

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
NEGOTIATED RULEMAKING PROGRAM INTEGRITY
AND INSTITUTIONAL QUALITY
SESSION 3, DAY 3, AFTERNOON
MARCH 6, 2024

On the 6th day of March 2024, the following meeting was held virtually, from 1:00 p.m. to 4:00 p.m.

P R O C E E D I N G S

MS. JEFFRIES: Welcome back from the lunch break, I'm Cindy Jeffries from FMCS, and I'll be the facilitator this afternoon. So to kick us off, I'm going to turn it over to Greg and Herman to take us into the next steps.

MR. MARTIN: Thank you, Cindy, I appreciate that. I hope everybody had a nice lunch. I- before we begin this afternoon, I want to just clarify what our schedule is going to be. So we're going to start with accreditation this afternoon with Herman negotiating for the Department there. And we also have- we'll have Donna Mangold in as our attorney for accreditation. She will be replacing Denise for the purposes of accreditation. So we'll have an accreditation discussion until 3:00. At 3:00, we hope to come back with- we're working on some data and numbers around thresholds for state auth. So we're going to come back later on this afternoon and have a discussion of where we are with that. So shortly then we'll be moving into the discussion of accreditation, but I want to make some remarks about where we are with accreditation. As we get there, I want to provide a broad overview of the work that we've done between sessions two and three. And firstly, thank the committee for the thoughtful input we received. We

received almost 60 pages of feedback to review which almost everyone at the table had their name on at least one of those documents. So it was an awful lot of material. We've carefully reviewed and considered every suggestion we have received, and we've worked hard to incorporate feedback from all those suggestions in an effort at offering a proposal we think everybody- where everybody's contributions are reflected. So if you submitted something, you'll likely see some of your ideas or suggestions incorporated in what Herman will talk about this afternoon. The document is not exactly what the Department would have put out on our own, but it is one that reflects the many different viewpoints that were voiced and hopefully gets toward our underlying goal. And we hope it is stronger because of that. I do want to caveat that we are going to walk through all of- we're going to walk through each section one by one. But because we received the volume we received, we are unable to explain every suggestion that we did take. So we'll walk through the sections which will be reflective of what we took, but we're not going to be able to address each individual proposal or suggestion that we got. We just don't have the time. But we will do our best to explain the reasoning for the changes we did make. And we're very appreciative to everyone on the committee who

provided input to us. So with that, I'm going to turn it over to Herman Bounds to begin the discussion on accreditation. Herman, whenever you're ready.

MR. BOUNDS: Alright. And- okay, thanks. Thanks.

DR. PRINCE: Sorry to interrupt. We had two hands up, and then we didn't recognize those hands, Cindy.

MS. JEFFRIES: I- yep, I got 'em. I see one hand, and that is Jessi.

MS. MORALES: And then of course, I can't find the unmute. I was just going to- I was just going to ask for a quick caucus with Department and consumer protections and student groups before we go into any further language just to kind of discuss some premises on the state auth before we move on to-

MS. JEFFRIES: Okay. Do you have any idea how long that caucus will be?

MS. MORALES: About 15 minutes max.

MS. JEFFRIES: Okay. Alright. So can you list for us the names of the participants that you want in the breakout room?

MS. MORALES: Yes. If I can have Emmett, Carolyn, Magin, and hold on one second, because I wrote these down. Hold on. Magin, Robyn, Sophie, Diana,

Barmak, Ashlyne, Greg, Denise, and Dave.

MS. JEFFRIES: And Greg from the
Department?

MS. MORALES: Yes.

MS. JEFFRIES: Or Herman?

MR. MARTIN: Yeah.

MS. MORALES: It's on state auth.

MR. MARTIN: We- so, yeah, state auth,
so we need- we need David Musser and me. I don't know
that we have Denise. Donna, is Denise available right now
or not to your knowledge or not?

MR. ROBERTS: Denise.

MS. MANGOLD: She's on. She's there.

MR. MARTIN: She's there? Okay,
excellent. So it would be me- it would be me, Denise,
Dave Musser, and I think that's it.

MR. ROBERTS: Dave left the meeting.
But if you want to ping him, I can-

MR. MARTIN: Yeah, we're going to try
and ping. I'll have Scott try to ping him and get him
back- get him to come back. He can come back to the
meeting.

MS. JEFFRIES: So, Jessi, I'm going
to- I'm going to go ahead and- we'll go ahead, and we'll
allow the caucus, even though it's not associated with

the topic that we're discussing this afternoon. So we'll go ahead and do the 15 minutes, and then we'll come back and pick up with accreditation. We do need to leave ample time for that, okay.

MS. MORALES: Correct.

MS. JEFFRIES: Alright. Thank you.

DR. PRINCE: Well, inquiry, Cindy. If that is the case, should we just wait to caucus tomorrow? Would the suggestion just to be to caucus tomorrow on state authorization, since the topic is for tomorrow?

MS. JEFFRIES: Tomorrow is going to be just as hectic as today DC, so let's do it. Let them get their discussion had and then the Department can think about that overnight.

MR. ROBERTS: Okay. Did I miss anyone?

MS. JEFFRIES: Okay. Thank you.

Welcome back. The caucus has returned to the main table. With that, I'd like to move it back over to Greg and Herman to finish talking about or start talking about accreditation.

MR. MARTIN: So I'll turn it over to Herman.

MR. BOUNDS: Alright. Thanks, Greg. Good afternoon, everybody. We'll try to get through that-get through this as efficiently and as quickly, but as

efficiently as we can. Also remind my colleague and wingman, Donna Mangold, Donna just jump in anytime you need to, and we can go to the reg text document. I don't know who's driving the- oh, Vanessa, okay. Alright. Alright, so we'll get started here. Just a reminder that the changes that we have made are indicated in yellow. We'll go through each section at one time, and then at once we complete a section, then of course, I'll open it up for some discussion. So, yeah, if we can go ahead and scan down, I think nothing significant on page two. So we will then go to, alright, we'll go to page three. And yeah, that's just the definition section. I just want to highlight there, then we go to page four. The only things that we added were some notes that definitions are in 34 CFR 600 and its credit hour and distance education was moved there. Under (b), added just the word additional that was there previously. So nothing there. So nothing else on page four. And then we will now go to page five. Again, we deleted distance there. Nothing additional other than I do want to- let's go back up to five. I know this was there previously. I just wanted to reiterate here that we changed the talk about the definition of institution before it had institution of higher education. That was before, so not relevant, but I just wanted to, you know, just remind folks of that one.

Alright, if we then go to page six. Page six is where we start some changes that were different from what we had previously posted here. And this is under representatives of the public. Again, these changes were made, you know, based on comments from different folks on the committee. Under three, we added current and then- we have a- Jamie, we have a question? Was it on representatives of public or something previously?

MS. STUDLEY: Public.

MR. BOUNDS: Okay, I'll get through here. And then we'll- when I get through the definitions, then we'll come back to it if that's okay.

MS. STUDLEY: Okay. Sure.

MR. BOUNDS: Okay. Alright. So we have current and then we have contractor or consultant to the agency or an employee or contractor or consultant to the agency. Those were changes added there. Nothing significant there other than the five. And then if we go to page seven. Page seven, there's just some strikes under substantial compliance. I hope everybody remembers we did add after the semicolon, or the agency needs to implement policies or standards to reflect compliant practice. I think that was there before, but I just know folks remembered that. And then we will continue down to- I think that might be- maybe ready. Yep. So that takes us

through the definitions. And Jamie, I know you had your hand up, so please go ahead. And anyone else who has any comments in the definition section.

MS. STUDLEY: Thank you. There's no time for speeches today and tomorrow, so I'll just say that we accreditors take our responsibility very seriously within the triad. And we've shown that we're willing and able to make changes. So here's an area where there are some significant changes, some of which are acceptable or even valuable improvements, and we appreciate the changes the Department has made. On one, we thought that we had agreement from the Department that it- that you would- that the new prohibition on people with triad experience would only- that the prohibition from being public members would apply only to people who are currently employed within the triad and would not have a backward-looking- the five-year provision. So we would propose deleting triad representatives from the number four, from the language of section five. The effect would be that you couldn't be counted as a public member if you were currently with a state or Federal agency that was part of the triad, but you could if that was in the past. We, for example, have a former governor and a former chair of NACIQI on our commission. We'd like to be able to keep them. Do you want to do it item by

item? I've got one other.

MR. BOUNDS: Jamie, which section was that under? Because I'm reading four here. We scratched current or former under four and we just put a current employee of a-

MS. STUDLEY: But then in number five it refers back to four and says and applies the five-year restriction. I think that may be editing or technical. We pointed it out in our comments.

MR. BOUNDS: Okay.

MS. STUDLEY: If that's the Department's intent, I think you can just find that little place where a four needs to be crossed out. So that it- it's not backwards-looking for triad people the way it- the way there is a five-year window for others. The other piece relates to- you ready to go on.

MR. BOUNDS: Yeah, yeah. Yeah, yeah.

MS. STUDLEY: Okay. Is that the Department's intent? I guess I should just clarify. We can work out the editing later, but are we in agreement that that's what the Department said was acceptable before? It seems like a wise-

MR. BOUNDS: Yeah, I'm trying to remember. Donna, do you recall that one?

MS. MANGOLD: I think we need to take-

we'll take it back for further discussion. Frankly, I just- I don't remember where we landed.

MR. BOUNDS: Yeah, I don't remember either.

MS. STUDLEY: Thank you. Okay, and I think- right, and I think that was one where some of the other people who were proposing some of these additions had in fact agreed that that was a reasonable balance. Let me go to the other one. The other piece relates to exclusions based on the roles of siblings, spouses, step-grandchildren, and people I'm not sure folks can even locate. We are thinking about what we might lose in terms of capable potential public representation- representatives who would be precluded by these tests. I can tell you that it is challenging, not impossible. We find excellent public representatives, but it is challenging to secure the time of qualified volunteers willing to work this hard on work this demanding. So we ask people to think about the cost, time, and energy it would take to do the vetting that this contemplates. Two quick ways of looking at it. One is a cost benefit analysis. This is not- this is the first but not the last time that I'm going to say that we well know that referring to burden for accreditors and institutions does not carry much weight in this discussion. It's easy to

scoff at a thought about burden, but I appreciate that some of our fellow negotiators have thought about when is it worth it to ask people to do extra work, and when is it a distraction for more important things that we could be doing? So let's be sure there's value to our requirements. So here's the picture. What if in vetting a public member, we miss a sibling's spouse's lecture fee? Or the brother-in-law did a one-time gig installing cable at a college? A step-grandchild forgot that they got paid three years ago as an orientation counselor, we would be Herman and his fine staff, would and- notice that, and it would be a deficiency by the agency. That is not where we should be putting our attention. Public members do have value, but we propose that the time period be eliminated for all of these family members. We can accept current employment. That makes sense. If your brother is the provost of an accredited institution by us, you're not a public member. That's fair game. [30 seconds] This just overdoes it. So we would propose that we eliminate the five-year exclusion for all these. We would also strongly propose an elimination of all of these extenuating family arrangements.

