receipt of that request. If the Secretary does not respond by the end of six months, the state's process is deemed to be approved. Again, that keeps back the statute, and an approved process must become a state process becomes effective for purposes of determining student eligibility for Title IV of this process on the date the Secretary approves the process or six months after the date, which the state submits

the process to the Secretary for approval if the Secretary neither approves nor disapproves the process during that six-month period. So entertaining discussion on paragraphs B, C and D.

MR. ROBERTS: Any comments for the Department or any questions? Will and then Johnson. Will, go ahead.

MR. DURDEN: Thanks. Yeah, I have a general overarching question about this, this section, which has to do with what's I'm not the concern of the impetus for it isn't immediately clear to me. I'm just wondering what what's the real central concern driving, wanting to do kind of an overhaul of this, this piece? And if there's any evidence that you've been working with of kind of defective applications of this that are that are requiring this these proposals?

MR. MARTIN: Well, the primary focus behind this is two-fold. The first the first one, obviously, is to bring the state process into the into its perspective and you know bringing it regulatory into perspective as it relates to the requirement for a for there to be an Eligible Career Pathways Program. Secondly, you know, if you look at the text that was eliminated, the state administering the process, this was before initial application. They've had to have

demonstrated that the students [inaudible] of the process without a high school diploma and who enroll in participating institutions have a success rate that is within 95 percent of the success rate of students with high school diplomas. What we alluded to earlier, the problem with that is these state processes are relatively new. They've just come into they've just been coming into being so there is no data in existence to support or on which to calculate the 95 percent rate success rate, so the way the regulations are currently written sort of makes that very important determining factor difficult, if not impossible to look at, which puts the Department in a position of either saying, well, you can't provide it, so we're not going to prove it, even though it couldn't be provided for finding some way to, what's the proper word I'm looking for? Find some find of some way to facilitate that, despite what everybody knows that there can't be a rate established if there's no data on which to establish that rate. So, this regulation introduces that that sort of introductory period to allow the program to exist and then for it to have data where we can monitor, we can evaluate rather at that point the success of the program. So, I think that's the current regulations just don't work for that. And we also want and as you'll see

when we go through the when schools reapply to participate, the additional data we want from institutions on which we can do a more robust evaluation of the program and that's just not supported by current regulation. So, I guess that would be my response to why, why, why we're doing this.

MR. ROBERTS: Will, any follow-up or good to go?

MR. DURDEN: Is it alright if I if I raise my hand again later in this section?

MR. ROBERTS: Totally, totally fine. Johnson, go ahead.

MR. TYLER: Hi, Greg, you kind of answered it, but not quite. So why are success rates still discussed in this provision for new you know, initial applications, if there's no data, it's a little confusing. I understand that conundrum, but we seem to be reinforcing it here by keeping that language in this regulation.

MR. MARTIN: Are you referring to where we say this, where the where they have where they have demonstrated. They have a success rate to your initial period of the state administrative process can demonstrate the students it admits under that process without a high school diploma and who enroll-



MR. TYLER: Yeah, exactly, (b)(1) right before the mark out. You have success rate that they need to demonstrate again in the application.

MR. MARTIN: Let me let me I'll take that one back. Let me give me a minute or two to work on that. I want to make sure I give you a full response on this.

MR. ROBERTS: Got it, thanks. Yael.

MS. SHAVIT: Apologies if I'm just struggling with the red lines here. But I'm wondering if in it's getting away from me. I'm wondering if where it says that the state needs to include the state process needs to include the monitoring on an annual basis of a participating institution's compliance with the requirements and standards contained in the state's process if it wouldn't be helpful to there again, even if it's implied, include kind of a cross reference or some notion that the state's process that that needs to include annual monitoring to ensure that the institutions meet the definition of an Eligible Career Pathway Program under the federal regulations, not just the standard.

MR. MARTIN: Okay. I'm not sure quite what you're asking, so you want your saying about the because they are because the programs will the programs

will have to the programs will have to meet the federal-

MS. SHAVIT: Right.

MR. MARTIN: Federal standard.

MS. SHAVIT: Right, so the part of the state process is the requirement that, you know, and again, I think this might be implied, but if part of the process is that the state needs to annually ensure that the programs meet its the state's requirements, that it be made explicit that those requirements include complying with the requirements for the definition of an eligible career. And again, I think this might be overcomplicating it, but-

MR. MARTIN: Okay, you mean reference back to you mean reference to the reference back to that.

MS. SHAVIT: Yes. Again, I expect this is the expectation of the draft. I just wonder if it could be made more explicit.

MR. MARTIN: It is, but I'll take that back. I see what you're saying there. I think it does. Again, I feel we have certainly stated that the program must meet the state process. The process can be what the State deems is appropriate and those might differ across states. But the only programs that can participate in the state process would be those that meet the

definition of found on 668.2 and demonstrate that through what's in 668.157.

MS. SHAVIT: Right, I guess my thought is that including it in an annual requirement would ensure that there's a touchpoint that State goes through to make sure that programs that might have qualified at one point in time continue to qualify.

MR. MARTIN: Okay, we'll take that we'll take that back.

MS. SHAVIT: Thanks.

MR. MARTIN: Second here. Just wanted to do that, and I want to point out as far as so going referencing back to the question regarding the success rate. We note here that we are promote, we are proposing to remove the requirement and replace it with [inaudible] quality metrics that better align with the data programs that states will be able to provide. So, we are asking for feedback as to the quality metrics we should consider for initial applications to demonstrate effectiveness because we understand that those states will not be able to show the program is yet effective for students in the ATB process. So some things we would throw out there would be whether the median earnings for students who have a high school diploma degree or its equivalent and are already enrolled in the program at

the institution exceed those of typical high school graduates in the state, whether [inaudible] rate exceeds the required withdrawal rates for initial institution's participation of 33 percent for students who have high school degree or equivalent and are already enrolled in the program and we are, we're also proposing setting an appropriate maximum number of students to be allowed into the program first, so those would be the like I don't know if that's the actual measure of success, but something that we would be able to pick up initially anyway to make a to do an assessment of the program until we have the data.

MR. ROBERTS: Okay. Denise, I saw your hand, but did you want did you want to clarify any additional points on this subject?

MS. MORELLI: I just I think what the concern is, is people keep raising, we want to make sure, I guess whether it's the State reviewing the institutions or the Department's reviewing the institutions that we also reference the 157. I think that's what everybody's raising. I just want to make sure that's the clarification that everybody's asking for. Thank you.

MR. MARTIN: I think we can do that.

MR. ROBERTS: Yeah, thank you, Kelli,

go ahead.

MS. PERRY: And I may be saying the same thing as what some of the other negotiators have said, but I feel like we're being a little duplicative in A and B because in A we're saying that (a) (2) states application for approval of the state process must include and then it lists a number of things and then we get to B and it says for a state applying for approval for the first time, the Secretary may approve if and then it lists a whole bunch of other things, so do the other things in B need to be included in the initial application even if it's a certification to those things? I just feel like we're saying that we're kind of saying the same thing twice, but with additional items in B that are in A. For example, this monitor on an annual basis and require corrective action, you know, terminate an institution participation. Those are things that I'm assuming a state must represent to for you to for the Department to approve them, and if that's something that they must represent to, why wouldn't they represent those in their application?

MR. MARTIN: Well, to A and B, I mean, you know, when you're looking so first, if you go back to A, this is just a representation of what the of what the what the application must include. And remember what

we're doing here when we get down to when we get down to B, we're talking about institutions [audio] the first time, so we're making we're going to be making a delineation between what institutions applying for the first time must have to include. And then when we get to E, we're going to be looking at after the initial two-year period what when they reapply, what must be in the application. So that's why we're. That's why we're breaking it down here. And when you look at this is just all that must be in the application, but B talks about what in addition to what must be in the application, which is what's addressed in A, all these things that it must include like the certifications, the requirement that they meet the Career Pathways Program under 668.2. There also must be, I mean, what we're doing here with this initial period, we are allowing that for and acknowledging that there is this initial period where there may not be you know as much data as we need to do the full evaluation of the program. But there's still we're still not we're not allowing for this initial period to be like a I'll do whatever you want, period, or, you know, a period where there's no monitoring required, or no assessments required. It's certainly not as robust is what's required when we get to the subsequent application or the reapplication, but we are

requiring that the state process do does rather do some monitoring during this initial two-year period, and that's really what we're talking about in B.

MS. PERRY: So, the application in two or in (a)(2) is meant to be initial application and reapplication?

MR. MARTIN: So, yeah, any time a school, any school that wishes to participate. So, the application, whenever they whenever they apply, they must give us this, this this certification that all it meets all of these meets all these criteria. But so that always comes with any application. But B is just that sort of, I don't know what you want to call it. Sort of a lighter process for what the state must do during those first two-years. Understanding that there may not be as much data as it can rely on. That's all, that's all the breakdown is. And it's and the so if you and if the question is, so I think what maybe you're asking is does what is in A apply to all, all applications? The answer is yes, it does. Whether it's the initial or whether it's the initial or the reapplication, it's applicable for any application. So, what we're saying here is that any application that the State makes, it needs to include these this information and this and this certification, so that would be for any one of

them, and then when we get down to B and C and all the way to E, we're breaking it up between the initial two-year period and after the initial two-year period. So far, we've only talked about the initial two-year period.

MR. ROBERTS: Thanks, Greg. Will, oh, sorry, go ahead, Greg.

MR. MARTIN: No, no, that's quite alright.

MR. ROBERTS: Okay. Will, go ahead.

MR. DURDEN: I'd like to address then kind of this idea of the quality metrics, and I think it comes back to this earlier idea we looked at where there would be some more criteria or guidance for how people feel comfortable that they really are offering Eligible Career Pathway Programs and that they've done the due diligence to know what that is and to feel good about that. Rolling out a state process is slow and cumbersome, with a lot of apprehension on the part of the colleges because it's a new concept, this ECPP. It's not something that the FSA folks are, that the Student Aid folks are really used to or super conversant in. They're getting introduced to adult ED, which is not a world that they've necessarily spent a lot of time with, because that's traditionally non-credit because it's



traditionally not engaged in Title IV. So, what we don't have in our state is a bunch of colleges calling everything under the sun a career pathway program with us needing to do a bunch of monitoring to try to make sure that they're on the straight and narrow. What we what we have is a lot of very conservative institutions wanting to make sure that they're doing it right. So, for us, additional metrics or additional quality checks are really not needed and I think would actually inhibit efforts further, adding more anxiety, yet another sense of wow, the regulations have changed once again. We just don't want to touch this. And so, I think that providing further guidance on what an ECPP is and how to feel good about offering that will go much further toward having folks use this. And so, I would argue that neither the success rate nor any upfront metrics in that two-year period would be that useful. I think cueing to the ECPP because an ECPP will have good results because those are high quality. Those seven or whatever A through G, A through H. Those are good criteria. Those are the hallmarks of well-researched IHE programs. So, let's emphasize those, not create new metrics that distract from the quality of an Eligible Career Pathway Program. That's what we'd advocate for. And if I may, finally, on the issue of years, given the rollout and the slow

rollout from a state process perspective, I think five years would be more appropriate than two. I don't know that we would get enough participants and enough adequate information to make any reasonable research conclusions after two-years.

MR. MARTIN: So, you would be suggesting then that you feel that B is too descriptive for the for the initial period, and that the initial period should be longer than two-years?

MR. DURDEN: Yes.

MR. MARTIN: Well, I'll address, you know I'll certainly, we'll certainly take that back with us. I do want to point out the Department's the Department's concerns in this process is that while we recognize the need for this introduction, this this beginning period or introductory period, we are obviously from a from a standpoint of program integrity, we are understandably a little nervous about extending the horizon for approval longer than we have already done, so, I mean, because that that that that's going to kick the can down the road for the time, it was where we actually assessed the effectiveness of the program, but I've will definitely take down your concerns. I would ask the panel. Any discussion around those points?

MR. ROBERTS: Carolyn, I see you

raised your hand. Johnson, is it a point relevant to what Greg just raised?

MR. TYLER: You can go to Carolyn, I can wait.

MR. ROBERTS: Gotcha. Okay, Carolyn, go ahead.

MS. FAST: I have some concerns about both things that were just raised by Will. One, I disagree with the idea that it would not be a good idea to have metrics of measuring whether the program is fulfilling its requirements, especially a new program. I think that this is a very vulnerable population. We've seen abuses in the past with schools targeting this population and that it would be important to, at the outset, evaluate whether these programs are in fact quality programs, and that it is important to come up with metrics that could measure whether these programs are successfully fulfilling their goals with respect to this vulnerable population of students. And I also would be concerned with extending the initial period past two-years for the same reason that I would be concerned that this would potentially create a situation where students are you know at risk of investing their time and energy into a program that may not be a quality program that should be supported here.

MR. MARTIN: Thank you for that, I also want to point out that, you know. A comment that was raised as far as like as far as the rigor of the state process, I understand that and the Department understands that some states will be extremely rigorous in their in their selection of participants, and maybe apply a higher standard to this than even we even require. However, we can't be sure of that. I mean, I guess I would say, you know, anecdotally, I would imagine that most states, maybe all will do an excellent job of this, but I don't think I don't think we can, or regulations can't, can't simply accept that we believe that will be true, even if we would expect that to be the case. So, I think that's we can't write the regulation to perhaps the best performers and the fact and the and the reality that they might not need this. So, I would offer I would offer that as well because we have potentially all the states applying for this process.

MR. ROBERTS: Okay, Johnson, we'll head back to you.

MR. TYLER: I mean, it seems Greg what you're trying to get in (b)(1) with the demonstration and success rate is some detail as to why the applicant think this is this is going to work and maybe just

putting in some other words, if that's the case into this might provide more guidance and the otherwise success rate seems like an endpoint of perhaps an organization that hasn't actually done it before unless you think there's something equivalent that I'm missing here.

MR. MARTIN: No, I don't I don't think so, I think the regulations just proposed regulations or these, these proposed amendatory text rather reflect you know, reflect a situation that is that we want to offer this initial period of eligibility, we don't want to say that you have to provide a success rate as defined as the previous definition was in previous paragraph H that, or current paragraph H rather, I should say that requires that you produce that success rate when you may not have anything to base it on. On the other hand, we don't want to just say, well, you know, here's two-years we'll do we'll just do nothing for those two-years and come back and come back later. So, I think it recognizes the need to be looking at the program and to have the states looking at those programs or rather during that during that period. And that's really what it's what it's about. I think in a nutshell, just, you know, we're offering this this period, but there must be some parameters put around it.

MR. ROBERTS: Actually, Jamie, we'll head to you.

MS. STUDLEY: I think Beverly was before me.

MR. ROBERTS: Oh, was she? I apologize. Beverly, go ahead.

DR. HOGAN: I think Carolyn spoke to some of the things that was on my mind, but I was, I think I would probably look at a, I would probably be more comfortable with a three-year period of looking at the program. And I also was thinking that we might need to look at some evidence-based indicators. That's kind of two-prong, looking at the program as well as the desired student outcomes, because I'm I guess I'm a believer that if we are to have these ECPPs in our institutions, then there needs to be some real strong support systems so that that would enable these students to be successful. And it's a disservice to the students if they're brought in to participate without these clear guidelines and without the support systems that totally support systems that would best equip them to be successful.

MR. MARTIN: So, so are you suggesting anything particular for that or toward that end?

DR. HOGAN: I know that there's a

process for the ECPP to have certain things as part of their programs, and I think that should I think that those should be looked at and maybe codified, but also looking at students, you know, what are the desired outcomes in this program? What do what do the institution want to see happen with the students and in during a certain period of whether it's two-years of three years, what will they like to see? And I think the institutions must be clear on that, as I believe that the Department of Education must be clear and in the language that it put forth to the institutions, because sometimes nebulous language leaves everyone scrambling around to find their place and subject to interpretation, depending on who you get. So, I really think this is critical to have clear language and how the institutions that have clear goals for the student's achievement, desired outcomes, and programmatic goals that can be measurable by the by the Department of Education that they'll know they need to reach and have clearly included in in the programing proposals that they send out.

MR. MARTIN: Well, I, you know, as far as the program itself goes, as far as the you know, the demonstration is successful, we do have that in 157. I think that and it's important to remember that you know

that the E, the Eligible Career Pathways Program, the ECPP, ECCP, ECPP, I keep getting it wrong. I should just stop using the acronym and just say it every time so that it that that is required irrespective of the state process. So certainly, if there's a state process that that is there, I think the things you're talking about would hopefully be addressed in any in any state process. And we would expect to see that. So, with the state process, I think we'll get that now. There also will be schools that implement Eligible Career Pathways Program outside of the state process that's allowable as well. I mean, and right now, the what we would have would be what is in 157 if people want to look at that and, you know, because we haven't gotten to that yet, but think about if there's anything else that you know we should require schools to demonstrate to meet that, we can certainly entertain that when we get to that, we get to that point. But I think the things you're talking about, I would, I think, are addressed in sort of the very essence of a state of a state process. You know, it might be different in each state, but I think that it's something that would be inherent in the, you know, in setting up a state process. And I wanted before we move on, I want to mention something, you know. So I want to see if we have some comments on this, so we are removing



the current regulation for success rate for first time applicants, right in reducing this period of time, this two-year period of time, and some have said it should be three or five, but we've fixed on two and for now, and what so again, we cannot be in a position that people have expressed opinions on either side of this from, there should be more, more standard schools need to meet it, maybe less. But we're removing it so, what alternative success measures, because we're still going to be looking at success. We're not going to eliminate the necessity for success. So, what other metrics do you think would allow us to assess the potential effectiveness of the state process during this period? I'm interested in what that would be you know because the situation here is that states will not be able to show the program is yet effective for students enrolled to the ATB process. So, what other metrics could we what might we look at? And just to reiterate some of the ones that we came up with as potentials, whether the median earnings for students who have a high school degree or equivalent and are already enrolled in the program or at the institution exceed those of typical high school graduates or whether the again came back to if you have withdrawal rates data, you might be familiar that in in the administrative capability requirements we require

for initial participation that there be a withdrawal rate of no more than 33 percent? Or can you think of any other metrics we might apply during that two-year period that would be appropriate?

MR. ROBERTS: So, I see four hands up. Does anyone specifically want to speak to that question that Greg just raised, the question of additional metrics?

MR. SOCOLOW: Yes.

MR. ROBERTS: Go ahead, David.

MR. SOCOLOW: So, I think there's an issue here with parts of speech with tense because you just said, what should we do during the two-year period? But this is about what the Secretary will approve the process if in the future. I mean, you can't know what you're miss- So I think what you're saying, please clarify, is what you're saying that you're trying to set up a set of things that must be spelled out in the state plan against which the plan will be measured two-years later to see whether it gets re-upped. Is that what you're trying to do?

MR. MARTIN: No, no, when we get to the section on reapplication after two-years, we do have specific standards that schools will have to have met that or to or rather data they'll have to submit to us

and various areas we'll be looking at. This is for the initial two-year period.

MR. SOCOLOW: So then we so then what we need are metrics about something that hasn't existed yet to be in a plan or alternatively, you could put into the plan to get approved just for the initial two-year period certain quality standards of what is an evidence-based program, as Beverly mentioned, that has a good likelihood of being successful, we'll find out in two-years. But that there must be super strong quality constructs about the prospective programs that are being allowed to be included in the state process. And there is a whole list of things you could have here, none of which are here that would be about what makes a good integrated education and training program that has you know, a true, robust partnership between adult ED and Title IV that would have to be demonstrated to get your plan approved for the initial first two-years.

MR. MARTIN: Well, I mean. Yeah, I do recognize we do recognize the difficulty of showing us data for that, for a program that you know, has just begun, but the part of the issue here is that statute does not statute does not delineate between the initial participation period and a subsequent period. It requires success, a measure of success through for

everything. So we cannot simply wave that for the first for the first two-years, but I do understand it's not to say that I'm not the Department's not understanding of the of what you point out, trying to come up with ways of doing that when the program, which, as you point out, will probably be very successful, has yet to yet to establish data to show that so. But I think that seeing as simply not requiring anything is not an option. We must have some; we must have some measure there. And I and I know it might not be easy to come up with that. But I but I ask for anything that you might have to establish that. But I do understand where you're coming from. I don't want to be dismissive of the comment because I think it is it is a difficult thing to do to show, to show that early in the program when it is a new program.

MS. SHAVIT: I don't want to, I'm sorry, I don't want to jump out of turn, but I'm wondering if it might make sense for David to clarify because I didn't take David's comment at all as suggesting not including a notion of what would be successful, but rather a construct that would get there and I think probably serve the interests of students and the Department.

MR. SOCOLOW: Yeah, thank, thanks,

Yael. Yeah, I did not say have no measure at all that the Department would base its initial approval on, and I want to start again by applauding the Department for splitting this up into a two-year initial approval and then a renewal subsequent for states. I think that will go a long way to getting real programs built for students that will help this vulnerable population achieve success. The idea here is because it's a prospective application, and everything in C is what's going to be in the state process. C is all about the process is going to have corrective action plans and monitor and this and that. B is how your state plan, your state process that's getting approved by the Secretary, you know, can get approved, what can get it approved? And it seems to me that the Secretary could say that since you, if it's a program that you haven't run before, if you've built it on a successful model that has evidence based behind it, that is a measure of success. If you're doing something fanciful that no one's ever tried before, then maybe that's not a good candidate for a state process. That's what I'm suggesting.

MR. MARTIN: Sorry, I'm sorry, I'm trying to get off mute here, so you so you're suggesting that that that that that that that an institution would be

able to show the model that they built the program on having been that model demonstrates success. That what it's built on demonstrates success, even if the program itself is new and can't show that initially, right? That's what you're saying?

MR. SOCOLOW: Yeah, and I mean, again, I think the unit of analysis here is the state, not the institution. This is the state process. And so, it's that the State will demonstrate that it has admitted into its state process or will admit into its state process a list of institutions because that's required in the state plan. You've got to specifically name the institutions and name the programs and that those programs all demonstrate to the to the satisfaction of the Secretary that the state has done a really good job of delineating what they are and what they're supposed to do. And if they have not been run before in that state or at those institutions, that they're based on evidence and specific models that that are called out in all of the ancillary career pathways definitions which we are going to get to later with regard to integrated education and training, true robust partnerships between adult ED and the Title IV occupational training.

MR. MARTIN: Yeah, I think that does get to, you know, that does get to a process, I think

we'll certainly take that back and I think we need to consider that. I I'm concerned that with that alone that we don't have any we'd be looking at, you know, certainly the process on which the state built that that model or built that program, the model in which it built that program, but we wouldn't have. Wouldn't necessarily have any data elements associated with that, correct? I mean, as far as like actual performance of the program or rather any data on students or-

MR. SOCOLOW: You could point to data in other programs that have built that way, but know that existing program doesn't hasn't been started yet, right? I mean, unless what we're saying is state processes only succeed as if they're just allowing something that someone else did in the state already, what's the what's the need for a state process at that point? There's a reason this third option is in the statute. It's in the statute because there are times when a state will recognize that neither the test option nor the six credit or equivalent clock hour option work. And there's a third way to get people into ATB. But that needs to be very narrowly tailored, and the Secretary needs to approve it for a two-year initial startup and then a renewal. And so that is what we're trying to define what could be possible for a state to try and

then get some evidence with two years of data to see whether it worked. It shouldn't just be anything that they just want to take a flier on, it ought to be as in concert with the statute specific reference to career pathways with all seven elements of the career pathway definition, something that fits that based on all of the research that's been done on career pathways and what works, I mean the Institute for Education Sciences as a whole research paper on what works and career pathways and Title IV. I commend it to you.

MR. MARTIN: So, yeah, I think I think that, you know, you make some very interesting points, I we would be interested in seeing some specific language if you can provide that to us because I think these are good points, but would have to be reflected in you know, something we could work into amendatory text, so we are open to any suggestions for what language we might include in there.

MR. SOCOLOW: Okay.

MR. MARTIN: So, if you want to submit something, we'll certainly look at it.

MR. SOCOLOW: We'll work on that.

MR. MARTIN: Yeah, but we are certainly amenable to seeing that.

MR. ROBERTS: And so, Jamie, your



head's up for a while, but I just saw, did you lower then raise it? We can jump back to you. But for now, Amanda, I see your hand is raised. So go ahead.

MS. STUDLEY: Brady, who were you calling on? We couldn't hear you.

MR. ROBERTS: Oh, apologies. I saw your head's been up for a while, but I saw it go down and come back up again. So, I didn't know if your point had been covered or not.

MS. STUDLEY: I was jumping up and down. The I think what David is saying, it is very interesting, and Will made some important points about not overregulating and this is Greg, Greg said it well, this is the classic problem of regulating to protect but also not constraining opportunity and the availability of programs. The point is to let things be offered that don't exist right now, that would give people more career opportunities. The risks faced here are constrained to naturally by the size restriction that the Department can apply. It literally can allow for experimentation by making it of a scale that lets new things happen, but with necessary controls about the state's quality. If these are happening within community colleges, they are also accredited, so there is another institutional screen for quality. In many cases, they

are also state approved in some fashion for the institution. So, there are belts plus suspenders, But Greg to the extent that you were looking for some metrics. One thought is the high school graduation metric. A personal favorite of mine has the advantage of being in use, and I don't know whether it's going to come back into the scorecard but using it as a suggested or default or use this unless there's another that works well for you that might address, you know, allow the states the room to use a common metric. But if it is a brand-new program to provide some other identification of the way that they are judging student success, I see David's note in the comment. The it's not that these people graduate from high school, it's that you're comparing it to what a high school graduate would make if they didn't have the advantage of this program. So, it's not that you need these people to have been high school graduates. You're comparing it to is there on an earnings level and advantage to receiving the benefits of this program or are you not getting any edge? So, I'd like to see the data that Will has asked for about where these programs are. But I think the combination of community accredited community colleges that are state regulated and often public, and the need for some innovation room argues for allowing them to make those

judgments about quality and success.

MR. MARTIN: Alright, thank you for that. I think, yeah, that's certainly giving us a lot to think about and I know I do acknowledge that that it is it is a difficult thing when you're talking about brand new programs, you know, trying to establish data that we can look at. And I don't. That's one of the reasons why we're reaching out to people asking for any feedback you can give us on those points because we are interested in making it accessible and yet maintaining, you know, program integrity. So that's a sometimes a difficult balancing act to pull off. Any other comments?

MR. ROBERTS: I'm just briefly Greg, I see, Denise, you have your hand up, and I just want to note that Emmanuel is just going to step in for a question on behalf of private nonprofit institutions. But first, Denise.

MS. MORELLI: Just wanted to answer Jamie's question. My understanding from my colleagues is that for the state process, most of the institutions are community colleges. We will get the background data, but, Jamie, I think from my understanding, from my colleagues, it has been mostly community colleges.

MR. ROBERTS: [Inaudible] Amanda, I see your hand next. Amanda, Will, and then Emmanuel,

when you're on camera, that's who I have on my screen.

MS. AMANDA MARTINEZ: [Inaudible] So, currently there's been a lot of discussion around the table, and I really appreciate everyone's different perspectives and expertise on these parts specifically, I think. I just want to center and remind us of all like the impact and the reason why we're here today, right? Ultimately, we're looking at regulations that potentially open Federal Student Aid to specific programs that would then be regulated or ensuring that this program is whether they pass the state process or through these different pathways, which is what I'm understanding, conceptually, they would have access to Federal Student Aid. And ultimately, we're here to ensure that Federal Student Aid this is taxpayer money that is being given to programs and to students that will ultimately benefit and have better outcomes for their educational opportunities or their career goals. This is a federal law. The Higher Education Act, which is really built on a foundation that no matter what the Federal Government's role into accessing this aid is to ensure that students, wherever they're given the opportunity to hopefully make a choice in their pathway, are going to quality programs. So, I think I'm just trying to refocus that that's the ultimately the

Federal's goal is to ensure the best possible solution and equal opportunity for all students. And you know I think it's an interesting point that I understand that there's effective, potentially you know performing you know evidence-based practices of what states do for their pathways into ECPPs, and I think that's great. But ultimately, you're asking you're calling on the Federal Government to assure these or make sure that you know you want access to additional aid, which is great to provide opportunity, but at the same time, we must balance that quality assurance. If the programs are great, they should be able to provide some type of success rate. And I think that you know we can all debate whatever that success rate is or at what point in time the application process [audio]. But ultimately, the Federal Government, you know, that program, if it's worthy of Federal Student Aid dollars, it needs to show that it's worth it. And you know they can do without federal aid on their own in their own state programs. If the State wants to back it up, they should maybe find other ways. But I just want to recenter the conversation about what we're here today and who is going to impact, which is potentially most likely vulnerable communities that are always taken advantage of. So, I really hope we can come to a discussion about how to ensure quality,

not just by looking at best practices. I'd really like to see a very strong metric attached to some of these programs in the application process.

MR. ROBERTS: Thanks, Amanda. Will, go ahead, you're up.

MR. SOCOLOW: Yeah, I think just to come, come back, and shore up some input on this metric piece, certainly in favor of metrics and performance, and the goal is to is to bring students to traditionally don't have access to high quality pathways to give them access, funded access to high quality pathways that lead to living wage work and further educational opportunities. So, a big fan of metrics, but always cautious when numbers get picked without knowing what an appropriate number might be. And with that, having the impact of choking off program growth right at the point where we're starting to get some traction. I think that's to Beverly's point in the comment. So actually, mostly agree with just about everything everyone said here. I think we need high quality metrics. I think we need to establish a baseline before we start picking percentages and targets. We've never offered a state plan before as a state, you know, there's a few states in the nation doing this for the first time ever. Give us a little time to assess how many people we get

enrolled in these programs in the first place. What 240,000 you've said for ATB nationwide, I would imagine those in a state process is quite small. In fact, it sounds like we don't even have a method for tracking that yet federally, although we do in Washington State, we have created a method for tracking that because we do take the success rate of these students very seriously and do want to protect them, but simply would like a little bit of time. I think someday the state process could have some metric targets up front once we've learned a little bit more, it feels a little premature right now when we're still enrolling so few students because of the institutional apprehension around a lack of clear guidance on what counts as an ECPP.

MR. ROBERTS: Greg, I see your hand if you want to respond, please.

MR. MARTIN: Yeah, so I mean, I think that you've got you've got the core of what this is about, you know, ensuring access and still making certain that these programs are serving students. And you know, our trepidation about offering any period over which we're not getting that data is you know difficult. But we do want to throw out there the suggestion that, you know, any of you have text you want to provide to us. Please do that. I also wanted to gauge how people

felt about the possibility of us imposing a cap on the number of students who can participate during this initial period of time or any caps the Department my place on that, would that be because that doesn't involve looking at past you know data for the past, it does involve you know placing caps on those on those programs. How would you how would you see; how would you view that? We'd like to get some thoughts on that.