MS. JEFFRIES: Okay. Thank you, Jamie. Others on that particular section? Okay, Herman, back to you.

MR. BOUNDS: Okay.

MS. JEFFRIES: Oh, Jamie's got her hand up again.

MS. STUDLEY: Quick question on substantial compliance. I don't know how you want to handle it, but you- just, if you wanted to speak to the public, I'll pause.

MR. BOUNDS: Yeah. No, I would just want to say that, you know, a couple- I think the definition of parent came from 600. I think that's what we got that from previously. Donna, you can correct me. And then I would just remind too, that, you know, when the public members- you know, they have to attest, you know, that they meet these requirements. So there would be some thought pattern, you know, when they- you know, when they are appointed. So I just wanted to, you know, make that point, too. It's not that the agency would be on its own to try to kind of remember these things. When that person is appointed, they would have to sign some sort of attestation that they kind of meet these requirements, which we think would probably be a little helpful in determining whether they meet this definition or not. Donna?

MS. STUDLEY: And they would need to do it at the point that we were trying to encourage them

to take on this responsibility. It- it's a kind of screen that people might just go, you know, I've got a big family and they've been active, and I don't want to attest to something that I can't be sure of, and we could lose them.

MS. JEFFRIES: Donna, I think Herman asked if you had anything to add.

MS. MANGOLD: I have- no, that's fine, Herman.

MR. BOUNDS: Okay. Alright. Thanks. Alright. And then I guess there was another point before we leave this section, there was a question on the definition of substantial compliance?

MS. STUDLEY: Simply wondering what the change of language- what the Department's intent is in changing that language. What do you think will be different?

MR. BOUNDS: Let me get to where we are here. Hold on. Back down to substantial compliance. Again, most of these- most of the strikethroughs were, you know, based on recommendation. We got- now that last part where we say or the agency needs to implement policies or standards to reflect compliant practice, nothing in the definition previously said anything about having a compliant, you know, compliant policy. So that's

why we wanted to put that in the, you know, in the definition. Because we're saying that the practice is compliant, but we didn't say anything about then amending the policy to reflect the compliant practice, which is the main thing we want to make sure definitely that the policy is okay too.

MS. JEFFRIES: Okay, I'm not seeing any more hands, Herman.

MR. BOUNDS: Okay. We will then go down to- Vanessa, let's see. We are to Federal Link. And in Federal Link. Again, I apologize for moving around. I have several notes open here. So under Federal Link, of course, we added the language in yellow. And again, most of the changes here were made based on comments from committee members, in general. The one thing we did here, I think, we got a- we got some written suggestions that said that we would- that the accrediting agency would have to have a program that at least- that had participated in this Federal Link for three years. We expanded that because that really doesn't work for us. Everything that we look at during the recognition process is on a five-year- is a five-year window. So if we're reviewing a renewal application, we're looking at complaints that occurred during the current or the five-year recognition period. So here what we're saying is

that if a programmatic accrediting agency has a program that had participated in its Federal Link, at any point during the recognition period, which would be the current recognition period, we're saying now that would be an acceptable Federal Link. And I think that's what changed to reflect. Under (b), we added the word continue and that is in a situation where an institution might be, you know, excuse me, not institution, an accrediting agency may be switching- well, an institution may be switching its accrediting agency- I'm sorry, institution may be switching accrediting agencies. So in that aspect, we would want the institution to continue its use of the Federal Link as it's switching to that new accreditor. And that would pretty much be for a Title IV purpose if it's an institutional accrediting agency. So those are some of the changes that we made based on comments under Federal Link. So again, if there are any questions there, I'd be happy to talk about those. I see a hand from Laura.

MS. JEFFRIES: Yeah. Laura's up.

DR. KING: Yeah. So I wanted to thank the Department for its willingness to compromise here. I think this makes a lot more sense from our perspective. Just a quick question. In two- in- sorry, (a) (2) romanette two, the- to identify the institutions or

programs it accredits that currently participate and rely, is that currently intentional or does that also mean within the recognition period?

MR. BOUNDS: Yes.

DR. KING: So it currently is intentional?

MR. BOUNDS: Right. Yeah. And it's- it doesn't take- it doesn't mean that- yeah, it would be within that five-year, within that five-year recognition period. And then if there's- if there- and then also the ones that may be currently participating. Yes, it is intentional.

DR. KING: So it would be possible then for- okay, so okay, just let me understand. So, institutions or programs it accredits that currently participate, how often does that have to happen? Is that just when the recognition happens or is that like an annual thing?

MR. BOUNDS: Yeah. This is- we're all talking about here during that renewal application. Yes.

DR. KING: Okay. Alright. So then [inaudible]

MR. BOUNDS: I'm sorry. I'm sorry.

DR. KING: Yeah, I was thinking- no, that's okay. No, I was thinking it was going to be an

annual kind of reporting.

MR. BOUNDS: No, no, no.

DR. KING: Okay. Alright. Yeah, that makes sense then. Thank you.

MR. BOUNDS: Okay.

MS. JEFFRIES: Okay. I'm not seeing any other hands, Herman.

MR. BOUNDS: Alright. We will move down to 602.11. I don't think there's anything in 11, so we'll go to 12. And basically I won't read all this to you, but under- look like it's under (b) (2) romanette three. And this is just language that we put in to basically ensure that the, you know, that the accrediting agency has the- has the fiscal and administrative capacity to support the expansion of scope. And of course, it also said, and if it doesn't explain, you know why- explain, you know, how the agency will make the necessary changes to support the expansion of scope.

MS. JEFFRIES: Okay, Jamie.

MS. STUDLEY: Quick comments on 12. One is, was that just a word change, or did you think that that was a different threshold for showing that the agency would have that ability? And then I'll ask you the other one as well. There are two places where the Department uses the word effective, and it's undefined

and vague. It's in- here in 12(a)(2) and then in 602.14 again. And I've gotten the question about how people would- what the Department intends that standard to be.

MR. BOUNDS: So I think we look under- I think we take those two a little- I think separately here because here I think we're- if we're under three- let's see where we're- and Jamie, where are you? Where are you seeing effective under, under 12?

MS. STUDLEY: 12(b)(2).

MR. BOUNDS: Yeah. So here I think when we're talking about effective accrediting activities, I mean that- that's going to have to be evaluated, you know, as- effective, proficient. You know, does the- you know, does the agency do a thorough review of the institution's compliance with its standards? I think it's not a- it's not definitive, but it would be a look at the totality of an accreditation review, you know, the self-study process, all of those things would help to- help us to understand whether they've conducted effective accrediting activities.

MS. STUDLEY: I have a language suggestion that I think may capture what you're saying. The language would be, and I can provide it to the Department afterward if you want. Conducted accrediting activities consistent with its standards and policies. I

think it just captures- I just offer it to the Department as a clearer improvement that it's- does what it is expected to do as opposed to effective, which could have much wider meaning. That's it.

MR. BOUNDS: Alright. Any further questions about romanette three?

MS. JEFFRIES: I'm not seeing any, Herman.

MR. BOUNDS: Okay, great. So then we will move on to 602.13, looks like. And nothing significant under 602.13 that wasn't already discussed. So now we can move to 602.14.

MS. STUDLEY: There- you've got two hands on 13.

MR. BOUNDS: Okay. We have two hands up on 13.

MS. STUDLEY: I'll let [inaudible] first, just for a change of pace.

MS. JEFFRIES: Okay. Barmak?

MR. NASSIRIAN: Jamie's trying to cancel me out, but that's fine. A couple of observations on 13. The renewal has been struck, I think partially because of Jamie's compelling argument, when the only expectation was the production of three letters from colleges that it was sort of a meaningless requirement,

but I feel like it should be inserted back in if we make additional meaningful changes to this provision. Specifically, on subpart A, letters of support from the agency from at least three accredited institutions, three educators, and, if appropriate, three employers or practitioners. I think, you know, anybody can find three employers of some kind of some description and standing. But the piece of this that is perhaps a little more meaningful is three licensing authorities if the programs being offered by- if the scope of recognition includes oversight of academic programs that lead to licensure. That's been an area of enormous abuse where institutions essentially rely on institutional accreditation by institutional accreditors that may have zero capacity in reality to judge specialized offerings. And in fact, it's most egregious, frankly, when institutional accreditors accredit standalone, say, law schools or standalone professional programs that do have competent programmatic accreditors who in some cases have expelled them. So it seems to me like we want to reinsert that renewal or somehow insert it back where licensure- licensing authorities should also be asked to weigh in on initial or renewed recognition based on the activities of the accreditor.

MS. JEFFRIES: Okay. Thank you,

Barmak. Jamie?

MS. STUDLEY: I think on this point the Department has made a good improvement not to require those letters. There are plenty of components of the re-recognition process for existing accreditors that allow the Department and the public to rigorously explore all such questions. And I think Barmak is right that the letters you solicit are not likely to be as helpful as the in-depth interchange that takes place in the public comment and the inquiry by NACIAI and the Department. I rose, as they say, only to make one small point about 602.13. I think it's in (b), but the requirements for a change of scope and it also takes place in the new accreditor application process that would require on a change of scope, to have an institution commit to something it would do many years into the future in an apparently irrevocable way just seems like bad policy. You can't ask any board to commit years out to a decision, in this case, to use a particular accreditor, when the circumstances could be very different at the time the agency achieves recognition or the expansion of scope. And it would be irresponsible of a board to promise to do something at a time when the facts may be very different. So I would propose an alternative that says expect in good faith to rely on or any other

language the Department believes is a strong way to say that is your current intent. But I don't think they can compel a board to make a decision that distant from the real circumstances affecting it.

MS. JEFFRIES: Okay. Thanks, Jamie. There are no further hands, Herman, so you want to go on with 602.14.

MR. BOUNDS: Yeah, I think we'll go to 602.14. Okay. So in 602.14, we have again made some changes here based on comments/suggestions from the committee. Is there a hand up before I move on here?

MS. JEFFRIES: Jo, is there a question on this section or something else?

MS. BLONDIN: Yes, yes, a statement on the section.

MS. JEFFRIES: Okay. Can he finish his overview? Yeah.

MR. BOUNDS: Yeah, let me get through- okay, yeah, I'll get through it and then-

MS. BLONDIN: I just wanted to get in line.

MS. JEFFRIES: Understood.

MR. BOUNDS: So in- again in this section, what we- we've made some changes here again you know, based on comments from the committee. And basically

what we're saying here is that the majority of the members of the agency, the decision-making body who decides the accreditation or reaccreditation status of institutional programs, established the agency's accreditation policies, or both, are not executive officers or board members of the agency's accredited institutions or programs. So first, let me talk about those first. That first long sentence there. When we say majority, we're talking about something that would be over 51% would be a majority. So you could have up to the 50% mark, these types of executives on your decision-making body, policy-making body, if they're not- you know, if they're not the same. The other thing we're looking at here, too, are what we say is what we think of as being nonacademic executive officers. And I know someone's going to ask me, so who are we calling the executive officers? And again, we're looking at, you know, presidents, chief executive officers, chief financial officers, vice presidents, those types of folks. But remember, if they can qualify as academic folks, then they don't count in your 50% in that- you know, 50% threshold that we have here. If I go down to four, there are, you know, minor changes in four, effective guidelines. And what we're looking here is just to strengthen the language around conflict of interest

for the decision makers. And I think that covers it for 602.14. Again, I'll ask my colleague, Donna, if you need to add anything to what I said, please jump in. And then after that we can open it up for discussion.

MS. MANGOLD: Nothing more to add.

MR. BOUNDS: Okay. Thanks, Donna.

MS. JEFFRIES: Okay, thanks, Donna. So with that, we'll go to Jo.

MS. BLONDIN: Okay. Thank you very much, Herman, for the explanation. I know that this would impact the Higher Learning Commission Board significantly. We have eight CEOs and two past CEOs on our board of 19. We also are a little confused as to why limiting executive level engagement and replacing it with the term academic is- it's not clear to me what your intention is there. If I have an academic appointment as an English professor, is that sufficient? I'm confused. The other is the intent here of this proposed rule. I'm very concerned that the Department is going beyond the current public member legislation and telling accrediting bodies how they need to fill these board seats with their members. We deliberate, we analyze, we digest information on cases for institutions very seriously that come before our board. And we also have strong conflict of interest policies. I also want to share that HLC is moving toward

risk management accreditation in order to respect a stronger institutional focus, or respect the institutional focus of our stronger institutions, and take a look at what metrics we need to continue to consider identifying at risk. Thank you.

MS. JEFFRIES: Thanks, Jo. Appreciate that. Jamie?

MS. STUDLEY: Accrediting agencies are defined elsewhere in these rules as voluntary non-Federal peer review agencies. We exist to promote quality education and student success. And believe it or not, we go through a rigorous process of Federal review voluntarily so that we can qualify institutions for Title IV eligibility if they want and help them improve. The Department reviews our standards and application, the adequacy of our budgets and capacities. They observe site visits and commission decision meetings. Were puzzled about what this is trying to get at. If there's a question that commissions are under-resourcing agencies so they can't be effective, or that their decisions are not supported by facts, you'd think we'd hear about that through the NACIQI and senior department official process, but we haven't heard about weak standards or unsupported decisions. Those decisions are public. So there's another way to see what's going on. We have

accreditor dashboards that we use to understand how institutions are doing. We asked the Department for this definition, but because we're just getting it now, we haven't been able to be as precise as we would be about the effect. In some ways, you know, thinking that executive officers most logical definition was CEOs, rectors, chancellors. That would probably not have been a problem for any of the agencies. But saying whoever is at the school, is it the agency that determines who is an executive officer? At Michigan State, there are 23 executive officers plus 20 deans. And maybe deans are academic in your definition. But student affairs, chief diversity officer, are those executive officers under your- under that loose definition? It's very confusing. But the main point is that we need the expertise of senior people who can look at the entire range of an institution's mission, program, finances and sustainability, planning, and governance. And we need people who are used to making those connections. So provosts and presidents and chancellors could be very useful in that regard, but limiting the proportions of the other folks who bring that kind of expertise and letting voluntary agencies determine the balance that we want as long as we meet the standards is unduly restrictive, and I've heard both- no reason why it would-

MR. WAGNER: You have 30 seconds remaining.

MS. STUDLEY: When we have so many other screens in place to tell whether we're doing a rigorous job.

MS. JEFFRIES: Thank you, Jamie. Scott Dolan?

MR. DOLAN: Yeah. I mean, I think- I'm plus one to Jamie's comments there across the board. You know, I'll add, you know, the operations of an institution while, you know, the core is academics, you know, there's a real need around expertise related to financial background and CFOs, given the challenges we're facing that many of you have brought up here, right? So to limit CFOs from being able to weigh in and share that important knowledge, I think is really shortsighted. What I don't yet understand clearly from this language is what problem we're trying to solve. And I think Jamie asked that question, and others have asked that question. And I know there are a number of hands up, and I know we have a short time, but I really think that question needs to be responded to and answered here, right? And again, I think I said this in February, but conflict of interest policies, a shared definition of what a fiduciary is and what it means to be a fiduciary in different roles that

you have. And so I will say speaking as- I don't know if I qualify as an executive by this definition, but you know, it does call into question the integrity of, you know, some of my colleagues again, which I think- I think we- you know, that gets back to my question around why? So it would be helpful to hear a little bit more about the context and rationale for this introduction of language.

MS. JEFFRIES: Okay, thank you, Scott. Doesn't appear as though the Department has an answer right away. I know that you said Jamie may, but I'm not seeing anything from her either, Scott.

MR. DOLAN: Yes, I think Jamie asked the question that I asked, maybe in a different way.

MS. JEFFRIES: Okay.

MR. BOUNDS: Yeah, I'll respond to some of that, but I think we have some other hands up, so.

MS. JEFFRIES: Okay. Alright. So you want to- let's move on with Laura Rasar-King.

DR. KING: Sorry. Having mute button problems. So Herman, I was wondering if you could talk about how the term executive officer would apply to- or how this would apply to a programmatic agency? I thought I heard a- you know, a definition of executive officer,

meaning sort of presidents or C-suite kind of executives. You're not including in that definition, somebody like a dean who I would consider to be an academic administrator. All of them are, you know, also academics. They're teaching classes. They're, you know- can you just talk about- a little bit about how that would apply to programmatic accreditors?

MR. BOUNDS: Yeah, sure. So the first thing I want to- I'll come back here, but I want to draw everybody's attention to 602.14 (a)(3) and (4). And those two- and this will definitely answer your question, Laura. So you can have on your decision-making bodies, especially if you're a programmatic accreditor, you're required to have educators and practitioners and in the case of a programmatic accreditor, you know, a dean could definitely qualify as a- as an educator. I mean, most- some people would argue the dean could also qualify as an administrative personnel. So for programmatic accreditors, it's- you probably wouldn't get into a position you know, unless you had a, say, a, you know, a president of an institution somewhere who was on your commission or your board or whatever the decision-making body name is. The other thing too I wanted to bring up is, you know, you can- again, you can have up to 50% of your board or commission, including those folks. There's

no limitation on if these members are from other than your institutional membership. So if these folks are- you could- there- there's no count if they're outside of your membership. So there's no issue with vice presidents or, you know, these financial officers or any folks like that that are outside of your membership. The other reason I wanted to draw folks back to 602.15, especially (a) (3), if you're an institutional accrediting agency, to answer some of the questions, we do require that your decision-making bodies have academics and administrators on your site visit teams at minimum. So some of those members of your boards are going to be administrators and they may very well qualify, you know, even under the requirements that we have here. So we're definitely not excluding anybody with financial experience. We think they're needed, and they would probably fit into that category of being an administrator. So, Laura. I hope that answered your question.

DR. KING: That's really helpful. And then just the- just real quick, I wonder if it would be advantageous to actually put a definition to executive officer in the definition section. I don't- perhaps that is where it would go, but I think having that definition would be helpful.

MR. BOUNDS: We'll definitely talk

about that. Again, Donna, if you have anything to add, please jump in. But I was trying to make sure I explained that the composition of site teams include both, for institutional agencies include both academics and administrators at minimum.

MS. JEFFRIES: Okay. Thank you.

Barmak, you're next.

MR. NASSIRIAN: Yeah. A whole series of questions have been raised. I'll do my best to respond to them. One observation I'd like to make that is that we constantly hear about accreditation addressing academic quality. We have a kind of a body soul problem here. People confuse the physicality of the institution, the- you know, the quad, that administration building, the laboratories, the physical campus is not the product. The product is the instruction and the learning and the teaching and the research. The ephemeral stuff. And those ephemeral stuff are the product of the institution. And we are constantly told that's what accreditors are about, right? Now, going back again to the late 19th century roots of accreditation, the idea, I think, at that time was that this was the domain of the faculty. We hire administrators to take care of the body, pay the bills, make sure the lawn is manicured, etc., but we hire faculty, and by faculty I don't mean somebody having an

incidental appointment, but somebody whose full-time job is on the faculty. They're not part of the physicality, maintaining the physicality of the campus, that those folks are in charge of academic policy. Guess who's missing from this reg neg, folks? The faculty. What has happened is that the officials who do a great job maintaining the physicality of the campus, have elbowed their way onto discussions and determinations and judgments about the product, which is that ephemeral thing that the faculty used to be in charge of. So that's the rationale for saying there is a difference between having administrators represent institutions and having faculty make judgments about academic programs. It's a meaningful distinction because obviously, pressures of paying the bills can induce practices that generally gravitate towards more lenient judgments when it comes to what constitutes the product. And I think we're attempting to improve on the accreditation process. People keep saying, what's the problem? The problem is Corinthian. The problem is ITT. The problem is that while everybody at this table is beyond reproach, I want to emphasize that, that there are some bad actors out there enjoying the full benefits of accreditation because they call the shots. You have conflicts of interest. The whole thing is a conflict of interest. We're attempting to

change that. Accreditation is voluntary.

MR. WAGNER: You have 30 seconds remaining.

MR. NASSIRIAN: But it should be subject to certain Federal rules per the statutory language if it wants to be recognized by the Secretary. I'll stop there.

MS. JEFFRIES: Thank you, Barmak. Appreciate your comments. Carolyn?

MS. FAST: Yes, I wanted to express support for this provision and say that actually it seems like while it's a reasonable compromise, it may not go far enough because it's- although I understand the argument that you want people with knowledge, this provision provides for up to half of the decision-making body to be people who potentially have an interest in not having the strongest standards possible applied. So I think this is a reasonable compromise, although I would have liked to have seen it go further in terms of making sure that decision-making people are not actually people who have a interest and/or a fiduciary duty based on their position with a regulated accredited institution.

MS. JEFFRIES: Thank you, Carolyn. Jamie?

MS. STUDLEY: Hardly know where to

begin in three minutes. There is such a difference of opinion of- let me start here. I wouldn't have used the word product. The purpose of institutions is student achievement, which involves learning, which is grounded centrally in the learning, as well as, but less critical right here, the civic role of the institution, the research component, preservation of our culture, so forth. It takes many things to secure the kind of student achievement that we're talking about. And that we will be talking about in a few minutes. Those resources and capacity include things like student affairs, but I think on this basis, we'd have- we might be arm wrestling about whether the vice president for student affairs was an administrator- was an executive officer or an academic. It requires institutional research. In our view, it requires people who can help evaluate whether the learning is effective, the people who provide the technology that faculty use to incorporate in their classes and to be effective. And yes, it includes people who were- understand when an institution is healthy enough that it can predict- that we can predict as accreditors that it can go into the future on a stable enough basis to continue to deliver that education such that it is safe for us to say this is an institution that we can accredit because it is a forward-looking

responsibility. So, yes, faculty is absolutely central. We have not seen faculty vote differently than other members of our commissions. That's not what's going on here. This is a peer review process. And to the extent that a peer review process does, you know, reflect the people who are involved in the activity know well how to review it, understand it, and validate it when appropriate. But because of the potential that is inherent in a peer review process, we have checks and balances, including Department review and very strict conflicts rules. I can hear you say already, on a micro level, there are conflicts that I can't vote on a school that I attended or that I ever worked at, or that my- that I have a family connection working at. I understand [inaudible]-

MR. WAGNER: 30 seconds remaining.