MR. ROBERTS: Seeing some hands.

Emmanual, I'm seeing your hand first.

MR. GUILLORY: A few quick things, so Greg to address what you just asked about the cap, since we're going to be talking about GE at some point later in the session, I know that in the 2014 rule, there was that 30-student threshold for determining any sort of outcomes with GE programs. So, unless these Eligible Career Pathway Programs are going to be held liable to GE, I know we haven't talked about that, then maybe it should be under 30 students if that's still going to be the threshold. So that's just one thought. The second thought is I really liked what David was saying about just these new programs, just trying to or the new state processes trying to take place. And it made me think about when institutions apply for new discretionary grant programs that they've never done before, they must



basically tell the Secretary how they plan to spend the money right. Like here's how we intend to further develop students in this area. And here's our plan and in the Secretary then follows up annually to make sure they're on course with what they said in their application. Well perhaps a secretary could approach this in a similar way. So instead of requiring states to already have a success rate of something, improve or even try to scale up because there haven't been many states that have had these processes for very long. So, this is all kind of new for states from what we heard today from the Department. So perhaps it can be in a state application, they give out their plan of how they plan to ensure that there is a complete a high completion rate of this Eligible Career Pathway Program. And then there's retention at the institution. You know, the student will continue to go on and maybe completion comes in at some point in time. I don't know. But have there be some sort of metrics that way that the Department can then follow up annually, so then this could be a three-year process, maybe or keep it at two, however, but have it be that approach so you're holding the State accountable to what it said it would do in the application, and if it doesn't do that, then they can no longer continue versus this way.

MR. ROBERTS: Okay, yeah, go ahead, Greg.

MR. MARTIN: No, I think I've heard. I think, you know, thank you for that. I think there is some there seems to be some support for far more process-based analysis, but I do want to acknowledge that there are there are people on the panel who also have reservations about going in that direction entirely because of the need to safeguard the interests of students. So let me, I think this is a good discussion. Let me take that back with me, discuss it and you know, and come back. But a good discussion, and I think it was it was helpful. And I understand the difficulty of this particular in this section where we're talking about these initial participants or initial participating programs, I should say.

MR. ROBERTS: Will, I see your hand.

MR. DURDEN: For more to talk about these this piece a little bit more in our state, we're talking about a handful of institutions, a handful offering ATB through the state process and frankly, the other two processes to a handful of students. So, and I realize that picture won't be the same state to state. For us, a cap would be both premature and just completely unnecessary. It's not like we've erupted to

suddenly just serving thousands of students with no checks and balances. That's hardly the picture at all, so a cap wouldn't help us manage this. It's the numbers are quite small, and to the other comment about maybe restricting how many ECPPs an institution would offer, that's a real equity point for us. That would be devastating to our efforts because a danger will come, whereas an institution might just say, okay, well, we have one eligible pathway program and it's a low wage entry level healthcare program, and now that's the one option that you're offering your adult education students for career pathway advancement. If you've got seven career pathways in a range of high demand fields, wouldn't you want students to be able to choose from any one of those pathways? So, we would absolutely advocate for keeping an institution able to offer as many ECPPs that go through the process and meet those, and that we would still be encouraged to serve as many students as we can, knowing that the numbers are still quite low.

MR. MARTIN: Thank you.

MR. ROBERTS: Alright. Not seeing any hands. So, recognizing that the Department has several items to provide feedback on, there is still a little bit that remains to be the Department owes the committee on this. I'd still like to take just a brief temperature

check to survey the entire committee where they stand on the reg text, as it is currently proposed, with the caveat that that obviously the Department does owe a response on some things, but as it stands, how the reg text is currently presented to the committee. So, if I could just briefly see that and we'll move on to the next issue, if that's okay.

MR. SOCOLOW: Just B and C together?

MR. ROBERTS: Correct. Yes. So, what is the entirety of page entirety of page six and then-

MR. MARTIN: Through D.

MR. ROBERTS: Through D, yeah, correct.

MR. MARTIN: Through D. Because we haven't gotten to the after the initial two-year period, which we're going to do next, so it's up to the end of the initial period.

MR. ROBERTS: Right. If you wouldn't mind a thumb sideways live with it, down reservations, thumbs up support. Thank you, seeing everyone's thumbs, there are currently no thumbs down. Thank you for that, I appreciate it, and Greg, I think we're ready for you invested to tee us up for Section D. How far down do you want to go?

MR. MARTIN: I want to take we're

going to start with E and carry it through because that's the one in the interest of time. Take it through to the end of that so that we can move on to Eligible Career Pathway Program definition.

MR. ROBERTS: Sounds good.

MR. MARTIN: It's a little bit lengthy, but I think because it's all deals with the with the subsequent application, I want to take it all as one and I do want to thank everybody for the check. And I know the Department has a little bit of work to do on that and we will do that. Okay, so we are moving on to E after the two-year initial period that we just discussed and described, the state must reapply for continued participation and then its application demonstrate to students that the students it admits under the process have a success rate as determined of the paragraph F, which we'll get to in a moment of this section that is within 95 percent of the success rate of students with high school diplomas. And demonstrate that the state's process continues to satisfy the requirements in A, C, and D of this section. And I do want to report before we say before we move on here that we do seek feedback as to whether the current threshold in regulation is the right threshold for success. So, and just talking about that need the demonstrated

threshold for the state process needs to be that 95 percent of the of the success rate for students with high school diplomas, we're keying off of the current regulation there and we are throwing it rather seeking comment from the negotiators on whether that is an appropriate rate and if not, what would be an appropriate rate. So, do you have any suggestions for that? We'll look at that as. And moving on to (3) report information to the Department on the enrollment and success of participating students by program the race, gender, age, economic circumstances, and educational attainment to the extent available. And let's see where and then we are looking at and again, this information is required by statute. We are looking at that with as indicated in your in your issue papers as so that we can do we can perform equity audits on that information to see where the program stands with respect to equity and the and the criteria mentioned here. Moving on to F. The school must calculate the success rate as referenced in paragraph (e) (1), which we just talked about, that 95 percent success rate. And you see the formula for doing that, determining the number of students with the high school diplomas who during the applicable award year described in (g) (1) of the section enrolled in participating institutions and successfully completed

the education and training programs, remained enrolled in education or training programs at the end of that award year, or successfully transferred to and remained enrolled in another institution by the end of that award year. So, this is the current definition, our current calculation that we have. Determining the number of students with a high school diploma who enrolled in education or training programs in participating institutions during that award year. Determining the number of students calculated in paragraph (f)(2) of this section who remained enrolled after subtracting the number of students who subsequently withdrew or will be expelled from participating institutions and received 100 percent refund of their tuition under the institution's refund policies. Dividing the number of students determined in (f)(1) of this section by the number of students determined in (f)(3) and making the calculations described in (f)(1) through (f)(4) of the section for students without a high school diploma or its recognized equivalent who are enrolled in participating institutions and for purposes of paragraph F of this section, the applicable award year is the latest complete award year for which information was available that immediately precedes the date on which the Secretary on which the State requests the Secretary

to approve the state process, except that the award year must award year selected must be one of the latest two completed award years preceding the application date. And then we say here if no students are enrolled in an Eligible Career Pathways Program through a state process, then the success rate will not be required in the subsequent application, as described in F of this section, and a state must submit reports on its state process in accordance with deadlines and procedures established in the Federal Register by the Secretary with such information as the Secretary requires. The Secretary approved the state process as described in paragraph E of the section for a period not to exceed five years. And the Secretary withdraws approval of a state process if the Secretary determines that the state process has violated any of the terms of this section, or that the information that the state submitted as a basis for approval was inaccurate. The Secretary provides a state with the opportunity to contest the finding that the state process violated any terms of this section, or that the information that the state submitted as a basis for approval was inaccurate. So that is the those are the requirements for re-application after the two-year period. And let's go back then to the beginning of E and ask if we have any



comments or questions regarding that process.

MR. ROBERTS: Thank you. Emmanuel, I see your hand up, if you wouldn't mind putting on your camera to ask if possible. Well, I think you're muted right now, sorry.

MR. GUILLORY: My hand was not up intentionally. I don't know.

MR. ROBERTS: Okay, not a problem, not a problem. David, go ahead.

MR. SOCOLOW: It's just a question about the state process is being renewed, being approved for another five years based on data and at the beginning of E, it says that the data is broken out by program, which I assume is by program of study and the programs of study are aligned with eligible career pathways. So, you could have a state process that has, let's say, five different career pathways, one in manufacturing and one in healthcare, whatever. Is the everything else does not have that breakdown, and so is the state process approved if there's good results between non-high school diploma students compared to at least 95 percent of the success rate of those with high school diplomas in four out of the five and three out of the five? Like, how is this going to work?

MR. MARTIN: I think. Let me before I

speaking to that, I want to just I'm going to put that on the back burner for a minute and get some feedback from our staff on that. But I yeah, we'll take that question. I'll take that question back and hopefully get a response for you soon. I'm not 100 percent sure I want to make sure I answer correctly.

MR. ROBERTS: Not seeing any other hands. Okay, Jamie, go ahead.

MS. STUDLEY: I know this is a hard question, but how did you derive the 95 percent for the relationship to high school graduates?

MR. MARTIN: The 95 percent threshold is the current is the current threshold established in regulation, and we are just keying off that because it's an established threshold, the Department's not permitted to be arbitrary in coming up with any threshold, so we're keying it to one currently established in regulation. There is no threshold, there is no threshold established in in statute. So, we're going off what is in what, as I said before, what is in what is in regulation.

MS. STUDLEY: Has it been used? Has it been shown to separate programs from each other? I'm just wondering if it if it if there's enough experience with it to know whether it's effective as a bright line

or a screening tool?

MR. MARTIN: Yeah, that's a that's--.

MS. STUDLEY: It may be that it hasn't that you haven't got enough cases or experience to--

MR. MARTIN: Yeah, as I said, we've only had we've only had a few states and there's really been no way to demonstrate that success rate in as much as the programs are or the state the state process rather is new. So, I don't think we really can [inaudible] something right now as to how effective that that calculation is. I don't I don't I can inquire of my colleagues. I do not think that we've had been able to calculate one with preexisting data the way it's currently set up in the regulations because, you know, it's not that that the that the protocol for calculation is wrong, it's just that the data, the data was not there. But and I don't I don't I don't recall the 95 percent I was not whenever that was established in regulation, I don't recall exactly what the what the discussion around it was at that at that time as I wasn't involved in those conversations. So I wouldn't want to speculate why that why that standard was reached.

MS. STUDLEY: I'm not trying to put you in a hot spot. It's always hard to you know unless

there's a lot of experience with a metric to know what it's telling us. But I was just you know wondering if it had been seen in action because we're going to, we're going to have that kind of challenge all the way through wherever there are specific levels with consequences. Thanks.

MR. MARTIN: Right. Thank you.

MR. ROBERTS: Thanks. Kelli, I see your hand next, and Kelly, just as a reminder, is back in at the table on behalf of nonprofit private institutions of higher education.

MS. PERRY: Thank you. This is kind of going off what Jamie was just talking about it and maybe more of a general question as it relates to the state process, right? Because that's what we've been talking about for the last hour or so. For those of us that are unfamiliar with what that state process might be and the fact that you've mentioned that there's only a few states and some of them were approved simply because of timeframe. Did the one state that you did approve meet some of these requirements that were in here or has any state met any of these requirements that are in here? Or is this something that's brand new that we're kind of trying to set without any history?

MR. MARTIN: Okay. So, yeah, we proved

one state. Others were approved by just the fact that the six months elapsed between, you know, and then they be they automatically were approved. The approval of the one-state was I said technically, technically that the success rate as exactly as it would have been required in the existing regulations was not possible to calculate that way. That state was approved at the time. That was that happened during the previous administration that was approved. And I really can't speak to you know the specifics of that application, except to say that that it was approved and we never really and doing all of this, we've never really received anything from any state that would allow us to calculate the rate as it is required. Currently, I think it's, I think, its current age. So, I mean, that's one of the reasons why we're here doing this. So, I can't really say too much more of that, except if you're if, you know, just to be completely honest, was the data they're necessary to calculate the rate as it was as it is in the regulations in those states application? No.

MS. PERRY: But as a just as a general question for, like I said, because I'm not part of a state and I don't understand the process, you know, this is an additional mechanism for you know somebody to be eligible for this program and Title IV funding. What is

an example of what a state program would do or what it would look like and to that would be approved? Like what is it? What does it look like?

MR. MARTIN: Well, first, it's not a state program, it's a state, it's a state process, so. You know, it is it as far as what it would look like, I mean, they all. I don't think there's any, you know, we've done, we've received several applications for four or five. We've received those and they're different. We don't other than the fact that obviously the any program involved must meet the Eligible Career Pathways Program definition, that's a given for any of them. We don't stipulate you know what, the what the state must what the state has to do. They it's an alternative, it's an alternative to the test or to the credits, and you know, the are only requirements are those that we're talking about in the regulations here that you know what they have to do for, for monitoring that we've that we are that we are discussing in this in this particular regulation, so I don't know. I mean, what the state must do, I don't, you know, as far as like what the states show, I would not I've not looked at the at the applications necessarily. So, I don't and I don't know that there is other than what we require with the Eligible Career Pathways Program aspect of it, the state

can come up with its with it's with the requirements that the participating institutions must meet in order to in order to offer that eligible pathways program through the state and so. And we say here they must provide us with the criteria used to determine student eligibility for participation in that state process, so how the state does that because it is separate from the test, which don't require the ATB test, nor the credits. What that is a separate is a separate thing. So, I mean, I could ask. I mean, I could ask the gentleman from Washington to tell us a little a few elements of what they require, but that would just be for their state.

MR. ROBERTS: Anything additional on this topic? I saw a few hands come up and then come down. But I can give folks time if they want to weigh in additionally. Greg, I'm not seeing any additional hands. Does the Department need anything else on this section or you want to just do a quick temperature check before moving on to the definition of Eligible Career Pathway Program?

MR. MARTIN: Let's do a quick temperature check before we move on to 157.

MR. ROBERTS: Great. So, if everyone wouldn't mind taking a quick glance at Sections E to H with I with that one, addition, just a quick temperature

check on the proposed regulatory text as it currently stands. Thank you. Waiting on just one or two more constituency groups, sorry, just keep them, at minimum, not seeing any thumbs down. Thank you very much. And with that, Greg, and Vanessa, if you wouldn't mind teeing up for this last section on Ability to Benefit.