MS. STUDLEY: -what the interest is.

We need all those people. Could we manage within these numbers? Probably. We have fine people who want to serve on these commissions, but it is not reasonable to constrain our authority over ten-year-old examples of accreditation problems.

MS. JEFFRIES: Thank you, Jamie.

Alright. Any other-

MS. STUDLEY: I'll add, are we perfect

today? We are doing a- the job of accreditors as effectively as possible. We're happy to make improvements, but this will not improve the rigor of accreditation.

MS. JEFFRIES: Thanks, Jamie. Okay, Herman, back to you. There's no further hands.

MR. BOUNDS: Okay. I think at this point I'll move on.

MS. STUDLEY: Can I just ask you, in light of the fact that we just got the definition today while we were in discussions, may I- if we wanted to return with a comment or I don't know that there's language that it would improve it, but Laura's suggestion that we actually get something that would tell us what the answer is in writing so that we know what the definition of an executive officer is. But I would ask that we be able to come back to it tomorrow if necessary, given that we didn't have a definition to evaluate, and this is an unexpected one.

MS. JEFFRIES: To be- just so I understand, Jamie, your request is that since you just received the definition or explanation of what is encompassing executive officer terminology, you would like to be able to come back to discuss just that piece tomorrow?

MS. STUDLEY: Yeah. Yeah. And in that definition, is it- is the Department going to set the definition or are they intending to leave the words as they have them and ask agencies to- or the individual to tell you whether they are executive officers? Is it institution- you know, it- is the director of X or the dean of Y an executive officer in one place and not in another based on their own institutional definitions?

MS. JEFFRIES: I'll leave that- that would be a decision up to the Department. So-

MS. STUDLEY: Yeah, that's a question for them.

MS. JEFFRIES: Yeah, so, Herman, I don't know if you can answer that question right now or if you need to get back with us.

MR. BOUNDS: Yeah, I think we'll get back. I'll get back with you, yeah, on that.

MS. JEFFRIES: Okay. Jamie, once we hear back from the Department, we'll make sure that we get the- whatever information is ever shared with us with via negotiators or the Department, we share as quickly as possible for transparency reasons. Okay, Herman, back to you.

MR. BOUNDS: Okay. I think we covered three. I mean, four under that section. So I think we're

ready to move to 602.15. Just some word splices there. So nothing, nothing too significant. And now we will move down to 602.16. And we'll start discussions on the changes that we made here for student achievement. And before I get started, in case I forget, I wanted to just point out here that. The changes here that we made in student achievement, specifically related to- sorry, related to identifying minimal expectations, we limited that just to student achievement. So I want to make sure that I get that out in case I forget that as I'm talking through some additional information from my notes. Under one, we added the agency's accreditation standards must set forth clear and effective expectations for institutions or programs it accredits in the following areas. And then we- let's see, romanette- (i) here talks about romanette one here. Basically old language. And then we just added as established by the institution and where feasible and appropriate, the agency standards for success with respect to student achievement must. And then that's what we have added identify minimal expectations of performance, which may include but are not limited to language from the old regulations, state licensing examinations, course completions, job placement rates and then based on comments that we got from committee members, we added some new language here where

we talk about if the agency determines that setting minimum expectations of performance is not feasible or appropriate for the institutional program that accredits or any particular institution or program or group of institutions or programs, its standards should explain why such minimum expectations are not required, and clearly describe the agency's method for assessing and enforcing its student achievement- its standards for success with respect to student achievement. So I'll stop there just for a second. You know, here is where we would, you know, really expect agencies to review their student achievement standards. Number one, you know, demonstrating, you know, that they are sufficiently rigorous, how the agency determined that those standards are sufficiently rigorous, and then defining their standards, what those minimum expectations should be, whether they're qualitative, quantitative, or a combination of both, whether there are several elements within an agency student achievement standards. But again, considering all of those things, we're saying that we would be requiring the agency to stay in its standards what those minimum expectations would be. And again, we have the optional language, which in cases where it may not be appropriate for an institution or a specific center types of institutions, that agency would kind of

have- would have to explain why setting those minimum expectations are not appropriate. So I will stop there. Well, let's go down and we can get it all at one time. Under (b), you know, we talk about here that standards should be reviewed periodically and updated and then (c), this is based on comments that we got from the committee members about, you know, when you establish those standards to consider disaggregated data and it could be based on race, ethnicity, age, gender, socioeconomic status, first-generation college students. There may be other categories too, so I will stop there. I think there's one more change at the bottom, but we'll get that- well, I'll do that one too. If you can scan down to page 16. And then the last part we put in, again, based on comments that we got from the committee they have to have some controls to ensure that student achievement data is not manipulated or inflated to make their- to make the performance seem better than what it is. So I will stop there and I will open up what I know will be a passionate discussion here in this area. So we will start there.

MS. JEFFRIES: Okay. Sounds good. And perhaps we'll take a quick break after this session and passionate discussion for leg stretching. Laura, you're up first.

DR. KING: Thank you. So I feel like I'm the statute police, but I'm going to have to be because I think it's important to level set here. In 20 U.S.C. 1099 (b) there are two things that speaks directly to this, right? So the first one is, notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to standards of an accrediting agency or association described in subsection A5. So that's the more general prohibition on this kind of language. Then, related to student achievement, it says nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement. Specifies, defines, or prescribes. The Secretary is prohibited from doing those things in statute. So my first comment is that I don't understand the statutory permission to do this is the first question that I have. And then secondarily, even if, even if romanette (1)(a) maybe, maybe could get by, (b) and (c) definitely specify and define what an agency has to do with respect to student achievement. So can someone address the statutory language here and how this relates to that?

MR. BOUNDS: Laura, did you have- I know you said (1) (a) you think might be okay. But then did you also call out (b) and (c) or just-?

DR. KING: Yeah, definitely called out (b) and (c). A provides a lot of wiggle room. Minimum expectations of performance is still specifying. But certainly B and C specifies very specifically what needs to be done.

MR. BOUNDS: Yeah, so I will speak to (b) first and then I know we have our legal counsel on the line. Donna is on, and she may have some things to add. And again, based on legal guidance, we didn't think that we have overstepped here, but, again, Donna's on and she can definitely respond to that. So under (b), when we talk about be developed and periodically reviewed and updated if necessary, you remember that under- let me get my notes here- under 602.15- excuse me, under 602.21, we already require agencies to conduct a systematic review of standards, and under 602.21, you know, we put parameters of how that systematic review of standards should be done. So I don't think this is really asking any more of what we already asked the agency to do under that particular regulation. And then-

DR. KING: So why is that not sufficient? If it's already there, then why this

language? Why is what is already there not sufficient?

MR. BOUNDS: Yeah, I think this is just a- for us. We wanted to put that in here too, just as a reminder you know, to the agencies under student achievement to conduct that periodic review and update as necessary. Again, this is just a reminder we wanted to put specifically into this portion of the regulation. But again, how to do this, again, is covered- already covered under 602.21. You know, and then you also talked about (c) and in (c) we're saying include considerations of- I mean, we're not- and then we're not saying that you have to use these categories. We're saying here that these categories may include- I say- I- so I think we think (c) is fine, but Donna, did you want to jump- do you have any comments on this- on Laura's questions?

MS. MANGOLD: Carefully considered the statutory language before we went into the rulemaking. We heard your- we also heard your comments last time in terms of what the statute says on these points, and we believe that we are consistent with the statutory guardrails. The other thing is, if you look at the introductory language to this provision, it absolutely- it says that these elements should be applied where feasible and appropriate, which allows another level of discretion to the agencies. So we believe that we are

within the requirements of the statute.

MS. JEFFRIES: Okay. Thank you. Jo Blondin, you're up next.

MS. BLONDIN: Thank you. So I just have a few- two comments and one question. Well, it's just kind of a mixture here. So, two terms that concern me, and I think we brought this up last time, so I won't belabor it, but valid. How do we measure validity? Just a question. Enforce is a word that is kind of- goes along with the last conversation that we had as well that Laura brought up, I mean, just from a statutory- I mean, that's a little confusing to me. And then finally, I want to amplify the issue again, around may include Federal data, because that Federal data shows that community college students are not meeting the outcomes set by traditional four-year institutions, that a student who starts with me and takes one biology class because she wants to transfer to Wright State University, is a failure because she didn't graduate from Clark State College. So I have some concerns about what kind of data will be used and to make this more mission-reflective. Thank you.

MS. JEFFRIES: Thanks, Jo. Appreciate it. Erika.

MS. LINDEN: I just have a quick question from a consistency perspective. Can accrediting

agencies have different standards for different types of institutions that they accredit?

MR. BOUNDS: Absolutely. That's- yeah, absolutely.

MS. JEFFRIES: Okay. Thank you, Erika. Any other hands for this section? Jamie.

MS. STUDLEY: So much to say. Accreditors are working actively to incorporate outcomes. We are doing much of what's contemplated here. It's not resistance to data as a power tool for pushing student results. So in that sense, we're all moving and trying to move in the same direction. That momentum is taking place. NACIQI is doing a lot to drive it by the way that they are asking questions about what accreditors do. So I think this may be a place where there's momentum and regulations may confuse or complicate some very positive activity that's taking place. The Department's best contribution might be to improve the completeness and timeliness of data. I wonder if IPEDS would meet the valid and reliable test that's expected of us. And how would we accomplish that? One of the good things about accreditation is that we can use a variety of sources and decide what weight to give it and what sense to make of it. Excuse me. One of the things I'd like to come back to in a minute is- on the statutory part, is that reading

602.16 alone is not the full picture. It has to be read with 602.20, enforcement, so we can talk about it when we get there as well. There's- so let me stay with this provision and some of the things that we're wondering about it. Who decides what's feasible and appropriate? And I wonder what- there's a lot of language about, as established by the institution, and yet at the same time, there are expectations for what the accreditor will do. And finally, the- well, why don't I stay with that and not pile too many questions on Herman at once? Who is going to make those decisions? And then I'll come back to Erika's question. Oh, if you don't mind, let me just explain. Erika, the word standards here is used in a very odd and difficult way. Our standards, and I believe other agencies' standards are standards that apply to all of our institutions. What we apply are different metrics or questions or inquiries or identification of what good practice is for a community college or for a specialized graduate program. The standards remain the same, but ever since this language started to be used, I believe it would be clearer if it was referring to measures of what it took to meet the standard [30 seconds] which can be mission specific and can be adjusted for student population, disaggregated data, type of program, mission of the institution, and so forth. But the standards of

quality and sustainability and ability to plan and appropriate governance, those do not differ. So it is a confusing use of language.

MS. JEFFRIES: Okay. Thanks, Jamie.

Herman, do you recall the question?

MR. BOUNDS: I think I got-

MS. STUDLEY: Feasible, valid, appropriate, and reliable.

MS. JEFFRIES: Okay.

MR. BOUNDS: Yeah, I got most of it. Yeah, let me start real quickly. So I heard- even before that, Jamie, I think I heard a couple of things. You know, the first question was about, could there be different standards for different institutions? So for the first part of this whole discussion, I would refer folks back to the statutory language under (a) which talks about success with respect to student achievement in relationship to the institution's mission, which may include different standards for different institutions or programs. So, you know, the student and our regulations say that same thing under romanette one here, where it says success with respect to student achievement in relationship to the institution's mission, which may include different standards for different institutions, as established by the institutions. Now we have where

feasible, we start talking about what the accrediting agency can do. And then, of course, if you look under the limitations on a scope of the criteria, which Laura was talking about earlier, there is the language there that says nothing in this act will prevent an accrediting agency from establishing any additional standards that it wants to establish. So that's where we're talking about here where feasible and appropriate, the accrediting agency may have its own set of student achievement standards that they want the agency- excuse me, the institution to comply with. So we have two things here. Number one, if the accrediting agency allows the institution to establish its own student achievement standards, then what we're looking to see is, okay, then accrediting agency, how do you determine that the student achievement standards established by the institution, number one, are sufficiently rigorous. So how do you determine that if you don't establish that for yourself? And that's what you all are currently doing to us now when you submit your petition for recognition, your application for recognition, you have to tell us, okay, we let the institution establish, this is how we determine whether that's sufficiently rigorous, you know, and effective. That's- you tell us that. What we're saying now is we want those student achievement standards

to identify minimum expectations of performance. Now, if you turn that over to your institution, we're saying that then those student achievement standards have to identify these minimum expectations of performance. If you don't establish those and the institution does, you then have to review those things and say, okay, we think this is an appropriate minimum level of performance. So what we have here is not, in that aspect, it's not straying away from what the statute allows. It's either the institution establish it, you determine if what they're doing is appropriate. And if you establish, then your standards have to include all those things. So I hope that in a nutshell kind of answered some of the stuff. You had- there were a lot of questions there, Jamie, so if I missed something, just, you know, just fire back at me. We'll whittle through it.

MS. JEFFRIES: Okay. Thank you. I'm showing a couple more hands up on this section. Scott Dolan has come to the table for private, nonprofit institutions in place of Erika Linden. And Scott, you are up.

MR. DOLAN: Yeah, I mean, I don't know if would be helpful to kind of pull up the statutory language just so that we're all on the same page about what that shows there. Because I do get a little confused

about the different uses of standards underneath this section, especially within one, right? And I think that was Jamie's question I don't know if we fully addressed around the difference between the Department promulgating specific standards and potentially suggesting metrics that we might use to determine the effectiveness of those standards. So, and again, I'm trying to pull up the statutory language myself, but given the fact that there are some questions and concerns, and I understand the Department's perspective, that they feel as though that they're within statute, I don't know if it's a shared perspective, so looking at those things side by side. Main question is in (i), success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs as established by the institution. Are we using standards in different ways here? And it becomes confusing to me. To Jamie's point, are we introducing more confusion to a process that's sort of moving in the right direction based on the work that we're doing through NACIQI?

MR. BOUNDS: If you ask me, I don't think so, because when you look at that underneath (a), then it lists those areas when we're talking about standards that we're talking about. You know, we're

talking about, you know, other than student achievement, standards for curriculum, faculty facilities, fiscal and administrative capacity, we're just going down. We're just going down that list. When we say standards in a general sense, we mean the agency's accreditation standards. What do they require for accreditation of an institution?

MS. JEFFRIES: Okay. Thank you, Herman. Jillian?

MS. KLEIN: Thanks. I have a- just one specific question and then a general overarching comment, and I- sorry, you guys, I put my question in the chat, but then nobody gets to it. So I just ended up getting in line anyway, so sorry. But my question specifically to the exchange between I think Laura and Donna, and then Donna's response, which talked about how the Department's view- so first of all, I have the same question. I'm not a lawyer, so I have same questions on sort of statutory authority as other people do. So just would plus one that. But to the comment about the Department believing that there is flexibility in the feasible and appropriate language, it would be helpful to me to hear exactly how the Department envisions that flexibility. And I think I put in the comment in my question in the chat, if an agency doesn't believe that this is statutorily

appropriate, then do they not have to do it? I'm just really confused about that phrase in general.

MS. MANGOLD: That is not where we were going with that. That is not where it's- where we're going.

MS. KLEIN: Okay. So can you be specific- more specific about what you mean by that phrase? Because I think it's super vague and I don't exactly know how to understand it.

MS. MANGOLD: Whether the elements underneath are feasible or appropriate given the mission. So if it's a situation where there is no Federal data on something or, you know, or the Federal data, to Jo's question, doesn't speak to your situation, for example, you would be able to- you wouldn't be compelled to use Federal data. Is it appropriate? Is it feasible? You know, is it a- is it depending on the school's mission, the school's mission and the programs that they offer? Are- there maybe qualitative measures. There may be quantitative measures. There may be different measures for different schools. So it does- that appropriate and feasible is not getting to you disagree with our regulations or you disagree with us regulating in this area. It means are these elements below applicable, relevant, feasible, appropriate for the myriad kinds of

institutions that an accrediting agency is looking at and trying to ensure rigor about. So that's what we're getting at there.

MS. KLEIN: So I just think this- and this is my broader comment, which is I think there's just a lot of vague language that continues to be in some of these red lines, whether it's sort of- Jamie pointed out the multiple times that the word effectively is included in here, or this phrase like, and I obviously am not an agency, so it doesn't directly affect me, but I don't know how an agency would be able to feel confident that they are in compliance with these requirements, when it just feels like there's some really vague terms that are being used to describe how an agency could or couldn't interpret these. And here's an example where the agency might feel like something isn't feasible or appropriate, or the Department might have a different perspective on it. And I just feel like there's a risk in having language that's not more precise in terms of what the expectations are. So that's sort of my general comment.

MS. MANGOLD: I'll let Herman speak to- he and Jamie were having a dialog a little while ago, where they were both nodding their heads about what agencies already do. So I think, you know, Herman, if you want to answer that part of the question in terms of the

vagueness.

MR. BOUNDS: Yeah. And I think the whole thing to remember in a- you know, an application for recognition, they're- you know, it's not like a one-stop bam and you're- you know, you're found non-compliant. You know, an agency submits the application. There's the draft, there are analysts conducting observations. There's discussion. And a lot of those, if there's, you know, any room for misinterpretation, those things are identified. You know, an agency gets a chance to, you know, to state its case. So, again, I just want to say it's not like a one-stop thing, now you're non-compliant. This is a total dialog that lasts over, you know, as it is now, over a couple of years in the review process before we come to, you know, some sort of final, you know, final conclusion.

MS. KLEIN: Yeah, I understand, I know this isn't the first time you've said that to me, Herman, so I understand being an outsider to that particular process. I am appreciative for more insight into how it goes. But I would just say, and this is my own neuroses, maybe, that I'm imparting on to this. Like, I would be terrified if I lived in my day to day job, unsure if I was in compliance with expectations for my organization. That feels like a really scary place to live. So I would

just beg the Department to be clearer with institutions or agencies or whomever about what your expectations are on them. Instead of saying, well, when we get to the part where we grade the exam, if you did it wrong, then we'll tell you then and you can tell us why you didn't think you did it wrong. Like nobody wants to live in that space. We'd rather just do it right to start with. So I think there is benefit to having language that's clear to all stakeholders about what the Department's expectations are.

MR. BOUNDS: Yeah. I would just too- just add one thing, not only under- not- real quickly, not only under student achievement, now we're being a little more descriptive here under student achievement of things that we want to see. But when you look at all of the standards language, we don't prescribe any of the content of those standards. You know, because the statute doesn't say, you know, we say you have to have standards for curriculum, you have to have standards for faculty. We have to then look at what the agency provides in those areas. We don't go into great detail of what is acceptable in any of those areas because we're not, you know, we're really not allowed to- we don't do that here in student achievement. Again, we're not saying what the standards have to be. We're not saying what the content

of them are supposed to be. We're just kind of putting some parameters around what we want to do. We do want to see some minimal expectations and then the agency or the institution or however the agency's standards procedures allow, you know, we- there has to be an explanation of rigor and the effectiveness of those student achievement standards.

MS. KLEIN: Yes. And I- that's exactly my point. Like what your definition of effective and my definition of effective as an agency might be totally different. So that is exactly what my point is, is I feel like there's a lot of superlatives and vague words in here that I just- and I won't say it anymore, but I'll be done. I just feel like everybody would benefit from more precise language, that's all. Thank you.

MS. JEFFRIES: Okay, okay. Thank you. Jamie, is your comment relatively quick? We've- I've received several indications that a number of negotiators need a break. So do you want to give it now or do you want to do it after break? You want to do a break?

MS. STUDLEY: Feel free. Did you want to- were we going to go to state auth at 3:00?

MS. JEFFRIES: Greg?

MR. MARTIN: I believe that's still our intention, but during this break, I will confirm it.

MS. JEFFRIES: Yeah, we'll- he'll confirm that. And, Jamie, in any event, we'll get to your question, okay? And then go to state auth.

MS. STUDLEY: If it's- if we pick up tomorrow, that's okay too.

MS. JEFFRIES: We will be picking up for sure tomorrow. So let's take a break till 3:00. And then Greg, you can give us an update of where we're going to go, to state auth or continue on with something else like this. Okay? Alright.

MR. MARTIN: Sure. Thank you very much.

MS. JEFFRIES: Yep. Okay. Welcome back from that short break. Greg, I'll turn it back over to you for directions of your next steps.

MR. MARTIN: Okay. Thanks, Cindy. Yeah, so we had indicated earlier today that it was our intention to come back with some language regarding thresholds for state authorization. We're still working on that at this moment. So we have my colleague David along with Denise and are working on that as we speak. So what we're going to do is continue with the discussion of accreditation and then we'll let you know when we're going to break to have a discussion on state auth.

MS. JEFFRIES: Okay.

MR. MARTIN: Make sense? Thank you.

MS. JEFFRIES: Yep. Thank you. So with that, Jamie, let's pick back up with you. You're on mute, Jamie.