MR. MARTIN: Sure. So, we are going to move to 668.157 where we have the definition of an Eligible Career Pathways Program. And so, one more moment here, bear with me. Okay. So, in 157 under the definition of an eligible career pathway, Eligible Career Pathways program, an institution demonstrates to the Secretary that a student enrolled in an Eligible Career Pathways Program as required under 668.156 (a) (3) of this part. By documenting that the student is has enrolled in or is receiving both an eligible postsecondary program as defined in 668.8. That's the definition of a of an eligible program and coursework training or other support services that enable a student, an individual to attain a secondary school diploma or its recognized equivalent. The Program aligns with the skill needs of industries in the state or regional labor market in which the institution is located based on research the institution has conducted, including government reports identifying occupations



with the greatest hiring demands in the state or regional labor market, or surveys, interviews, meetings, or other information obtained by the institution regarding the hiring needs of employers in the state or regional labor market. The skill needs described in paragraph (a) (2) of the section align with the specific coursework and postsecondary credential provided by the postsecondary program or other required training. Program provides career counseling services that assist students in obtaining jobs aligned with skill needs described in paragraph (a) (2) of the section and identifies the individuals providing the career counseling services. The education is offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. The program is designed to lead to a valid high school diploma, as defined in 668.16(p). This is one of our proposed changes that we'll go over and administrative capability in defining a high school diploma. For Eligible Career Pathways Programs that do not enroll students through a state process as defined in 668.156 of this part, the Department will verify the eligibility of Eligible Career Pathways Programs for Title IV HEA program purposes and the Secretary will provide the institution

with the opportunity to appeal any adverse eligibility decision. Okay, so I would entertain any comments or questions on 668.157 Eligible Career Pathway Program.

MR. ROBERTS: Alright, David, feel free to kick us off.

MR. SOCOLOW: Well, first, I want to commend the Department on the third to last line of this, which says that the Secretary is going to the Department's going to verify for every single pathway, every single piece of mode of ATB, whether it's the six credits road that an institution might set up, whether it's the test that an institution might set up, or whether it's the state approved process that you'll verify and give some clarity to the field about what's an Eligible Career Pathway Program. That is fantastic. That's been missing since 2014 when this came back with the career pathway in it. That's to be commended. That's my first point. My second point is I think we can tighten up the definition of career pathway a little bit more here by making it 100 percent clear at the beginning that what you must demonstrate to prove that the students enrolled in an Eligible Career Pathway Program is you must document a true, robust partnership on integrated education and training. It's not enough for the Title IV institution to do its thing and for

them just to ship the student off to totally unrelated GED classes and call that a career pathway. That is not a career pathway. Lots of guidance from [inaudible] and from Labor Department and from other people. We've built career pathways now for seven to eight years under WIOA. That's not a career path. If it's not a partnership between adult ED and the Title IV institution, a true partnership with integrated education and training dual enrollment, IET, then it's not a career path. And that's what we're really hoping to see here in various parts of this. We could wordsmith it little by little here, but I've spoken enough on this topic that those are the additional. I could think of four or five places where you could write words in here to make it clear, and I would welcome the opportunity to work with the Department to tighten this up. But that's the general point.

MR. MARTIN: We would, you know, if we would be interested in seeing anything that you have if you have some proposals for text that you could submit.

MR. ROBERTS: And as always, if folks do have text regulatory text amendments, feel free to share them in the chat or email them to Cindy and the facilitation team will make sure the Department and every everyone else on the committee gets a chance to

see that. So, Johnson, go ahead.

MR. TYLER: Hi, I'm afraid I'm going to show my utter ignorance and really what you're doing here, but I thought career, I thought Eligible Career Pathway Programs, you could have a high school diploma and enroll in it. Is that not, right?

MR. SOCOLOW: Who are you asking?

MR. TYLER: Anyone.

MR. SOCOLOW: Yes, yes, of course. So, this is the special case of adult education. So, the implied in huge amounts of the seven elements of the WIOA and Higher ED Act and Perkins definition of career pathways is that when it comes to individuals without a high school diploma, adults without a high school diploma, they mean something specific. There's obviously lots of other people, dislocated workers and others who are getting career pathway programs in other contexts. But in the context which ATB is of adults without a high school diploma or its equivalency, you're talking about a set of coordinated programs with adult ED.

MR. TYLER: But these two, these two definitions of Eligible Career Pathway Program would apply because you're going to be comparing the outcomes of people with high school diplomas without them. They're going to be the same program. Correct?

MR. SOCOLOW: Correct.

MR. TYLER: So. So does this, so I guess this goes the Greg does the (a)(6) that says it's the program is designed to lead to a valid high school diploma. Is that being that somehow, contradictory because some of the students will be in this program already with high school diplomas, they don't need to read it?

MR. MARTIN: No, I think let's go back to what Johnson was just explaining that so we're looking at this from our perspective today as an Eligible Career Pathways Program as defined in 668.157. We're talking about it within the context of Ability to Benefit. So necessarily then we're looking at here for purposes of defining this program, students who do not have a high school diploma. If they had a high school diploma, they wouldn't be it wouldn't be necessary to establish their eligibility for aid via the ATB process or even having to do with it. It would be, let me put it this way it would be neither here nor there if they were enrolled in a career pathways program, right? They would have a high school diploma if it was an eligible program. Otherwise, we wouldn't care if it was career pathways, whatever else, they would have established eligibility through the criteria criterion rather of

having a high school diploma. Here they do not. So that's what we're talking about here. So that's why when Congress brought back the ATB in limited circumstances, it can only be through the mechanism of an Eligible Career Pathways Program because as part of that, the student must there is this requirement that the program be designed to lead to a valid high school diploma to get both. So, it's important to remember that whenever we're looking at it in the context of these regulations, we're only thinking about students who don't have a high school diploma, which doesn't preclude admitting other students to a career pathways program who do have a high school diploma. Think about it from an eligibility, from an eligibility standpoint, what makes the student eligible if he doesn't have a high school diploma or its recognized equivalent? ATB. What are the options for ATB? Test, credits, or state process. With all three of those, what's the one thing you must have for all three of those? Eligible Career Pathways Program as defined here, so this is not just with respect to the state process. This is with respect to any ATB.

MR. TYLER: Okay.

MR. MARTIN: Hope that helps. And I want to thank Johnson for that, that excellent explanation

MR. TYLER: It was David, give David the credit.

MR. MARTIN: David, I'm sorry. You know, I'm not good with names I really apologize for that. I'd make a poor salesman, which is probably best that I went into the field I did but thank you for that excellent explanation. It was very good.

MR. ROBERTS: I suspect we'll have ample time to learn one another's names in the coming.

MR. MARTIN: Yeah, I think so. I might have it all down by middle of March, just in time for us not to have any more needs.

MR. ROBERTS: Greg. I'm not seeing any other hands on this. Do we want to do a quick temperature check? And then I believe we're at the conclusion of the issue paper on Ability to Benefit. Does that sound alright?

MR. MARTIN: That sounds fine to me. Yes, please.

MR. ROBERTS: Alright. So, on this section of the definition of Eligible Career Pathway Program, can I see a brief temperature check? All thumbs if possible. So, David, I am seeing your thumb down, and I know that you've expressed concerns, is there anything additional that you want the Department or the Committee

to be aware of or know, moving away from this topic?

MR. SOCOLOW: So yeah, I mean, I will submit specific language to try to build in what I discussed about really this is your quality screen more than anything. And several people, you know, made comments earlier about the quality screen, you know, having it be real career pathways and not I mean, I think the concern the Department expressed can be better explained through several sections of this 157. So, I will submit language, which I think would go a long way to improving this, but I think it's a good start. I just can't approve it right now.

MR. MARTIN: Thank you.

MR. ROBERTS: Alright. So having concluded this topic, I know that we shortchanged folks a little bit on lunch today, so if it's okay with the committee, I'm going to request a 13-minute break just so we can get back together at the top of the hour at 3:00 p.m. Eastern Time and we will pick right up with issue paper two Administrative Capability. So, with that, I will see everyone in about 12 minutes. Thank you. Welcome back, everyone. Hope you enjoyed the break. We have about an hour left of committee time and then we are going to go right into our first public comment period of this negotiated rulemaking. So, we're going to



start with issue paper two, which is Standards of Administrative Capability. But before we jump in, just a few quick housekeeping items. One, if you have received confirmation that you are set to speak at today's public comment period, try to log on about 15 to 20 minutes early just so we can make sure your name sounds right and we can just confirm folks are here for their speaking slot. And you can always email the individual that confirmed your speaking slot if you're having any trouble. And then second, I just want to welcome back to the table Steve Finley on behalf of OGC and welcome Barmak Nassirian on behalf of service members and veterans' groups who will be stepping in as primary negotiator for this issue. So, with that, Greg, I'll turn it over to you and Vanessa to walk us through this issue paper.

MR. MARTIN: Thanks, Brady. And before we start, I want to welcome Steve as counsel, and I also want to thank everybody for the excellent discussion that we had on Ability to Benefit that went well. I learned a lot and I think it was a great, a great opening to these, to these discussions that we're having here on all these issues. So, let's move on to issue paper two as a Brady pointed out, Standards of Administrative Capability. We are seeking to make some

changes to admin capability, and we give you the statutory site there. Of course, this is in this is reflected in regulation at 34 CFR 668.16 of the general provisions. And just as a review, the statute does require that institutions be administratively capable to retain eligibility for Title IV. However, while current administrative capability regulations include a host of requirements, we are aware of some compliance concerns and activities that are currently not reflected in those rules. And accordingly, we are proposing to add to revise the admin capability regulations and add to them so. Let's talk about what our overall proposals are here. Before we go into the regs themselves, the additional proposed administrative capability standards would require an institution to provide adequate career services to students who receive Title IV HEA program assistance and the determination of adequacy would be made based on the share of students enrolled in programs designed to prepare students for gainful employment in a recognized occupation, the number and distribution of career service staff. And the presence of institutional partnerships with recruiters and employers who regularly hire graduates. It is important that institutions help students identify career opportunities and access well-paying jobs after completing their programs. However,

some institutions do not provide adequate support. Thus, the Department proposes to establish these regulations for adequate career services. So, this expresses our concern that there are instances out there where institutions advertise these services available to students. And while we feel these services are important and schools should be doing this, we it's equally important that or maybe more so that the service is provided as advertised. And so, we seek to add that to administrative capability. The second element here is the second addition we want to make is make a reasonable effort to provide students with clinical or externship opportunities required for completion of a credential or licenser in the recognized occupation as applicable within 45 days after completion of the coursework. This is in recognition of the fact that though many programs do require a clinical or externship for completion of the program, again, a good thing, especially in, you know, we're talking about fields where students are going to be practitioners, but we are notice we have seen and identified cases where students have been left to their own devices to have to identify their own externships, they are only offered externships that are geographically distant, so not reasonable for the student to even get to or don't meet the credential or

licensing requirements. And in some cases, we've seen students not even provided with the externship or clinical opportunity for extended periods of time that make it basically impractical for the student to get that, to get that requirement and to graduate and to seek and seek employment. That's what the Department proposes. Also, we have the proposal to disburse funds to students in a timely manner consistent with students' needs. This is something else we've been noticing over the over the past number of years. Some institutions are substantially delaying disbursements to students in some cases. This is resulting in students not receiving funds until long after tuition payments are due, and costs have been incurred. And this could affect students' ability to remain in school and ultimately graduate, especially if the students are depending primarily upon Title IV funds. And we know that there are a significant number of students from especially economically disadvantaged backgrounds first-generation students, many of whom rely almost entirely on Title IV funds if they're not dispersed in a timely manner. That is a problem for those for those students. So, what we are proposing here, thus, the Department proposes that an institution will not be administratively capable if we determine that it has failed to make timely

disbursements in ways that best meet the student's needs. And this is language which is already included under the Pell Grant, SEOG and TEACH Grant Program, and we give the citations there. Violations may be determined based on student complaints, high rates of withdrawal that are attributable to delays and disbursements, disbursements being delayed until after the withdrawal date requirements are also a problem we have. We have addressed that, and I believe there was a preamble to I forget the year the R2T4 regulations where we said that institutions are not allowed to delay with disbursements to get past the 60 percent point. So, we made that clear in preamble language, but again stressing that here we're also acknowledging that sometimes disbursements are being delayed to comply with 90/10 rules as well. We're also adding that schools do not engage in misrepresentations as identified in 34 CFR Subpart F for aggressive recruitment because both misrepresentation and aggressive recruitment increased risk to students and taxpayers, particularly with respect to Borrower Defense claims. We proposed in recent regulations that was back on table one to further define each of these terms, and we propose to incorporate them into the Standards of Administrative Capability. So, this aggressive recruitment was

discussed on table one, which were loan issues, and we are incorporating them here. Finally, developing follow up procedures to evaluate the validity of a student's high school completion, including the collection and maintenance of appropriate documentation of such completion. And while institutions are currently required to verify completion status for students, they may suspect may not have the appropriate credential, some have avoided verifying this even when they have held suspicions, and the Department later determined that students did not have appropriate credentials. So, with that overall explanation, I think this is something that most of you are probably familiar with. So, I don't, I think we can move into the actual discussion itself, and I will begin with the counseling provision, so I think we'll walk through each of these individually and discuss them as individual requirements. So just to start here to begin with, they continue to participate in the Title IV HEA programs. An institution must, we have changed that from shall to must, to make our regulations clearer. And I'm a big supporter of this where we're requiring some an institution to do something, we should say must demonstrate to the Secretary that an institution is capable of adequately administering the program under each of the standards

established in this section. And then we lay out what those are in 668.16. And again, you're not seeing all the provisions of administrative capability. Only the ones that we are, we seek to add through this table. So, let's start with H. This is new. So, this is not what you would not find this in the current regulation. Provides adequate financial aid. Well, this part you would but provides adequate financial aid counseling to eligible students who apply for Title IV HEA assistance in determining whether an institution provides adequate counseling. Secretary considers the sourced amount of each type of aid offered, the method by which the aid is determined and disbursed or delivered, and the rights and responsibilities of the student with respect to enrollment at the institution and receipt of financial aid. The information includes the institution's refund policy, the requirements for the treatment of Title IV HEA program funds when there was a withdrawal under 668.22, its standards of administrative capability and other conditions that may alter the student's package. So that's current regulation. Here we're adding provide, and here's where we're beginning to add, adding another element to admin capability that's under I. Provides adequate career services to eligible students who receive Title IV HEA program assistance in determining

whether an institution provides adequate career services. The Secretary will consider the share of students enrolled in the programs designed to prepare students for gainful employment in a recognized occupation, the number and distribution of career service staff, and the presence of institutional partnerships with recruiters and employers who regularly hire graduates of the institution. So, let's open the floor for discussion on that element. That is Element I, adequate career services.

MR. ROBERTS: Alright, thank you.

Greg, Brad, I see your hand, but just very briefly want to announce. And Vanessa, would you mind unsharring the document just for the discussion? Thanks. That Jessica is in on behalf of legal aid. We have Debbie in for state agencies and I believe I'm missing one other person and I apologize. Anne is back in for community colleges. Apologies. So, Brad, please.

MR. ADAMS: Thank you, Brady. Just to start off, I would like to say we're generally supportive of the Department's efforts to update the administrative capability rules. Administrative capability is an important part of Title IV eligibility, and there is no question in my mind that institutions that participate in Title IV should meet administrative



standards. Accountability is paramount for all institutions in higher learning. There are a handful of suggestions I hope to make on several of these bullets today. These suggestions are primarily aimed at clarifying the standards for schools and give them all clear, measurable benchmarks that can be achieved to ensure compliance. Several of the ideas being introduced provide significant discretion to the Department, but with no clear benchmark for institutions to follow. So, I look forward to working with the committee to put a finer point on these concepts. Schools know what they need to comply with and to distribute, demonstrate administrative capability, know exactly what they must do to get there. So, I'll get back in queue, but I've got a few comments.

MR. ROBERTS: Thanks, Brad. Kelli, go ahead.

MS. PERRY: Yes, just a question on really, I and J, I guess both, would be how would the Department plan to measure these things, for example, the number and distribution of a career service center staff?