MS. STUDLEY: I don't want to use more than my fair share. Is there anybody else who wants to speak at this point? Okay. I'm not the facilitator. I- you know, I- when we envision how we would do this and, you know, I'm very sympathetic to more- to helping institutions focus on student achievement, to using available qualitative and quantitative measures for that. I think there's a lot of good that's taking place. In fact, my organization just this week is adding to our website the IPEDS information that includes field of study and debt to earning- earnings by field of study and debt to earnings measures. And we plan to incorporate those in conversations with institutions. The problems are, as Jillian said, in the expectation of what target we're supposed to meet. And I think that the NACIQI discussions that have been taking place with accreditors have been very thoughtful and useful in this direction. What do you look at? How do you use it? What consequences are there? How do you measure- you know, how are you thinking about what's satisfactory or not? And I think that is generating some really good progress. The

challenge here is to think about how to do this without these regulations stymieing or complicating a movement that is taking place and is being pressed by the Department and pressed by accreditors. How do we do this where institutions have very different programs? A programmatic accreditor is in a position to think about standards for a particular program. The- an institutional accreditor is looking at the capacity of the institution to run all of its component parts and not the outcomes for each of its- I know there are institutions that have 30 and 40 programmatic accreditors. Not to substitute for that. How does this take into account the difference between institutional and programmatic accreditors? Institutional accreditors, the one thing we know for sure is it doesn't tell you very much to look at the graduation rate for a large and complex institution. And looking at the debt to earnings ratio is going to be very different for the dental school, the business school, and the arts and sci- and arts and theater program.

MR. WAGNER: You have 30 seconds remaining.

MS. STUDLEY: And what we need to know is that the institution has the ability to make those kinds of judgments. So the question I would ask you is, can you help us- we're focusing on the numeric, the ones

that might be amenable to some part of quantitative measures. How about curriculum, faculty, student support, and facilities? Is the Department anticipating that these rules would change what accreditors and therefore institutions need to do about standards in those regards?

MR. BOUNDS: No. And I think, if I didn't mention earlier, Jamie, we- you know, the, you know, the minimum expectations, requirements, and those things, we just limited that to student achievement. We didn't- that doesn't migrate down into curriculum, faculty, facilities, equipment, and supplies. You know, with those other- you know, in those other areas, so that- that's something that doesn't- is not a requirement for those particular areas.

MS. STUDLEY: But doesn't the clear and effective expectations language cover them?

MR. BOUNDS: Yeah. Where fee- where- no, not the- we've taken out the- yeah, that minimum that cleared. Now the first part where it says forth clear and effective expectations, that's, you know, that's something that's been there previously. It's not a- that's not a totally new statement. I think it said before- we just said clear expectations. Here we're saying- we're adding the word. You know, we're adding the word effective. I get the point where effective can be-

it's something that has to be evaluated.

MS. STUDLEY: We assume that if you're adding a word- we assume if the Department is adding a word, it has some meaning and that we would need to give it meaning in what we did and that it's a change from something not sufficient.

MR. BOUNDS: Yeah, I think we have seen those- in those rare and drastic cases where an agency has not been very effective in applying its standards, and that could be based on a number of things. It could be based on a set or large number or- of, you know, of failing institutions or those types of things. I mean that effective, it's- I think you and I just- when you talk about it earlier, it's does the agency effectively apply its standards? Does that whole- does the whole, you know, accreditation process of the, you know, of the self-study, the site visit report, the decisions, again, are those standards applied thoroughly to all of its institutions in those particular areas? It's a determination of how effective the agency is in applying its standards based on the performance or drastic performance of institutions or programs.

MS. STUDLEY: I know to a visitor from Mars this would sound like gibberish, but the difference between setting effective at- clear and effective

expectations and the question you were asking, which is the typical one that the review process is about and that you are used to asking is whether they were applied effectively. So there's something- the new part is these new ways of thinking about effective expectations that we have to- that would have to be said. And there are musts in here, not just maybes. You know, I- there's a lot in the direction, the directionality of this that is consistent with current changes and good practice and that I think we- loads of us are spending a lot of energy saying, how can we get the best from this kind of information when we come back to 20? Having said- it's not set these and have a discussion with the institution. That, we're all used to doing. They become compliance issues. And that's- that combination of rules is a big change, even if this one allows for terms that may be unclear, but at least I'm hearing the Department's intention to leave room for reasonable application like feasible and appropriate. Or, you know, but there are musts. There are obligations in here that are not very clear and that are coupled with compliance requirements. And that's given the incredible variety of data available, most of which is not perfect data. If there- if it were possible to set criteria for what's good and what's not, the Department would have done it [30

seconds] long ago. I'm done.

MS. JEFFRIES: Okay, thank you. Scott Dolan.

MR. DOLAN: Yeah, I guess it just gets back to the conversation that we've had. Jo brought it up. It's just- and I look at my constituency just in terms of the variation in mission and type and how we go about doing this and trying to set a single standard of clear and effective that doesn't allow for nuance that's associated with the complexity across these other areas; curricula, faculty, facilities, fiscal, student support services. And I asked this question earlier around, you know, how do we apply this to curricula, given the fact that, you know, disciplines vary greatly. Expectations vary by state licensing boards. There's just- I understand- to Jamie's point, I also understand the intent, and I think there's work moving in this direction. I just don't think it's always as simple as we try to make it out to be. And, you know, and setting those- that type of language forward, along with the enforcement stuff, could create more complexity rather than trying to simplify where we should be focusing, which I think we all agree on, which is around outcomes and how those different inputs might help support those outcomes. So I think it's maybe getting back to the table

and who gets to define effective and what is the effective mean given the variation in institutional type missions and students that we serve, so.

MS. JEFFRIES: Thank you, Scott. Okay. I'm not seeing any other hands on this section. Herman, you want to move to the next? I will say- Herman, can I just say that- to our- the people who have signed up for the public comment, and you were assigned a slot or on the waiting list, we're about 15 minutes out from starting that, so please log into the waiting room utilizing the name that you registered under about 15 minutes prior to your slotted time. So back to you, Herman.

MR. BOUNDS: Thanks. Alright. And before we leave here, I'm trying to look, and I know, I know too in the statute that the term effectively is used in several places there. I'm going to try to look through there as we go through and kind of point those out. But I kind of hope we did- I did kind of try to explain what we mean when we were looking- when we use that term effective. But let's- we can move down to- and I think we covered the last- if we go to page 16, Vanessa. I just want to make sure that we covered- 2 is highlighted on page 16. So I didn't want to skip over that.

MS. JEFFRIES: Laura, you have your

hand up.

DR. KING: Yeah. So I have, I guess, two comments. So, we heard a lot of conversation about 602.16 and I heard really no appetite, no willingness from the Department to take any of the conversation into consideration. Is that accurate? Is that an accurate statement, or is there some consideration of the conversation that we just had?

MR. BOUNDS: I'm going to say now, I think what we have here is a representation of the different comments that we got from committee members. I know we're going to go back and we're going to look at that definition of- oh, that- excuse me, that was in the- of executives. But I mean, we're hearing the conversations. We'll have further discussion. But, you know, this is the- you know, this is the last session. I think, as Scott pointed out to earlier, this- what we have here kind of reflects what we've heard from everyone. So, you know, not saying that we wouldn't go back and make some additional changes, but, we think we're about there.

DR. KING: Okay. I mean, I don't feel like we're about there. There were a lot of things that were kind of dropped on us in this very last session that were not- you know, hints of it in the previous two

sessions. So I don't feel like we're about there at all. So I just, I mean, I guess it is an accurate statement then that the Department's not- doesn't have an appetite to take the conversation that we just had into consideration in the changes?

MR. BOUNDS: I think we're always open to go back and have further discussion. I don't know based on those discussions, what other additional changes that we would make. But at the end of the day, we would, you know, we would, you know, definitely discuss the conversation today, but that's all that I can- that I could probably promise and say.

DR. KING: Okay, so-

MS. JEFFRIES: Laura, I'd just like to point out that accreditation is on the agenda for tomorrow. It will be a revised agenda because obviously some things got pushed to Thursday that weren't initially there, but that it is- accreditation is still on the agenda for tomorrow. So today is not the final opportunity for the negotiators to discuss and consider.

DR. KING: Sure. And we still have 50 pages to get through, so I understand. So second comment then to number two that we just paused on, why does it apply only to distance education? It seems like a very accusatory kind of statement to put in there about

manipulating data or something. Why would a online institution be manipulating data any more than any other institution? It's just kind of an odd thing to call out.

MS. JEFFRIES: Okay. Thank you, Laura. Scott Dolan.

MR. DOLAN: Well, I probably could put my hand down and wait for an answer to that question, because I- that was sort of my question, too. I mean, manipulation shouldn't be tolerated, period. Across the board regardless. I mean, I think- does that need to be called out in regulation? Why specifically to distance ed relative to any other institution or modality?

MR. BOUNDS: Yeah, so I think, yeah, I think here- yeah, I think here under, you know, under distance, I'm trying to remember our main intent here. I mean, and you're right, this would be applicable in any situation to ensure that, you know, that standards of performance are not, you know, are not inflated. I get that it's under two here, under distance education. I think in general, we probably meant this as a general statement about all- about any situation. So I probably need to take a look at this one. Donna, did you have any- did you recall- do you have any comments on this one?

MS. MANGOLD: There are specific issues with distance relating to technological monitoring

that we are concerned about, but we'll take a look and see if this might be placed someplace else.

MR. DOLAN: I don't know if I'm still at the table, but could we define technological monitoring?

MS. MANGOLD: What I'm talking about is in distance the issue as to making sure students are actually participating. Make sure- making sure that those are- those- that's monitored, making sure there's substantive interaction. Those have specific technological issues in distance. And that may be why this is here. But again, we'll take a look at it.

MR. DOLAN: Yeah, I'm certainly aware of student identity verification requirements. But here it's specifically around performance to the standards, which seems to be applying across all of this. So, I- yeah, it would be really helpful to have a bit more clarity.

MS. MANGOLD: We'll take a look.

MR. BOUNDS: Good point. You do have a good point there.

MS. STUDLEY: Yeah.

MS. JEFFRIES: Alright. Thank you.

Jamie?

MS. STUDLEY: This one may be a bit of

a Rorschach test. I read it completely differently, thinking that it was a) in the wrong place, and I thought about the students who had spoken in public comment about the NCLEX exam and thought that that's what you had in mind here. And I was then going to say that as I read it, there's a spectrum of behaviors. And at one very important end, and the major activity is doing a whole lot of things to increase performance to- which would have the effect of helping an institution meet standards. For example, people who don't know the material have to repeat the class, or they have to get tutoring or go to the writing center or all sorts of other completely valid, desirable, worthy academic efforts to help meet the standards. And it should be written in a way that doesn't sound like that is inflating. So let's put it in the right place, be clear about what it's meant to get at, and if there are- if it's technology and if that means pretending that somebody in the class and they take the exam to show that the school is doing better than it really is because they're not really a student, or is it the NCLEX effort to meet a pass rate expectation, which to me is a cautionary tale about over-rigidity? So, I think it would be helpful for people not to be able to be criticized for doing things for academic and student learning reasons that might look like we want to move you

faster to graduation, or we want to be sure that you meet the standards of knowing the material that's required.

MS. JEFFRIES: Okay, let's take Barmak and then maybe move on to the next section. Barmak?