MR. MARTIN: Well, yeah, I mean, here we don't there is not a there is not a formula for you know, determining an actual formula for determining, you

know, the actual the number. We do give the items that we that we take into, we will consider the number and distribution of the services. The I think that there is a an element of, you know, there is a latitude to Department has here in determining these, these and many of the elements of administrative capability, and we haven't we didn't regulate, well in these proposed rules, we've not regulated, you know, a formula that a school of a certain size or a certain number of enrolled students would have to have X number of career services staff. As been as has been pointed out, the Department does have a fair amount of discretion here, but I our view of this is that its discretion the Department needs to address a very real problem out there, and that's and I want to point out before I say this that I think the many, many, many schools that take this very seriously and make certain that career counseling is available and real and substantive. And of course, career counseling is never a guarantee of a job. It's not. It's not a guarantee of a certain level of success. But it must be real, and we've seen a lot of instances where what's being offered is just simply negligible. And I don't know that we can get to a to an actual number. We are open to any suggestions that people might have from participants might have as to how we might better

qualify this, but I would remind you that we have a similar requirement for financial aid staff that there be adequate number of financial aid staff. Now I know that some organizations out there that are comprised of aid administrators have put together formulas to do this. But we don't have it. So, you know, but we need that latitude to be able to go to that discretion, rather to be able to go to a school that's not providing, let's just say, an adequate, adequate financial aid support for students and to say, you know, you're not you're not doing that. And any write up of administrative capability, that is sort of a it is it just was, to an extent, a sense that the Department has, you know, an opinion Department has that this isn't being provided. So, I think that while you know whenever we can provide something more concrete, that's better. I don't think that because we can't provide actual numbers here that that that obviates the necessity for this, because I don't, it doesn't. We need this is something that we feel we need to make certain that if these career services are being if they are not just on paper, that they exist.

MS. PERRY: So, I guess let me ask my question a different way, you know, if this was going to become an issue for an institution, one, how would that

issue be raised and two, what criteria would you use to determine whether someone didn't need these? Is it all subjective?

MR. MARTIN: Well, you know, is there a certain amount of discretion applied by the Department? Yes. Discre- subjective? There is. There is arguably and an element of subjectivity involved in in something like this. And I don't think you can get around that. How would it be applied? Well, a school's lack of administrative capability, if that exists or where a school falls short on these elements, is identified in a compliance review, a program review or audit. And the school would in the case of a program review, there would be a finding relevant to this requirement or an audit. There would be an exception. And with the institute with it, with it being written up with the incumbent upon the auditor to review it, to write up why he or she feels the school did not comply. And with the school having the opportunity to respond to that to that finding, that's generally how it would how it would go. I'll ask my counsel, Steve, do you have anything you want to add there?

MR. FINLEY: Yeah, thanks, Greg. Most of the time this is going to come up when it's identified as something a school isn't doing, and it's

just a clearer basis to explain why this is a problem and it's an enforcement issue for the Department. So, there's going to be some mismatch between the number of services the school, an institution the school should be providing to its students versus the services that are not being provided or just not being provided to enough students. Suggestions for how to narrow that and capture it you know in a more accurate way would be welcome.

MR. ROBERTS: Alright, Debbie, I'm seeing your hand next.

MS. COCHRANE: Thank you. You know, I know that you, the Department's put forth several important proposals. You know, I appreciate the drive for them. And I also wanted to know if you would be opened to hearing other opportunities for ways to strengthen this this regulation, 668.16. And I was looking at H, which was, as we showed in the red line text, it's existing regulatory text now around providing adequate financial aid counseling to eligible students. I, you know upon reading it, I thought kind of similar to what has been said in other ways, whether it might also be worth calling out, not just adequate but accurate and transparent financial aid information, and then specifically mentioning not just the source and amount of each type of aid offered, but also whether

each form of aid offered needs to be earned or repaid. You know, that is certainly an issue that we see where students are promised aid, but not exactly the nature of that aid. And then finally, the other option, the other idea I would put out for consideration by the Department for potential inclusion is the notion of accurately reporting information to the Department. You know, I'm not sure what the language would be, but I'm thinking through IPEDS to NSLDS and potentially any other data reporting initiatives, whether it's the gainful employment rule or anything else, just to give more incentive to make sure that those reports are accurate, given how heavily they're relied upon.

MR. MARTIN: So, I will point out that in talking about H just be included that there but aren't making changes there. You would like to see you would like to see more specificity. I would point out that I believe in, and I'll ask my colleagues to maybe give me some more. In 668 in the notices and authorizations in 668.165 I think we do require that. Nohere do we require award letters. We don't mention award letters. They're not mentioned anywhere in statute. I used to always do that in training. When I trained new aid administrators, I said, you know, I'll give you a thousand dollars if you find the word award

letter in anything that we any statute regulation. So, we don't do that. We do have a requirement in, and notice is that the school must notify the student of the amount of aid, the type of aid. And I think also they must notify the student whether the loans are involved and if they're subsidized or unsubsidized. So, we already have that not reflected here so much, but that's already in that's in in 165. So, I'll, so I would point that out. What I would ask you to do if you want to look and check in 165 and see if there's something else, you'd like to have in there, I know you noted transparency. So I mean, that's an issue even you know when schools inform students of the amount they're going to receive, it's a common criticism that sometimes these awards or notices of funding, if you want to call them, that can be opaque to students, especially, who don't understand don't understand how Title IV works or how financial aid works. We have tried to address that with the with, let's see if I get it right used to be the shopping sheet, but the college financing plan. Schools aren't required to use that. We encourage it. As far as transparency, I take your point and I think that's a very important point. However, the devil will be in the details to just to describe exactly what transparency means, especially when you're dealing with things like

schools that use an institutional methodology and have a federal methodology as it relates to federal aid. And I do commiserate with schools in trying to make something that's inherently complicated, simple. That's hard to do. And I, you know, I'll even say this. I won't say anything more about [inaudible], but my own daughter, when I got my own financial aid offer from where my daughter goes, I had to read it a couple of times and I've been doing this for 30, 31 years. So, you know, not that I didn't understand it, but it wasn't, you know, you must. I understand that wholeheartedly. We could take that back. But I would, if you know, to entertain that, I want to see what is meant by transparency. I don't want to regulate schools to something that that's such an intangible they won't know what that means and to make schools argue with reviewers and auditors as to, you know, well, I think it's transparent. Well, I don't. And then some things are just awfully hard to make you know clear. You know, I'll point out one thing, you know, try to talk to someone who doesn't have any background in aid about cost of attendance. And you know, they don't understand that not everything reflected in cost of attendance is direct cost. Trying to make people understand that can be very difficult to do and you know, but I take your point, but I would ask



you to go back and look at 165 and see if there's something else there that you think we're not informing students of adequately. And I'll leave it at, I'll leave it at that, but if you have draft language or something you want to introduce, we'll certainly look at it.

MS. COCHRANE: Well, I thank you for that. I will. I was draft something up and send it along. Can I just ask also for a clarifying question? I will look at 165. Obviously, you know, the agenda paper talks about misrepresentations and baking those in which misrepresentations are prohibited in other areas of the regulations as well. But they're being proposed to add here. So where, what is the Department's, what is what is the kind of rule of thumb of whether when something gets added here versus when you rely solely on other regulations?

MR. MARTIN: Well, you know that's a that's a good question, too, like I think what really what we see here is that these tend to be areas that we've identified where you know, obviously there's lots of regulations, not all of them reflect on admin capability, but we've, these are the areas that we have, you know, determined that there needs to be a you know, or a where the where the element does key to the institution's administrative capability and also some of

the also statute requires that, then that a school administratively capability, administratively capable as well. So, there is statutory requirement there. There are things in regulation. Obviously, we're adding some things here. So, these are areas we just have concerns about; misrepresentation, high school diplomas, issues that we've noticed are prevalent, mostly these we're adding today, or not today through this process that we propose to add are largely results result of the people at the Department who are involved in oversight and what they see when they go out to schools.

MS. COCHRANE: Thank you.

MR. ROBERTS: Marvin, your hand is up next.

MR. SMITH: Yeah, I just want to make sure that I'm clear that this administrative capability applies to all colleges and universities in Title IV aid and that has, you know, providing adequate career services to a large four-year public of 30,000 students, we need to be very clear on what the metric is as to what is adequate or reasonable on career services. And just a reminder that any type of regulation that you come up with has costs that are then passed on to the students at public and nonprofit institutions. So, I think that I'd be very concerned about this and thinking

about ways to address this without providing more regulatory burdens for all colleges to meet. And then one more comment is, you know, underfunded financial aid offices are also a concern. And I don't know if we'll get into this, but the administrative cost allowance that's helping schools provide quality financial aid counseling and services, that has that's a concern across the country for a lot of my colleagues.

MR. MARTIN: I could speak to those issues. The administrative cost allowance, of course, is something we don't have control over. The with respect to that, to your question about how about the increase of burden, it is not our intent here to add, and I think that's one of the reasons why we haven't said, you know, if your school has 30,000 students it must have X amount of, you know, X number of career counselors, this this rule should and I imagine I think I think you have to just look at it in terms of that we wrote, we proposed this rule to allow us to take action against those entities who don't who don't meet this at all. I would imagine for most of you who are earnestly providing this service, this is not even a consideration. So, I don't think you should view it as an attempt by the Department to overregulate an area. I think it's more of an attempt to give us some give us something by which we can. We

can act against those institutions that offer that offer none of this and especially advertise they do, but don't. So, I mean, I mean, I cannot remove 100 percent of the subjectivity from it. I get that. But I think that's about all I could say. And I also want to say that, yes, it does apply to all institutions, not just one segment. I'll leave it at that.

MR. ROBERTS: Thanks, Greg. Brad, we're back to you.

MR. ADAMS: Thank you. I just want to agree with several of the comments that have been made here that the changes to the standard provide significant discretion to the Department with no clear or workable standard for an institution to follow. We're having trouble following what does it mean to have adequate services or reasonable efforts for timely disbursements or high withdrawal rates. Right now, those changes are just so vague that I'd like to see some subregulatory guidance explaining what the Department believes to be adequate regarding these current unmeasurable statements. Thank you.

MR. MARTIN: Thanks for your comment. We'll definitely look at that. Again, we don't want to be too prescriptive. It's not our intention to say that you know you must disperse you know within five days at

the beginning of a payment period or something like that, because we understand that there are different considerations at all different kinds of institutions. But we have we have seen and we know what's taking place that there are instances where students' disbursements are being delayed, and it's not in any way in the best interest of students, and we're concerned that students have adequate resources to pay for their education, and that's why we've put that in there, and I will agree that the Department does have discretion here, considerable discretion, but that we believe that's necessary to safeguard the interests of students. However, we are certainly open to any text you can provide or parameters you want to put around, you might want to suggest putting around any of this.

MR. ROBERTS: Jessica, go ahead.

MS. RANUCCI: Thank you. I just want to express support for the reasons behind the Department, putting these ideas into the regulation. You now, as a legal services attorney, I see things when they've gone the most wrong and these are some of the problems that we see in our office all the time, you know, people who report that the career services at their school were Craigslist.com, you know, like not even related to their field or program of study, people

who can't get licensure in their field because they can't get an externship or sit for the licensure exam without an externship, they can't get an externship and they're caught in this catch 22 of not being able to get experience, not being able to get licensed, can't get a license without experience, can't get experience without the license. And I think that the Department's goal of putting it and obviously maybe it goes without saying, but I'll say it, which is the misrepresentation piece is important, that's something we see all the time. You know, we help lots and lots of people who have strong Borrower Defense claims on similar basis. As to the regulatory text, I'm wondering if it may be helpful to think about rather than trying to define as a group what is adequate, we might it may be easier for us all to agree on what is inadequate if we're trying to make something a little clearer because I think some of the things I've seen, I would imagine everybody in this room would agree is inadequate. And it wouldn't be maybe difficult to get agreement on some of those where I understand there's a lot harder questions about defining what is adequate.

MR. MARTIN: Thank you.

MR. ROBERTS: Jamie.

MS. STUDLEY: Sorry. I'm also going to

speaking right now just to the career services issue. I agree that career services are critically important. I headed an organization that provided career services in a professional field, and I'm fine with the notion of measuring capacity and effectiveness as part of the administrative capacity criteria. But I'm concerned about moving in a direction that sounds like counting noses about the number and distribution of career services staff when much of the Department's direction wisely goes to looking at outcomes, not inputs and results. So, I think it would be more helpful to look at coherence and effectiveness of student services, and adequacy can be measured in a lot of different ways. When you think about what good career services overall would look like, it involves faculty, adjuncts who know the professional field, potentially alumni and student services personnel who are doing counseling but not called career counseling staff directly. And I just worry about narrowing and tightening something when what you really want to do is admirable, which is to look at the adequacy of career services that are being provided, especially for an institution that has made claims about providing those services. Accreditors have standards relating to career services. So, there is already a consideration of the effectiveness and the adequacy of

what's being provided in the context of the type and mission of that institution. And finally, a detailed preparing for GE in a recognized occupation. Many schools provide career services to everybody, even if they don't fall within the statutory definition of gainful or regulatory definition. So, I think that you might want to lean harder on the fact that accreditors already do this and as you said, Greg, find ways to look at places that are genuinely deficient in either not meeting their own promises or not having an effective service overall. But it's really (i)(2) that I think is perhaps something the Secretary would want to consider later. The language I realize is considered is not a benchmark but putting it into the rule could drive people in the wrong, in a direction that is not what you want in terms of overall capacity.

MR. MARTIN: Yeah, thanks for the comment, I think that well, I know it's not it was not our intention, and we didn't do it here to establish a numeric you know, a cutoff or some type of a formula. But again, when you don't do that, I mean, there's an upside a downside of that and not doing that, that that does leave it open to discretion and I'll take this back if people have-

MS. STUDLEY: I might.



MR. MARTIN: -have language they want to give us or something to put parameters around that again, where we're willing to look at that. We're strong about the need, the need for this to be here. As I said, I have seen some instances, some abuses there I think warrant this, but I do want to keep the floor open for suggestions you might have as to how to maybe, if you feel there's some way to remove what some have identified as subjectivity. But we'll certainly we'll certainly take that back.

MR. ROBERTS: Great. Barmak.

MS. STUDLEY: Subjectivity plus wrong direction. I'll work on that, Greg.

MR. MARTIN: Okay, sure. Thank you.

MR. ROBERTS: Thanks, Jamie. Barmak, go ahead.

MR. NASSIRIAN: I'm very sympathetic to what the Department is doing, but I candidly have to say this is so vague and fuzzy and subjective as to be basically meaningless. My best suggestion would be for the Department to limit itself to ensuring the veracity of any representations made by the institution about career placement and job placement. That is not a thing that the Department is doing particularly well today. Let's do that. Let's do that piece first and then get

more ambitious down the road to judge whether the philosophy Department does a good job of placing people in policy positions for better or worse. So, that would be my suggestion. I candidly again, I have enormous empathy for what you're trying to do. I don't think it's going to work. I think it's just going to be more text that nobody knows what to make of. I should also say there is a whole host of things that are missing in this section that I had hoped to see, which I hope we will have a chance to introduce, at least because just line edits to the text don't quite capture everything else that ought to be there that is missing. I'll stop there. Thank you.

MR. MARTIN: Yeah. And you know and well, first, I do have a lot of credits in philosophy, but that that was not my major. I just thought that was funny when you said placing philosophy Department placed in policy positions.