MR. NASSIRIAN: Yeah. I don't know that everybody will read this text at the Jesuitical care that Jamie typically reads every text with, but maybe adding the word inappropriately or artificially before inflating could address her concern. We certainly don't object to institutions striving to improve outcomes. It's when they cheat students, as they have. By the way, the reason I use ten-year-old examples is I don't want to get sued. We are very aware of really questionable practices going on under the nose of regulators today. We get complaints from veterans all the time. We have a whole help line that does nothing but that, and we share those with enforcement agencies as appropriate. I don't want to name anybody here, but there was a case, as you may recall, of a publicly-held corporate provider, that where the president of the organization was literally inflating placement rates falsely. So this stuff happens, and I agree with the comments that have been made that this should not uniquely address online, that this is- this should be a baseline expectation of all institutions.

MR. BOUNDS: Yeah, I agree.

MS. JEFFRIES: Okay. Thank you. Okay, Herman. Okay, Herman, you want to take us to the next section?

MR. BOUNDS: Yes. Looks like. Oh, let me go up.

MR. MARTIN: Herman, before you start, I think they're ready to come back with state auth, so-

MR. BOUNDS: They're ready to come back with state auth?

MR. MARTIN: Yeah, this might be a good place to break. David wanted a few minutes to come back, so I think he's coming back as we speak, so why don't we- I just heard that presently, so-

MR. MUSSER: Yeah, I'm here, actually, Greg.

MR. MARTIN: Oh, thanks, Dave.

MR. MUSSER: Yeah. No problem. So I can be quick because I don't have much news yet, unfortunately. The Department is still working through its analysis on the data. We will come back tomorrow morning first thing with both the threshold, an explanation of the analysis that we've done, the proposed threshold, I should say, and an explanation of the analysis that we've done, and our reasoning for use of that threshold versus others. But for now, I think we can

go back to Herman to do one more walk-through.

MS. JEFFRIES: Okay. Actually we have about a minute and a half before public comment starts, and we need to start that on time. So perhaps this is just a good place to break. And begin the public comment rather than getting through the overview and then stopping. Is that okay?

MR. MARTIN: I think that's good.

MR. BOUNDS: Sounds good.

MS. JEFFRIES: Okay. So with that, perhaps we can go ahead and get started with our public comment, so.

MS. K. SMITH: Alright, Cindy, I did admit our first speaker. That is Mac Adkins from International Distance Education Certification Center, and Mac is in the room.

MS. JEFFRIES: Okay. Good afternoon, Mac, can you hear us? You are on mute, Mac. Should be bottom left-hand corner, maybe.

DR. ADKINS: There we go. How about that?

MS. JEFFRIES: Alright. Well, good afternoon and welcome. You will have three minutes to address the committee, and you will receive a 30-second notice when your time is about to expire. So with that,

you can go ahead and begin.

DR. ADKINS: Thank you. Hi, I'm Dr. Mac Adkins, representing the International Distance Education Certification Center. I'm commenting to provide insights on the proposed rule changes outlined in issue paper three, specifically addressing the removal of the allowance for clock-hour programs delivered through asynchronous online learning. I wish to emphasize the ongoing necessity for asynchronous online learning to continue offering courses in a clock-hour format alongside the credit-hour format. Numerous professions, including real estate, appraisal, insurance, financial planning, accounting, home inspection, land surveying, and engineering have specific regulatory requirements mandating a prescribed number of clock hours for certification, licensure, and continuing education. The rationale for eliminating eligibility for asynchronous online courses in a clock-hour format seems to have stemmed from concerns that some programs have failed to require- to provide the required training. This perception may have arisen from a misunderstanding that there is no acceptable methodology for quantifying instructional activities to meet the stipulated number of clock hours. I'm pleased to draw your attention to a well-established set of quantitative standards that have

been successfully implemented for over two decades. Authored in 1998 by the Distance Education- International Distance Education Certification Center, these standards have undergone regular reviews and updates. They've been employed to assess thousands of online asynchronous courses from hundreds of online education providers. These standards, which are available at IDECC.org, detail how instructional activities, including word count, external links, interactive exercises, video and audio content, diagrams, and assessments are quantified. Notably, the standards require that video content may not be fast forwarded, must be viewed in its entirety, and video content must be immediately assessed. Furthermore, these standards mandate all providers to utilize a learning management system that tracks and reports the actual amount of time learners spend in the course. This requirement resolves the perceived issue that online asynchronous clock-hour courses are failing to deliver the required training by providing tangible documentation of the duration of learner engagement. IDECC proposes to make these [30 seconds] standards available to higher education institutions, without imposing the obligation to meet their other standards for instructional design and delivery. This collaborative approach ensures that the established standards can be seamlessly integrated,

contributing to the effective and accountable delivery of asynchronous online courses in a clock-hour format. Thank you.

MS. JEFFRIES: Thank you, Dr. Atkins. Krystil, who do we have next?

MS. K. SMITH: Our next speaker is David Halperin. He's an attorney and counselor, and he is in the room.

MS. JEFFRIES: Okay, David.

MR. HALPERIN: Good afternoon. I'm ready when you are.

MS. JEFFRIES: Okay. You'll have three minutes with the 30-second notice just before it expires. Okay? With that, go ahead and begin.

MR. HALPERIN: Thank you. Many students say a school's status as accredited and resulting seal of approval and aid from the Department are the reason they enrolled. Because accreditors are gatekeepers for Federal Aid, their oversight is critical to prevent students and taxpayers from getting ripped off by poor quality, overpriced schools. So it's good that the Department has started to incorporate concerns about bad behaving schools in reviews of accreditors, starting with ACICS, which accredited some of the worst. But there remain problems that are not, as was said, ten-year-old

examples. ACCSC has tolerated years of abuses at CEHE, Vadehra, and elsewhere. Data shows many ACCSC schools leave students worse off than when they started. SACS has permitted blatant abuses at Keiser University. WASC has allowed misconduct at Ashford. COE at Florida Career College. The Department has started to ask those accreditors questions, but under current rules, it hasn't taken firm action and predatory behavior is ongoing. The rules have done little also to address rampant abuses at schools overseen by Higher Learning Commission. HLC has long-tolerated predatory conduct at Walden, DeVry, EDMC, Kaplan, Ashford, Grand Canyon, University of Phoenix and the Perdoceo schools. Perdoceo, in recent years, paid \$500 million to settle with 48 states and \$30 million to settle with the FTC over deceptive practices. Numerous Perdoceo employees have told the Department the company recruiters continue to make misleading sales pitches. As to University of Phoenix, in 2015, the Pentagon briefly banned it from recruiting based on evidence of violations. In 2019, Phoenix agreed to pay \$191 million to resolve FTC charges. It ran ads falsely suggesting ties to major employers. Last year, Phoenix was again running deceptive ads, this time falsely implying it is a state school. If Phoenix tells these falsehoods in the open, imagine what its recruiters tell students one on

one. The school's graduation rate is 14%. Many victims are low-income. These schools should not be accredited. They should not get taxpayer dollars. But under current rules, the abuses continue. Last year, HLC renewed accreditations of the University of Phoenix and Perdoceo's Colorado Tech, each for a full ten years, and the Department in turn renewed HLC for a full five years. The system isn't working. Accreditors have often failed as gatekeepers of integrity and quality. The draft regulations are a start to fixing the problem. Thank you all for listening.

MS. JEFFRIES: Thank you, David.

Krystil, who's next?

MS. K. SMITH: Our next speaker is Joel Sadofsky. He is representing himself. Joel is in the room.

MS. JEFFRIES: Okay. Good afternoon, Joel.

MR. SADOFSKY: Thank you. And thank you for having me. My name is Joel, and I'm a Macalester College student, and I'm also a member of the Macalester College Student Government. And I am speaking in favor of the provision banning colleges and universities from bundling the cost of textbooks and other course materials with tuition and fees. As a library student worker and

student government member advocating for students and academic policy spaces, I've become familiar with how automatic textbook billing is forced upon students as the textbook industry seeks to combat sustainable and open cost saving measures, such as material sharing in the development of open educational resources. In October 2021, Representatives from Macalester's library, programing and- academic programing and financial aid departments spoke with the student government about a possible shift to an automatic textbook billing program. At the time, I really appreciated the exploration of alternative options. Although, I, and most of the student government, ended up advocating against Macalester adopting this program once we learned more about the actual impact on the cost of materials. I was proud of the college and our commitment to shared governance when we initially rejected this deal, and I thought that our school had made a bold choice to play to our strengths, which are a high adoption and creation rate of open educational resources due to institutional support and our incredible library team and a powerful student government partnership with the library to create a highly used textbook sharing program. I later learned that this was not the end of it. On multiple of the committees I sit on, due to my student government- my

student government position, I learned that Barnes and Noble was giving the college essentially an ultimatum. Macalester must transition to Barnes Noble's automatic textbook billing program or they would leave, leaving Macalester with no cap and gown provider, campus bookstore, or merchandise provider. Despite the advocacy of me and my classmates suggesting that it was preferable to sever ties with the corporation than enter a deal that would double the cost of course materials for the median student, Macalester entered contract negotiation and is poised to start first day complete in the fall with misleading [inaudible] communication and a semesterly fee over double what the median student spends on course materials. As tuition creep weakens access to higher education and the integrity of colleges and universities, I urge this committee to consider the rule of the monopoly- consider the role of the monopolized textbook industry in predatory practices such as automatic textbook billing, and I strongly support any attempts to restrict the power of predatory textbook vendors. Thank you for your time.

MS. JEFFRIES: Thank you, Joel.

Krystil, please tell us who's next, but I want to reach out to those who are registered that please, you need to log in under the same name you registered. If we are

unable to identify the name that you sign in under, we're unable to allow you into the room. So, Krystil, who is next?

MS. K. SMITH: Yes. Next, we have Aamina Rehman. Aamina is representing herself and she's in the room.

MS. JEFFRIES: Okay, thanks. Aamina?

MS. REHMAN: Hi, everyone. My name is Aamina Rehman and I am a psychology major on the pre-med track at the University of Michigan Dearborn. The purpose of my comment is to express support for the Department's proposal to stop automatic textbook billing without student authorization. I serve as a senator for my school's student government co-representing the College of Arts, Sciences and Letters, which is one of the four major colleges at the university. I'm also the student government representative for my university's Open Education Committee, with faculty and staff, and with the Open Education Committee, I've written an article about the difficulties of automatic textbook billing for students, and given a presentation about this topic at Digital Education Days 2023, which was attended by faculty and staff across multiple universities. So the cost of books and courseware impacts many of the students on our campus. At times, I've spent hundreds of dollars a

semester on textbooks, and I'm not the only one on my campus who has had to pay large amounts for courseware. I have learned through my involvement in student government and through peer engagement, that students can struggle to make these purchases in addition to tuition costs. I've recruited students from student government to speak at the Michigan Academic Library Association panel, which was actually today, about the financial burdens of required courseware. So with the cost of education already being so high in many aspects, control is really important for student finances. So automatic textbook billing would add to the financial stress faced by students. A regulation to make these programs opt in for students would center student choice. And I'm aware that students are not a monolith. And I recognize that there may be some students who support this model. However, a model that automatically charges all students may harm some students in the process. As such, altering the model to opt-in would greatly reduce student stress. Many students are financially conscious, and if these automatic textbook billing programs truly save students money, then they will opt in. So thank you to the committee for listening to my comment on how important this proposal is, because it gives students the power on how they choose to spend their money on textbooks.