MR. NASSIRIAN: I was referring to myself, Greg.

MR. MARTIN: Oh, you were, yeah, you were referring to yourself there as a former philosophy person place. Well, you know, you've learned a lot of good things there you can, you can quote, you know Jean-Paul Sartre, or something like that while you're doing

policy, that's fantastic, but yeah, and I do, you know, actually philosophy does it's a great preparation for a lot of stuff. I will say that it's not a bad, especially if you had to take courses in logic that can be good as well, though, as we all know, maybe logic isn't the best preparation some time. But I think that that's those are valid points. Let we'll if you want, as I said before, we're open to proposals for text if people want to share that with us, you know, trying to strike that balance between giving the Department authority to address these abuses and not being overly prescriptive. And I do, you know want to expand this, so while we're at this discussion now, I may just include these other things in the interest of time, but, you know, asking for you to comment on making a reasonable effort with respect to the clinical or externship opportunities required for completion of a credential in a recognized occupation within forty five days of the completion of the coursework and also in K, disperses the funds to students in a timely manner consistent with the student's needs. So, I'd like to hear some comments about those two things as well before we move on to misrepresentation.

MR. ROBERTS: Alright, Carolyn.

MS. FAST: I think, just a couple of

things, one is that I agree with what Jessica was saying that there is a real basis for concern about both the career services and the internship opportunities issues, something that we see a lot in experiences of students who were who came in with false promises that those would be available and that have difficulty making any use of their degree as a result of the lack of in some cases internships and clinical opportunities. So, I think this is very important, but I do hear the concerns that it is not you know measurable, and I thought I think there could be something potentially helpful in just a suggestion of perhaps identifying examples of what would not be acceptable, perhaps even in the language of the statute that might be useful. Sometimes it happens. And I also had some thoughts about the misrepresent- including the misrepresentation. Should I hold that comment for later or is this an okay time to say that as well?

MR. MARTIN: Let's first hear if we have anything anybody else has any comments about the externship and disbursements and then we'll move to misrep. But hold that, hold your thought. We'll take that next after we get done with this.

MR. ROBERTS: Next in my queue I have Anne.

DR. KRESS: Thank you. Again, I want to echo that, I think certainly we want to make sure that we're avoiding abuses and misrepresentation in the system, but I guess I'm looking for a little clarification about where the role of accreditors is going back to what Jamie was talking about. Where do creditors come in here? In most states also, there's a state office of licensed professions that provides oversight either in conjunction with the Department or as a separate board around a lot of the professions that you'd be talking about that would require clinicals or externships. And they're not those sorts of bodies are not referenced or mentioned at all in this document, even though accreditation is really one of the gates to accessing Title IV funds, period. So what is the interrelationship there?

MR. MARTIN: Well, I think here, you know, we're establishing at the minimum, you know, I don't I mean, obviously, the requirements from accreditors, you know, run the gamut as far as these clinical and externship opportunities are concerned, and I do understand and the Department understands that it's not always easy to get to obtain these or to secure these types of opportunities for students. Nevertheless, if a program includes internship or externship, we

believe it's incumbent upon the institution to make certain that students have the opportunity to be to be in that in that opportunity without such things as you know, we've seen this happen where schools, I don't know, you know, I would imagine this is not in keeping with what their accreditor wants, but we've seen schools basically leave students to their own devices to secure their own internships and externships. And that to us is not an acceptable practice. Nor is it acceptable for student not to be able to complete his or her education because they must wait an inordinate amount of time for an externship or internship to begin. So, we feel that as how does this mess with accreditors? We don't. We're not attempting to regulate accreditors accreditation agencies here. We're simply saying that we expect this to be accomplished within 45 days of the completion of the required coursework. If that's a tighter rule, then than what an accreditor currently has, then. obviously, schools would be required to comply to comply with this, but I don't want to in any way belittle the role of accrediting bodies and in their efforts to make certain that the internships and externships clinicals are being offered as advertised, but we felt we feel that there is a compelling need to put this in here. And in this case, we are being specific with several days that we feel is

reasonable. And I think this is, you know, I will come right out and say this, I think this is perfectly defensible as a student, you know, were I a student enrolled in one of these programs where a clinical or externship is required, I think I would have every right to expect that that all things being equal, you know, assuming my academics were good enough to be in the in the externship. All things being equal, that that opportunity would present itself without my having to, you know, get it myself or wait, you know, six months for it. So that's my, you know, that's why I think this is very important, but it doesn't obviate the role of the accreditors at all with respect to these to these, these types of opportunities, it just provides a minimum number of days, a basis point for us to work from that we haven't had before and I think is necessary.

MR. ROBERTS: Alright, so I see Kelli, Barmak, Jamie and they all have their hands up and if it's okay with the Committee, if we can conclude this piece with those four and then move right into the public comment just so we don't eat into that at all. But with that, Kelli, please go ahead.

MS. PERRY: Thank you. Two, things, one, I just want to I'd like to add to what I was talking about earlier with the career services because I

understand the importance of what the Department is trying to do with this, and I agree with it. Something to consider would be just to leave I as the statement that an institution provides adequate career services to eligible students and so on, and remove one, two and three. So, remove the specific considerations because then it's not something that we need to interpret as an institution as to how we meet that adequate career services regulation. The second one comment relates to the disbursement of funds to students in a timely manner. If you could provide some clarity on what the disbursement of funds means, simply because the fact that it's already required as it relates to Pell, SEOG, and TEACH grant programs. What other fundings are you specifically trying to address here as far as disbursements? Because you've hit the major grant programs already and there's already regulations as it relates to refunds on credit balances and such. So, from a disbursement perspective of funds, what exactly are you trying to address here?

MR. MARTIN: Yeah, well, you're right that we already do address that to some extent in the Pell regs, SEOG, TEACH, where we say it's in the best disbursed. And by disperse, we mean you generally credited the student's account, right, at times that



best meet the students' needs. We don't have any type of anything so far today with respect to DL, direct loan, which is a huge part of what we do, right? The only regulations that we have currently with respect to disbursement is that the disbursement be made at some point during the payment period, which can be huge, right, a huge amount of time. So that's what we're talking about here. Basically stressing that schools would not have the option of simply delaying disbursements for inordinate periods of time, that they have to look at what meets the what needs, what meets the needs of the student, timely, consistent with students needs and also looking at 668.22, even though we've said in preamble text that you can't delay until after the 60 percent point and also saying here we will address this in the 90/10 paper, but also not delaying disbursements to ensure the institution passes 90/10. So, these are all reasons for delaying disbursements that have nothing to do with the interests of the student, and that's what we're trying to regulate here.

MR. ROBERTS: Alright, Barmak.

MR. NASSIRIAN: Multiple screens, and I can't find my mouse. I'd like to address the externship and clinical issue. I don't quite understand why the metric being used is the reasonableness of the

effort rather than the rather than securing the internship or the clinical experience. If the program is subpar, the institution could make not only reasonable but heroic efforts to place an unqualified individual in an externship that they never had a chance to sit for. So, I would alter this to on along two very specific paths. One of them is that it must secure as a matter of administrative capability, the institution must have secured the appropriate specialized or programmatic accreditation required for the practice of whatever program it offers. And we know that there are and in fact, this dates back literally 12 years to the Senate hearings, where institutions were offering programs that lack the accreditation to allow their graduates to even sit for licensure. So, I would make that a condition that the institution as a matter of administrative capability must have must have secured the appropriate specialized or programmatic accreditation required for licensure or for to sit for an exam for licensure. And I would make the reasonableness not so much a matter of effort, but a matter of outcomes that it has secured a reasonable number of clinical or externship opportunities for its qualified graduates.

MR. MARTIN: Thank you. We'll take that back, and if you have any suggestive text, please

forward that.

MR. NASSIRIAN: We'll do. Thank you.

MR. ROBERTS: Jamie, you're next.

MS. STUDLEY: I first wanted to respond to Anne's comment about accreditors role, although Barmak's subsequent comment complicates or offers other possibilities. I do think that the misrepresentation or the claim explicit or implicit that you can be qualified to sit for a professional licensure or otherwise is a critically important piece. When the language, the language here reasonable effort seemed consistent with and was not was acceptable to the institutional accreditors with which I spoke, but we didn't address the more detailed question here. I think Kelli's suggestion is a good one or a way to start with that and then see whether there are elements that could be included, like considering the scope of services, expertise of people available and appropriate connections to the employer, universe, or community. I'm going to say something that I never thought I would say, but the placement of the punctuation in the disbursement item, I think, could make a big difference. So, look with me. This is entertaining Barmak if nothing else. Dispersing funds consistent with the student's, apostrophe S, individual student's, needs, makes me

wonder whether that's individualized or subjective determination. I'm sorry my landlord needs my check tomorrow, and you would not be ordinarily giving me my check till Friday. Is that really saying that that's I am very sympathetic to disbursement and have worked on these issues in several ways. But this literal phrasing sounds as though a student who said I didn't get it when I had to buy groceries or I personally had to pay my rent would have a challenge or maybe a complaint against the institution when what you want is policies and carrying out implementation of those policies that are responsive to students', S apostrophe, needs the way you've got it [inaudible], I'm going to not beat that horse, I'm just going to leave it with you, Greg, and all your friends in GC [phonetic].

MR. MARTIN: Okay, thanks for that, we'll take that back and look at it, and you brought me back to I'm not traumatized remembering my 10th grade composition teacher, so just kidding.

MS. STUDLEY: Barmak will tell me if I'm crazy.

MR. MARTIN: Yeah, some people like those things. So yeah, well, we'll look at that, and I get we do get the, you know, again when we're saying things like consistent with student's needs. That is not

something I'm [interposing]

MR. MARTIN: We just are trying to address those situations where students, not so much, where students demand their money like today, you know, but within a reasonable a reasonable timeframe. And of course, that can somewhat be open, you know, they can be open to somewhat of a, you know, us using our discretion to determine that, but we will take that that back. Thank you.

MR. ROBERTS: Yael, please. I think you're muted right now, sorry.

MS. SHAVIT: I'll make this brief because I think others have touched on a lot of what I wanted to raise, but I do just want to emphasize just from our experience at state AG's offices of investigating schools and specifically what has been offered, both in the context of career services and externship opportunities and the like, that we think it's important that the Department is taking this on itself and that this is something that should be a priority of the Department and not something that's relegated solely to the purview of accreditors. And I think I agree, Greg, that to the extent that there ends up being a department regulation, that is somehow kind of above whatever standard an accreditor might have laid

out, I think it will change the nature of what a school needs to do and potentially and hopefully also change the nature of what the accreditors ultimately expect. And with that, I'll end this to say I also would emphasize that I think a reasonable, a reasonableness test should be related to outcomes when it comes to externships.

MR. ROBERTS: Thank you. Alright, so we are a little under five minutes from our first public comment session. Greg, does the Department has everything it needs on this section because what we'll do is we can do a quick temperature check, offer folks final comment if they are thumbs down and then go right into that process if that's okay with you.

MR. MARTIN: Yeah. So that would be through everything through up to M.

MR. ROBERTS: Alright. So just a quick temperature checks up to M with the caveat, obviously, that there is a lot that folks are going to submit for additional consideration moving forward. But just with the reg text, as it is currently proposed, a quick temperature check expressed through your thumb. Hold it nice and high in the middle of your screen. Thank you very much, so seeing some thumbs down, anyone who's thumbs down right now, feel free to come off mute and

offer anything additional that's not been clearly stated so far in terms of what you would need before we end our first session today and move on to public comment. Okay, thank you very much. We will pick up tomorrow with the remainder of issue paper number two, but just very, very briefly for our public commenters. We have several you in the waiting room right now. We'll begin admitting you in just a few minutes if you wouldn't mind turning off your live stream before we admit you, so we don't get that echo. You will have three minutes to speak, and we do ask that you are pretty prompt with that because we will unfortunately need to remove people if they go a little over time, just because we do have a full, full roster of public commenters and a wait list today. So, with that, Cindy, I think we are ready to go to public comment. Do you want to admit the first speaker?

MS. JEFFRIES: Brady, I am admitting Jenine Buchanan representing themselves. Alright.

MR. ROBERTS: I think I just heard them leave.

MS. JEFFRIES: There she is.

MR. ROBERTS: Ms. Buchanan, can you hear us? Hi, good afternoon, Ms. Buchanan, can you hear us?

MS. BUCHANAN: Yes, I can, thank you.

MR. ROBERTS: We can hear you. You have three minutes for public comment, beginning when you start speaking.

MS. BUCHANAN: Great. Thank you. My name is Jenine Buchanan. I'm an associate professor of higher education. I'm also a first-generation college student. In the late 1990s, I paid my full tuition out of pocket with the money I made working at the mall. I paid for room and board by working on campus. There, I discovered a passion for helping others pursue higher education. Went on to enroll in master's and doctoral degrees in higher education, taking out federal student loans to pay for [inaudible]. After 15 years of administrative experience in higher ED and a doctoral degree, I was able to become a faculty member. This provided a higher salary. With a higher salary came a higher repayment plan. Additionally, I was no longer able to write off my student loan interest [inaudible]. Despite my career and salary progression, there is still limited opportunity for saving. The principal on my student loans, which remains largely unchanged. I applied for PSLF last certified into 2019. However, I learned that I had been in an ineligible payment plan. I've now applied for temporary PSLF, however, even under TEPSLF, I have seven payments that are considered



ineligible because I made payments when I apparently did not have a bill. If granted, TEPSLF will be eligible for discharge in March of 2024. That said, based on what happened so far, I don't trust that forgiveness will be [inaudible]. In total, I've owed 125,000 dollars for my graduate degree and I have paid back 142,000 dollars, which amounts to 7.5 percent interest rate. Despite paying back far more than I borrowed, nine years of regular on-time payments, I still owe 150,000 dollars. In the Great Recession, loans that had negative amortization like this would have been deemed predatory by our own federal government. For many borrowers, principal balances continue to grow over time. Discharging a loan that has been paid back in full would not would be fair. My story is one of privilege. 39 [audio] percent of borrowers don't complete a single degree. Many black and brown borrowers may never see or build wealth while paying back their loans. Unlike prior generations, my generation has no problems with pensions and saddled with student loan debt with little saved for retirement. Instead, we work until we are physically unable to pay off the loans that we're supposed to offer us a better life than what was afforded to prior generation. Our generation gives little to our children, which will set back yet another generation. As you

consider changes to policy, I ask that you consider the following. Make all payments eligible. Revise how interest is compounded so that borrowers can apply most of their student or their principal. Consider a loan forgiven when the principal and a reasonable interest rate have been paid back. Borrowers, regardless of salary, can have their student loan interest deducted from their annual [inaudible] not apply income tax to the loans that have been discharged. These changes will allow Americans to save money, contribute to the economy and build generational wealth. I thank you for your time and your consideration.

MR. ROBERTS: Thank you for your comment.

MS. JEFFRIES: Okay, Brady, I am [audio] David Halperin, an attorney.

MR. ROBERTS: Mr. Halperin, can you hear us? Good afternoon, you have three minutes for public comment, beginning whenever you start speaking. And you're muted right now, just of note.

MR. HALPERIN: Good afternoon, and thanks for the work you're doing. I'm a self-employed lawyer and I work on higher ED issues with support from charitable foundations, and I have four points. First, it's 10 years after the shocking revelations of the

Senate Health Committee and about five years after the collapse of predatory Corinthian and ITT Tech. Yet there remain many companies like Perdoceo and IEC that use the same business model, deceptive recruiting, financial aid abuse, high prices, low quality. I've spoken with scores of whistleblowers who have evidence that these practices continue as you meet more people, veterans, single moms, and others are enrolling in programs that will destroy their financial futures and their dreams. President Biden made a promise in 2020. For-profit colleges should have to prove their value before getting federal aid. That's the right approach. Taxpayers want an end to the waste, fraud and abuse, and students are tired of being scammed and buried in debt. Second, seeking to block a new gainful employment rule, the for-profit college industry is pushing its old mantra, treat all schools the same. They say it because they know subjecting all programs to GE could paralyze this process. The authority for the GE provision, the GE rule is the GE provision in law, which covers for-profit and career programs, so that's as far as the rule can go. Also, job placement, defaults, and predatory abuses are far worse at for-profits. Third, traditional higher ED and effective ethical for-profit schools should support rules like GE that identify and penalize the worst

schools. Otherwise, they must compete with unethical competitors. Otherwise, they harm the reputations of their schools and higher ED generally and blocking rules that separate good schools from bad invites more blunt instruments like the Pell differential and build back better. Fourth, it would be a bad mistake for the Department to negotiate with itself and issue weak rules. The previous Secretary didn't compromise. She gutted the rules. Don't be afraid of the courts. The facts and the law are on the side of accountability. Don't make the error of thinking a weaker rule is more likely to survive a legal challenge. The second GE rule was stronger than the first. Yet it was the one the courts upheld. And in 2020, when a judge heard from students, he threw out the rules and helped students. The negotiators here and the Department have the power and the duty to advance stronger accountability rules, and I hope you will do that. Thank you.

MR. ROBERTS: Thank you, Mr. Halperin.

MS. JEFFRIES: Brady, I am admitting Amy Laitinen [audio] New America.

MR. ROBERTS: Good afternoon, Amy. Can you hear us?

MS. LAITINEN: I can. Can you hear me?

MR. ROBERTS: We can, you're coming in

nice and clear. You have three minutes for public comment, beginning whenever you start to speak.

MS. LAITINEN: Great, thank you. My name is Amy Laitinen. I'm the director of higher education at New America. Thank you for holding these hearings right after the first set of negotiated hearings that ended like a minute ago. I wanted to underscore something that Amanda Martinez said earlier, which is that the regulations on the table are critical to advancing racial equity. And I want to thank the committee for adding that critical civil rights voice to the table. I am surprised and dismayed, however, that the table is still so imbalanced in favor of institutions and their proxies. These regulations affect students and borrowers, and we only have one combined slot for this critical constituency. This is profoundly disappointing. But with that in mind, I hope everyone will remember Mr. Martinez's words as we get deeper and deeper into these proposals, especially as we are likely to hear the word burden come up again and again. While institutional burden is absolutely something that needs to be considered, we also need to think about the issue of burden for the students who leave college with debt and no degree or debt in a worthless degree, or no debt, a degree and are stuck in poverty level jobs despite

going to programs that promise gainful employment, and the burden of these crappy sorry of these poor outcomes is disproportionately borne by black and brown students and borrowers. And these are students and borrowers who went to accredited colleges that were authorized by their states to operate and that receive Title IV federal dollars. So, we need to keep that burden front and center as we move forward. I am grateful that the Department is looking to strengthen at least the Department's leg of the triad during this rulemaking, and I hope that it will consider strengthening accreditation and state authorization in future rulemaking or guidance. And one way to do this is by strengthening the 2014 GE rule by, among other things, adding an earnings threshold in addition to the debt in earnings ratio. If we believe that a critical function of higher education is to help students gain access to and stay in the middle class, then federal higher education policy should support programs that do that and not support programs that leave students no better off than having not gone to higher education programs at all. The labor economist Stephanie Cellini, I hope this committee will read that argues for such a metric and provides a range of options everyone should consider. I urge everyone on the committee to remember that students

are the ultimate and most important constituent for these regs, despite not being adequately represented at the table. Thank you to everyone working to strengthen the program integrity triad to protect students and borrowers, and advance rather than hinder student success in racial. Thank you.

MR. ROBERTS: Thank you for your comment. Cindy, I think you're muted, but I see next-

MS. JEFFRIES: Sorry, Brady, I am admitting. Figueroa Lopez, who is a veteran.

MR. ROBERTS: Alright. Ms. Figueroa Lopez, can you hear us? I just see that you just entered. Hey, good afternoon, Mr. Figueroa Lopez, can you hear us?

MS. FIGUEROA LOPEZ: Yes. Can you hear me?

MR. ROBERTS: We can hear you. You have three minutes for public comment, beginning whenever you start speaking.

MS. FIGUEROA LOPEZ: Good afternoon. My name is Myrna Figueroa Lopez. I am an Air Force veteran and just moved out of Washington. I am a single mom who suffers from rheumatoid arthritis and severe PTSD. After a difficult divorce, I enrolled in the Information System Management Program, PhD, at Walden

University. I wanted to be more independent and create stability for my child. Instead, I wasted three years at the school, and I have nothing to show for it. I wanted to share my story because schools like Walden target veterans. They work overtime to get us enrolled, take our money and then they turn our back, their backs on us. I was pretty much on my own. I was assigned a professor, but she never made herself available. Walden agreed to refund me for that term, so I stuck around with the program. My next mentor was also a veteran, so I was hopeful. No such luck, though. When I informed her that the methodologist [phonetic] hadn't review my work before submitting it to the review board, she went dark on me. When I tried to track someone down, anyone to help me, everybody was on vacation for summer. Soon after, I found out that the professors' and mentors' missteps meant that I needed to enroll yet again in another term that I needed to pay. When I tried to find my mentor, she went on vacation for Labor Day weekend, even though it was during the term. I realized all my tuition money was going towards the administrators and faculty vacation instead of my education. During this time, I lost my mother to cancer. My own health deteriorated. My doctor said that I should not continue for the sake of my health. Walden took everything for



me. In fact, I am worse off now than when I had if I hadn't tried to go back to school. I don't want any other veteran to go through what I did. What are we are just trying to get ahead and messed up our world while the schools just sit back and count their money? I hope you will work to put some restrictions and rules on schools like Walden, so they stop targeting us veterans. Thank you for your time.

MR. ROBERTS: Thank you for your public comment and for your service. We appreciate it.

MS. JEFFRIES: Okay, Brady, I am admitting, Stephanie Cellini. Before I do that, I would like to remind the people in the waiting room that the name that you log into the meeting with must match the list the name that you registered with, or we won't be able to allow you into the meeting. So please take note of that. With that, I am admitting Stephanie, who is a professor of public policy at George Washington University.

MR. ROBERTS: Good afternoon, Professor Cellini, can you hear us?

PROF. CELLINI: Yes, hi.

MR. ROBERTS: Good afternoon. You have three, and we can hear you. You have three minutes for public comment that begins when you start speaking.

PROF. CELLINI: Hi, everyone. I appreciate the opportunity to be here today. My name is Stephanie Cellini and I'm a professor of public policy and economics at George Washington University. I'm also the director of the Postsecondary Equity and Economics Research Project or PEER Project, where we're bringing together academic economists and policy scholars to produce new research on accountability. Much of our recent work at PEER relates to the topics raised in the Department's issue paper on gainful employment. So, I thought I would mention some of it today. In a piece we released through Brookings, my colleagues at PEER, Judy Scott-Clayton, Leslie Turner, Dominique Baker, and I argue for increased accountability in higher education. Our piece cites numerous academic studies that repeatedly demonstrate that information provision alone is insufficient to protect students and reduce inequities in higher education. The PEER project has also released a new paper by economist Doug Webber. This is the first that I know of to ask what the optimal debt to earnings thresholds would be for student and taxpayer protection. He finds the thresholds around 11 to 12 percent, quite like the 2014 GE rule would be optimal to protect the financial interests of both students and taxpayers. In another PEER paper, coauthor Kathryn

Blanchard, and I, considered the design and implications of an earnings threshold for accountability. We consider a benchmark based on the average earnings of young high school graduates with no college education that could be added to debt to earnings metrics under GE. We discussed how a high school earnings metric is consistent with economic theory on the returns to education as a stand in for pre-college or counterfactual earnings. It would also be straightforward to implement, simple for students to understand and easily adjusted year to year or by state. It's also intuitive. If programs cannot show that their graduates have earnings higher than young workers with no college, then in principle they should not be offered funding through the Higher Education Act, which is designed to support post high school education. Moreover, my previous work shows that many vocational education programs not only exist but seem to thrive without access to Title IV, and they charge much lower tuition. Kathryn and I also assessed the implications of two different potential high school earnings benchmarks, a regression analysis suggests that sector level and institutional size are much stronger correlate to failure of these benchmarks than student demographics. And we conclude that a high school earnings benchmark could generate needed accountability

and ensure value to students without penalizing institutions for the students they serve. Kathryn and I also have a paper on the underreporting of tipped income and alternate earnings appeals under the 2014 GE rule that's soon to be released, and there's much more to come from PEER. You can find us at [peerresearchproject.org](http://peerresearchproject.org) and follow us on Twitter at PEER Research, and please feel free to reach out directly if I can be of assistance. Thanks.

MR. ROBERTS: Thank you for your comment, Professor Cellini.

MS. JEFFRIES: Okay, Brady, I am admitting Ella Azoulay, Generation Progress.

MR. ROBERTS: Good afternoon, Ella, can you hear us?

MS. AZOULAY: Yes, I can. Can you hear me?

MR. ROBERTS: We can. You're coming in nice and clear. You have three minutes for public comment beginning when you start speaking.

MS. AZOULAY: Great. Thank you so much for the opportunity to comment. I am speaking today on behalf of Generation Progress, a national organization that works with and for young people to promote progressive solutions to key issues that impact us. We

hear from thousands of student loan borrowers living in dire and heartbreaking conditions because they've been duped by a predatory institution or otherwise misled about their education or loans. So often the stories we hear show the same bottom line. Students, most often black and brown students, and students from low-income backgrounds, are targeted and sold the dream of higher education and a profitable career, but instead get an overpriced, low-quality education that wastes taxpayer resources and leaves students worse off than they were when they started, which includes a pile of debt and zero job prospects. Reinstating the gainful employment rule is a critical step in ensuring the Department successfully protects students from taking on debts they are unlikely to be able to repay and ensuring that career programs can prepare students for gainful employment in a recognized occupation. Hopefully, the Department continues to implement more permanent measures for institution accountability, which are sorely needed, particularly among for-profit colleges and those that have recently converted to nonprofit status. Some of the most crucial evidence that this rule is needed is found in the debt to earnings ratio data and repayment rates of borrowers who have attended for-profit colleges. Students at for-profit schools are less

likely to graduate, more likely to borrow, are deeper in debt and less able to pay off their debt. For-profit colleges made it up 98 percent of the programs that failed the 2014 rules accountability measure, meaning they couldn't demonstrate their graduates earned enough to cover the debt they took on to attend. The following student experiences best demonstrate the disastrous impact of this lack of accountability for for-profit colleges. Shantay Jackson from Delaware is a single parent and student loan borrower who graduated from the Art Institute. She owes 110,000 dollars and can't afford payments. The predatory behavior by the Art Institute has had a monumental impact on Shantay and changed the course of her life. She says, "I am below the poverty line because of my student loan debt. My school misled me, and my degree is worthless. I can't support my family due to the massive debt and not being qualified for any jobs." Shantay pursued higher education to be able to get a good job and afford healthcare, but instead she fell prey to predatory bad actors who made her believe her degree would open doors to a career and financial stability for her and her family. Christina Harvey from Pennsylvania is a first-generation student and parent who attended Ashford University and owes 160,000 dollars in student loans. Christina pursued a

degree in mental health so that she could help others, and she's now a school counselor. As a first-generation student, she was unfamiliar with the differences between nonprofit and for-profit schools. She was [audio] She was a stay-at-home mom, working overnights to support her family while attending school full-time so she could live the American dream. She says, "My debt-to-income ratio is so high that I'm not able to get a decent credit card, car loan, or if I wanted to leave my marriage, I could not, [audio] the debt will hang over my head for the rest of my life." Finally, Tonya Holes is a Nevadan single parent, a first-generation student and formerly incarcerated student loan borrower from a low-income background who attended [audio]. She owes 62,000 dollars and has defaulted and can't afford payments. I know I'm out of time. Thank you for listening to the borrower stories. Thank you for your time.

MR. ROBERTS: Thank you for your comment. We appreciate it.

MS. JEFFRIES: Okay, Brady, next, I am admitting Keith Tully, representing themselves.

MR. ROBERTS: Good afternoon, Mr. Tully, can you hear us?

MR. TULLY: Yes, I can hear you now.

MR. ROBERTS: Fantastic. We can hear you nice and clear. You have three minutes for public comment, beginning when you start speaking.

MR. TULLY: Terrific, thank you. Hello, everyone. My name is Keith Tully. Thank you for the Department of Education for holding these hearings and allowing for my story to be heard as a veteran. In 2001, I graduated from the United States Military Academy at West Point, and then I went on to serve for six years, culminating as a captain and a company commander in South Korea. And after several years of work in the civilian sector, I went back to West Point and worked with the Thayer Leadership Development Group, and at that time I was working full-time. But I was inspired to go back to school to get my MBA, and I knew I needed to find an online program so that I could both continue to keep working and support my family and try to further my career. And in the Army, I remembered there were some soldiers who attended University of Phoenix classes online, and they even took classes while they were on post. And based off their experiences and the glowing recommendation from somebody I respected, I had full confidence in the University of Phoenix, so I enrolled and as a veteran, I was pleased to find out that I could elect to use my GI benefits at the



University of Phoenix. Without the class flexibility and the ability to use my GI Bill, I probably would not have been able to even get my degree, and the flexibility allows working adults, veterans and even active-duty soldiers to obtain a college degree. And the 90/10 rule, in my opinion, does not recognize this reality. There are many military and veteran students like me who could not complete a traditional in-person education for many reasons. And I know I only have a few minutes, but if there's one thing that I think everyone should take away from today is I hope you understand how important it is to support military and veteran students, and please prioritize the needs of these students and maybe reexamine how the 90/10 rule could impact them, as it certainly would have impacted me. Thank you.

MR. ROBERTS: Thank you, Mr. Tully, for your service and for your comment. We appreciate it.

MR. TULLY: Thank you.

MS. JEFFRIES: Okay, Brady, I am admitting Carol Henning, representing themselves.

MR. ROBERTS: Good afternoon, Ms. Henning, can you hear me? Well, looks like she's connecting the audio right now. Good afternoon, Ms. Henning, can you hear us?

MS. HENNING: Yes.

MR. ROBERTS: Great. If you would like to shift your camera down a little bit so we can see you and then you have three minutes for your public comment, beginning whenever you start speaking.

MS. HENNING: Okay.

MR. ROBERTS: Perfect.

MS. HENNING: Ready?

MR. ROBERTS: Yep, ready.

MS. HENNING: Okay. My name is Carol Henning, and I want to start by thanking you for the opportunity to share my point of view today on higher education. I am a graduate of the University of Phoenix and I enrolled in their MBA program at the age of 59 because I am a lifelong learner. Being an adult student had its challenges. But during my time at the University of Phoenix, I met many working adults who were juggling full-time jobs, taking care of school-aged children, and had other responsibilities, all while working on their degrees. University of Phoenix provided all of us with a rich education while giving us the flexibility needed to be successful. Right now, I believe that not all higher education policies consider adult learners like me, and it is time to improve on those weaknesses. If it were not for the University of Phoenix, I would not have been able to get my MBA at 59. When you make decisions about

higher education that only prioritize some students, you exclude adult learners like me. Unfairly targeting University of Phoenix puts my degree and all my hard work into question. I hope you work to make higher education more inclusive for working adults and partner with us to make higher education truly accessible and beneficial for all people. Thank you for your time.

MR. ROBERTS: Thank you for your comment.

MS. JEFFRIES: Okay, Brady, I am admitting Ellen Gaston, representing themselves. What's going on here?

MR. ROBERTS: There we go. Good afternoon, Ms. Gaston, can you hear me?

MS. GASTON: Yes, can. Yes, I can.

MR. ROBERTS: Great. You have three minutes for public comment, beginning when you start speaking.

MS. GASTON: Thank you very much, I really appreciate the opportunity to share my background and my perspective on education and to support the Department of Education. I have a lifelong commitment to education. My formal background includes a bachelor's degree from Knox College in economics, with almost a complete second degree in physics, a master's degree

from American U and an online doctorate from the University of Phoenix. Also taken some criminal justice classes at the Montgomery College. So, I bring to you the background of academic rigor, which is demonstrated in all those institutions. The online doctorate, which I completed in 2011 has allowed me to expand my support to a broader student base, including master's students, as well as to support the community here in Montgomery Village, Maryland, where I serve as the chair of the Montgomery Village Audit Committee, providing governance and financial oversight support. I can't overemphasize the value of education for many students that we have at the University of Phoenix and the commitment to diversity and to supporting many international students as well as deployed military throughout this process has been a learning experience for me and an appreciation of the opportunity to get to this large community that we have. I would be glad to assist the Department of Education in any way that I can, and I just want to emphasize we really need to be critically objective in any of the decisions that involve the education of our broad base here in the United States, as well as abroad, which many of our school's support. The online education that's been most beneficial to my students, as well as to me as we go forward. I would be glad to answer any

other questions that you might get about the education program.

MR. ROBERTS: Ms. Gaston, I don't see any questions from the committee, but I do want to thank you for your public comment.

MS. GASTON: Thank you very much. Once again, the online community here at the University of Phoenix is very dedicated to supporting our students and a very diverse educational base. Thank you.

MR. ROBERTS: Thank you. Alright, I believe that concludes our public comment for the day. We were able to admit every registered commenter who logged on. So, we do want to thank folks who did register for that. There'll be new registration for public comment tomorrow, so if you do want a chance to address the committee, we will open those up tomorrow and you'll get confirmation to speak tomorrow, being Wednesday. Thank you to the committee for all your hard work today. We will pick back up with issue paper number two. Emmanuel, I see your hand.

MR. GUILLORY: Yes, I would like to in the morning when we start proposing a nomination to be added. And I just wanted to put that on the agenda, I guess, before we jump back to the issue paper.

MR. ROBERTS: Okay. Would you mind

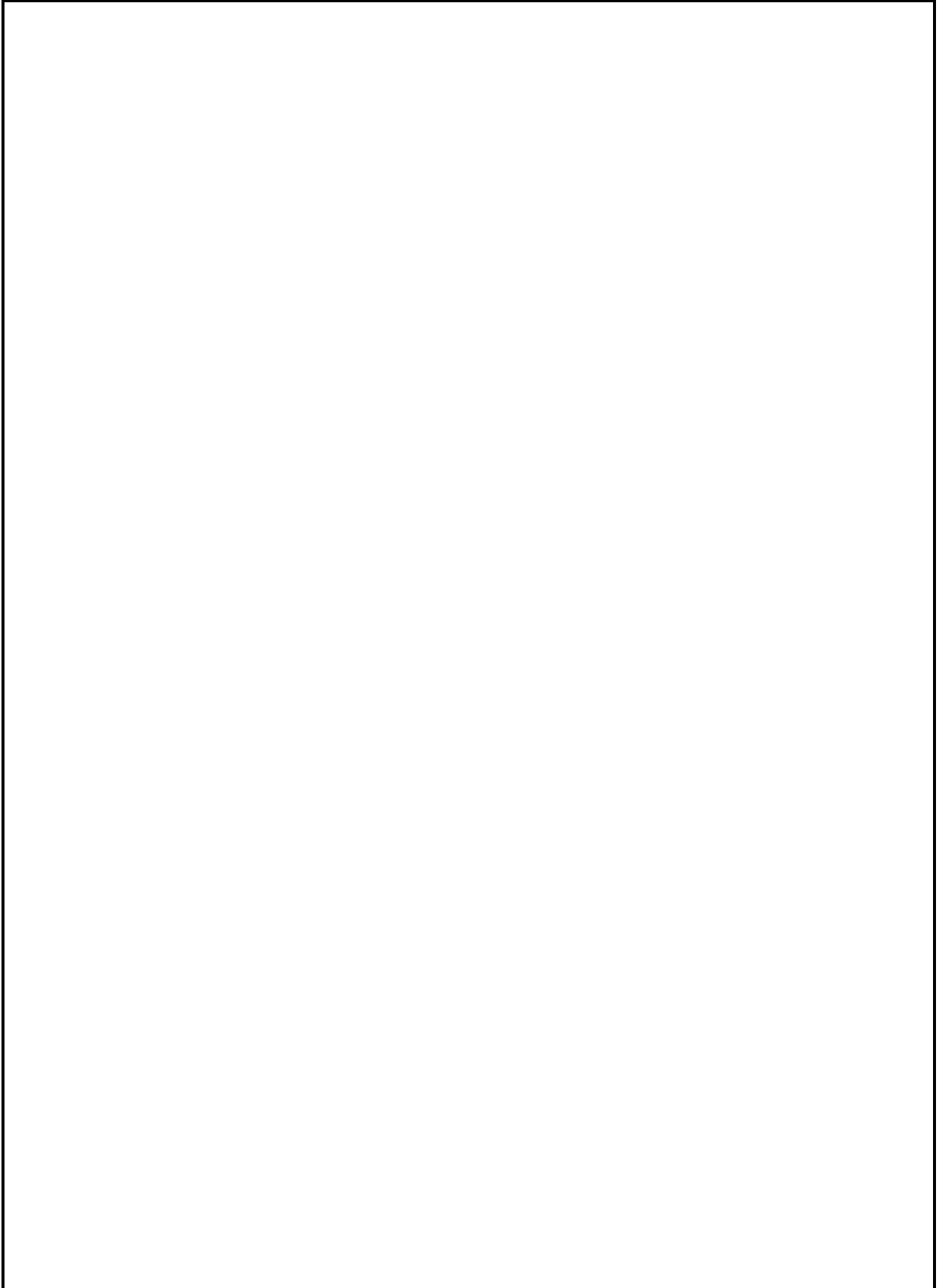
sending all that, that documentation to Cindy so we can distribute it out to the community so we can consider that hopefully over overnight tonight and then pick up right with that tomorrow?

MR. GUILLORY: Okay, and this is not an issue. This is a person to be added as an advisor, an advisor role.

MR. ROBERTS: Oh, an advisor role.  
Okay.

MR. GUILLORY: Yeah.

MR. ROBERTS: Understood. Yeah, that shouldn't be a problem. Okay, not seeing any other hands. Again, I want to thank everyone for all their hard work, and we will see you tomorrow.



1 **Appendix**

2 **Department of Education, Office of Postsecondary Education**  
3 **Zoom Chat Transcript**

4 **Institutional and Programmatic Eligibility Committee**

5 **Session 1, Day 1, Afternoon, January 18, 2021**

6  
7 From David Socolow (A) State Agencies to Everyone:

8 +1

9 From Carolyn Fast (P), Consumer Advocates/Civil Rights  
10 Organizations to Everyone:

11 +1 to Yael's comment to reference the items in 157

12 From Beverly (primary/MSIs) to Everyone:

13 I like that suggestion

14 From Jamie Studley (P) Accrediting Agencies to Everyone:

15 Isn't one path to achieving those credits be through  
16 HS dual enrollment courses?

17 From Jamie Studley (P) Accrediting Agencies to Everyone:

18 pls excuse grammatical error in above

19 From Ernest (P), Students/Student Loan Borrowers to  
20 Everyone:

21 Thanks, Will.

22 From Beverly (primary/MSIs) to Everyone:

23 Yael has basically raised my concern

24 From David Socolow (A) State Agencies to Everyone:

25 +1 to Yael's point that the State process must include  
26 in 668.156(c)(2) annual monitoring of institutions'  
27 compliance with CP requirements in 668.157



1 From David Socolow (A) State Agencies to Everyone:

2 +1 to Will's point that the real metric for a good  
3 State process is a requirement that the State demonstrate  
4 that its process only includes true, robust ECPPs that meet  
5 all the definitions in 668.157

6 From Ernest (P), Students/Student Loan Borrowers to  
7 Everyone:

8 +1 Carolyn

9 From Yael Shavit (A) - State AGs to Everyone:

10 + 1 to Carolyn's entire comment

11 From Amanda Martinez (P-Civil Rights) to Everyone:

12 +1 @Carolyn

13 From Yael Shavit (A) - State AGs to Everyone:

14 +1

15 From Will Durden (A) Comm Colleges to Everyone:

16 +1 everything David said

17 From Sam (P) Fin Aid Admin to Everyone:

18 +1 @David

19 From Anne Kress (P) Comm Colleges to Everyone:

20 +1 @David

21 From Johnson Tyler, Brooklyn Legal Services to Everyone:

22 +1 to David's comment on tense

23 From Mike Lanouette (A) Proprietary Institutions to  
24 Everyone:

25 +1

26 From Beverly (primary/MSIs) to Everyone:

1 +1 for David's comment

2 From Travis (P) Servicemembers and veterans to Everyone:

3 +1 to David

4 From Anne Kress (P) Comm Colleges to Everyone:

5 +1 @David

6 From Will Durden (A) Comm Colleges to Everyone:

7 +1 Jamie accreditation comment

8 From Mike Lanouette (A) Proprietary Institutions to  
9 Everyone:

10 +1

11 From David Socolow (A) State Agencies to Everyone:

12 But ATB students didn't grad from HS, by definition

13 From Kelli Perry (P) - Private, Nonprofit Institutions of  
14 Higher Ed to Everyone:

15 My alternate Emmanuel is stepping in for a comment  
16 when call on.

17 From Anne Kress (P) Comm Colleges to Everyone:

18 +1 @Jamie on the "belts and suspenders" aspect v/v  
19 accredited, comm college programs

20 From Beverly (primary/MSIs) to Everyone:

21 Like a comparative analysis. That could work.

22 From Beverly (primary/MSIs) to Everyone:

23 It would be useful to have some form of baseline data

24 From Jamie Studley (P) Accrediting Agencies to Everyone:

25 I think a cap is a reasonable way to control risk and  
26 protect students while letting new programs be launched.

1 The cap would have to be low enough to manage oversight but  
2 large enough to get meaningful evidence and experience for  
3 the state and program provider.

4 From Jamie Studley (P) Accrediting Agencies to Everyone:

5 a state cap might be set on both the total # of  
6 students and the # of institutions.

7 From Beverly (primary/MSIs) to Everyone:

8 +1 to Emmanuel's comments. Retention and persistence  
9 are generally good measurements as well as comparative  
10 dates for median earnings. A cap would provide an  
11 experimental process and allows for better management in an  
12 any start up program.

13 From Mike Lanouette (A) Proprietary Institutions to  
14 Everyone:

15 Would the proposed cap take into consideration the  
16 population of the state? I would think it should.

17 From Will Durden (A) Comm Colleges to Everyone:

18 +1 David

19 From Beverly (primary/MSIs) to Everyone:

20 +1 to David's comments. Integrated education and  
21 training with robust partnerships.

22 From Anne Kress (P) Comm Colleges to Everyone:

23 +1 @David on integrated, quality CPs

24 From Will Durden (A) Comm Colleges to Everyone:

25 most of our I-BEST programs are "integrated" - they  
26 include students who came through the adult ed door, and  
27 those that signed up for the workforce (career pathway)  
28 program directly. distinctions we make about how students  
29 access federal aid have to do with whether they come into  
30 the program with a hs credential.

1 From Anne Kress (P) Comm Colleges to Everyone:

2 +1 @Kelli's question—is there a "reasonableness"  
3 standard that can be shared?

4 From Brad Adams - (P - Proprietary Institutions) to  
5 Everyone:

6 +1 to kelli's question

7 From Sam (P) Fin Aid Admin to Everyone:

8 +1 @Kelli - how is "adequacy" defined?

9 From Ernest (P), Students/Student Loan Borrowers to  
10 Everyone:

11 +1 Debbie

12 From Yael Shavit (A) - State AGs to Everyone:

13 + 1

14 From Johnson Tyler, Brooklyn Legal Services to Everyone:

15 +1 on Debbie's loans vs grants and earning grants

16 From Sam (P) Fin Aid Admin to Everyone:

17 +1 @Marvin

18 From Anne Kress (P) Comm Colleges to Everyone:

19 +1 @Marvin on need for clarity on adequacy, admin  
20 burden, and cost (we have 80K students at NOVA)

21 From Beverly (primary/MSIs) to Everyone:

22 +1 to Marvin's comments. The clearer the language, the  
23 easier to comply with regulations and attain more success.

24 From Brad Adams - (P - Proprietary Institutions) to  
25 Everyone:

26 Have we thought about how the covid pandemic could  
27 have impacted the 45-day clinical requirement?

1 From Brad Adams - (P - Proprietary Institutions) to  
2 Everyone:

3 +1 to Barmak's comment.

4 From Johnson Tyler, Brooklyn Legal Services to Everyone:

5 +1 to Barmak's suggestion on policing  
6 misrepresentations vs prescribing conduct

7 From Jamie Studley (P) Accrediting Agencies to Everyone:

8 + 1 to Barmak about importance of this issue but risks  
9 here, and looking at claims (which relates to the misrep  
10 item)

11 From Ernest (P), Students/Student Loan Borrowers to  
12 Everyone:

13 +1 Jessica, Barmak, and Carolyn's comments.

14 From Ashley Schofield to Everyone:

15 +1 to Kelli's comment

16 From Anne Kress (P) Comm Colleges to Everyone:

17 +1 to this accreditation point from @Barmak

18 From Beverly (primary/MSIs) to Everyone:

19 +1 to Barmak!

20 From Jaylon Herbin (A) Civil Rights & Consumer Advocates to  
21 Everyone:

22 +1 to Barmak's comment

23 From Yael Shavit (A) - State AGs to Everyone:

24 + 1

25 From Ernest (P), Students/Student Loan Borrowers to  
26 Everyone:

27 +1 Barmak on outcomes vs. reasonable effort

1 From Brad Adams - (P - Proprietary Institutions) to  
2 Everyone:

3 +1 to Barmak's comment

4 From Beverly (primary/MSIs) to Everyone:

5 Reasonableness test should be connected to outcomes.

6 From Carolyn Fast (P), Consumer Advocates/Civil Rights  
7 Organizations to Everyone:

8 +1 to Tael

9 From Carolyn Fast (P), Consumer Advocates/Civil Rights  
10 Organizations to Everyone:

11 \*Yael

12 From Brad Adams - (P - Proprietary Institutions) to  
13 Everyone:

14 Should we send an email to Cindy for proposing text  
15 changes?