MS. JEFFRIES: Okay. Thank you.

Krystil, who is next?

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

MS. JEFFRIES: Hi, Savannah.

MS. LEBEDEKER: Hello.

MS. JEFFRIES: Welcome. You will have three minutes to address the committee and receive a 30-second notice just before your three minutes expire. So with that, please feel free to begin.

MS. LEBEDEKER: Thank you. Hello, everyone. My name is Savannah Lebedeker and I'm currently a sophomore studying political science at Florida State University. I'm commenting to express my support for the Department's proposal to stop automatic textbook billing and give students the right to opt into these changes. As a student who is financially independent in college, I typically struggle with purchasing necessities on top of the exuberant textbook costs I face, especially during the beginning of the semester. This past semester, I was enrolled in automatic textbook billing and was charged over \$300 without being provided to choose- without being provided the freedom to choose where to buy my books from. As a result of this cost, I had to strictly budget

my expenses for the first two months of school, visit our campus food pantry, and inquire about possible ways of paying club dues in two payments, which was admittedly an uncomfortable conversation to have. Inclusive access programs add to the pressure I face as a student, as it's not always clear if I'm enrolled in a course with automatic billing. Additionally, I found that the process of opting out of this program is complex and confusing, as I've tried and eventually gave up on figuring out how to opt out. This past semester, I was shocked at the over \$300 I had to put towards my class materials. In the past, I've had some expensive textbooks here and there, but nothing near \$300. The difference between this cost stemmed from the Inclusive Access Program. In past years, I've bought second-hand books from upperclassmen, but inclusive access completely took away my ability to find the cheapest option available. Additionally, as someone who learns best through using a physical textbook, highlighting and writing notes in margins, inclusive access programs have taken away my ability to seek out physical textbooks rather than the online ones typically provided within inclusive access. I believe implementing a regulation where students have the option to opt into these programs is an amazing alternative. It would greatly simplify matters if I could decide whether to

accept the fee, rather than having the added stress of potentially being charged without realizing, especially considering the chaotic nature that the start of the semester has. I believe this model would increase transparency among student body and provide students with a greater choice concerning their college experience. In closing, I want to reiterate my support for the Department's proposal to give students the choice over how they're billed for books and supplies. Thank you for considering my perspective.

MS. JEFFRIES: Thank you, Savannah.

MS. LEBEDEKER: Thank you.

MS. JEFFRIES: Krystil, who is next?

MS. K. SMITH: Our next speaker is Sylvia Garcia from Spokane Community College. Sylvia is in the room.

MS. JEFFRIES: Okay. Welcome, Sylvia.

MS. GARCIA: Thank you. [Inaudible]

MS. JEFFRIES: No. Go right ahead, Sylvia.

MS. GARCIA: Alright. Thank you. I'm Sylvia Garcia, and I'm a faculty member from Spokane Community College in Washington state. I wish to comment on the Department's proposal of removing the definition of asynchronous distance education from clock-hour

programs. Its impact is quite reaching, especially with over 500 community colleges and technical colleges across the country offering some form of clock-hour studies. First, I recognize the Department's responsibility. It needs to be assured of a level of integrity in the delivery of distance education. However, that assurance can be done in a more refined manner than simply taking away a method. I must emphasize this does- doesn't just impact our schools, but most of all, it impacts our students. Having served over 30 years as the prior chair of our Department, I have witnessed the evolution of the learner. Prior to the pandemic, most clock-hour program training was 100% on site, which required student learning only within the walls of the classroom. Since COVID, I've seen the emergence of new learners and newer technology. I've seen students utilize LMS platforms to continue to effectively learn, but with more flexibility in time and location. Students can still be trained on site during lab and clinic, but also go online to complete their theoretical studies. This hybrid format has allowed our students greater success. They're still learning the information, but have the flexibility to balance many other demands while training for a new career. Instead of eliminating this from the definition, I suggest the Department consider other options. The

Department provided guidelines in 2021, and I suggest adjusting those guidelines as more effective method. In Washington State, our regulatory agency limits the amount of distance education for specific clock-hour programs. This places the focus on onsite education, but still allows for flexibility of distance education. The Department may consider capping the number of clock hours. Please consider the obstacles this decision will have on hundreds of thousands of students and will move education progress backwards.

MS. JEFFRIES: Okay. Thank you.

MS. GARCIA: Thank you.

MS. JEFFRIES: Krystil, who is next?

MS. K. SMITH: Our next speaker is Matthew Cardwell, who's representing himself. Matthew is in the room and looks like connecting to audio.

MS. JEFFRIES: Okay. So, as a reminder to those who signed up to provide public comment, if you haven't already done so, please log in. And log in under the name that you registered with. Thank you. Are you set to go? Matthew, can you hear us? Okay. If you unmute yourself, you will have three minutes to speak and receive 30-second notice just before that three minutes expires. So with that, go ahead Matthew.

MR. CARDWELL: Alright. Good

afternoon. Again, yes, my name is Matthew Cardwell. And I feel duty-bound to share my experience at Sonoran Desert Institute- excuse me, to help other veterans. After I got out of the Army, I first attended a community college near Dallas, Texas. But I had trouble commuting to the school and shortly withdrew. So, I decided I should look at an online school. From my time in the Army, I was interested in gunsmithing. While I searched for a new school, I came across Sonoran Desert Institute, which was entirely online. After reviewing the website, it looked to me like it had a lot of students who were veterans. And at the time, it seemed like a perfect fit. So in the fall of 2015, I enrolled in their Associates of Applied Science in Firearms Technology. However, after attending, I now don't think anyone can honestly teach gunsmithing entirely online. It requires a lot of hands-on training in machine shops with large tools, which I certainly did not have. And they only provided me with some small hand tools. The instruction, unfortunately, entire- entirely consisted of YouTube videos that I could have watched for free on my own. The only graded assignments were actually discussion posts. And then for tests I basically had to teach myself everything which wasn't even really a problem because all the tests were open-book. The teachers, in my opinion, practically seemed non-existent.

Every email I would receive from them was a no reply email. And any time I submitted a question through their portal I would receive automated responses. I tried contacting the school to get in touch with some of the instructors. And for most of the time, I could only get in touch with their admissions offices. It seemed to me like the program was mostly low-level gun maintenance, and certainly not the kind of smithing that I would need in order to get a job once I completed the program. So after only a handful of months, I left the school. In my opinion-

MR. WAGNER: You have 30 seconds remaining.

MR. CARDWELL: Thank you. In my opinion, I don't think anyone, any accreditor who has actually taken a class at Sonoran Desert Institute would have approved the school. Yeah. And I just hope hearing that- about my experience will help the committee in its work. Thank you.

MS. JEFFRIES: Okay. Thank you, Matthew. Appreciate it. Krystil, who is next?

MS. K. SMITH: Our next speaker is Akshita Pawar, who is representing herself. And she is in the room.

MS. JEFFRIES: Okay, thanks. Good

afternoon. If you could unmute yourself.

MS. PAWAR: Hello.

MS. JEFFRIES: Hello. You'll have three minutes to address the committee, and you will receive a 30-second notice prior to that time expiring. So with that, please feel free to begin.

MS. PAWAR: Okay. Hi, my name is Akshita Power and I'm a second under- second-year undergraduate student at the University of Pittsburgh. I'm currently working to get my bachelor's degree in Environmental Studies and Economics. After this, I'm planning to go to law school to hopefully pursue a career in environmental law. The cost of my undergraduate tuition, my current cost of living, combined with potential costs of law school, forced me to carefully consider where I put my money and avoid unnecessary costs. I also come from an immigrant family, and I only recently received authorization to work and receive Federal Financial Aid. So for my first year of college, I was entirely on my own in terms of paying for it. Today, I wanted to voice my support for the Department's proposal to stop automatic textbook billing, also known as inclusive access or equitable access models, without acquiring student consent. I understand that inclusive access can sometimes be a cheaper alternative to a brand

new physical textbook, but being automatically billed for a textbook that I did not choose to purchase adds to my stresses as a student, especially when the cost of this program are not stated outright and forced me to check my full tuition bill to even see how much I was paying for it. The process to opt out is also unnecessarily complicated, furthering my frustrations. This semester, for example, I was automatically enrolled in inclusive access for an economics course that I'm taking. It was briefly mentioned during our lecture, but I was not made aware of how much I was paying for it, and I wouldn't have known this unless I checked my bill for- my full tuition bill and I noticed the charge for inclusive access. When I compared the retail price of this textbook to the inclusive access price, the inclusive access was cheaper. But since I was able to find a PDF version of the textbook for free, I attempted to opt out of the inclusive access. However, because the process of opting out was not clear on the website, I searched how to do it online and I found directions to opt out on the university's website. But they were not up to date, and the process was entirely different on the actual website for the inclusive access. It took me such a long time and forced me to jump through so many hoops until I was finally able to opt out. Being able to choose whether or

not I wanted to opt in in the first place would have saved me a lot of trouble and a lot of time. I think a regulation to make these programs opt in for students is a great idea. It would be a lot easier if it were my choice to accept a charge, rather than having to worry about getting billed without my consent. On top of everything else I have to worry about as a student, I also think it's important to remember that students come from all different backgrounds and circumstances, and you can probably find a lot of students who love this model. But the reality for many students is that we just don't have extra money to help pad the publishing industry's profits. Thank you for your time and letting me share my support for this proposal that will give students a say on how they're billed for books and supplies.

MS. JEFFRIES: Thank you. Krystil, who is next?

MS. K. SMITH: Next we have Caitlin Kadel, who's representing herself. And Caitlin is in the room.

MS. JEFFRIES: Okay. Caitlin, can you hear us?

MS. KADEL: Yes, I can.

MS. JEFFRIES: Okay, Caitlin, you'll have three minutes to address the committee and receive a

30-second notice prior to that expiration of three minutes. With that, please begin.

MS. KADEL: Alright. Good afternoon. My name is Caitlin Kadel, and I'm a Marine Corps veteran. I'd like to take a few minutes today to talk about my time at the Art Institutes of Pittsburgh. In 2014, I was a single mother with a desire to advance my career in a creative field. The Art Institute seemed like a good option since the classes were online, so accommodated my hectic schedule. The school was eager to sign me up, and in retrospect, this was a red flag. The education was not good. Whenever I struggled, the teachers were no help. Instead, I had to turn to my fellow classmates. The material we learned was limited. The school only taught us how to use Adobe, which was really expensive and harder to access once we left school. I wish we had learned more programs and developed a more versatile skill set, but because I didn't have a lot to compare it to, I thought this was all normal and just how school worked. During a particularly difficult period in my life in late 2018 to early 2019, I had to pause my studies. Afterwards, I went to start classes again, only to find the school had closed. I had been given no warning and was completely blindsided. For a brief time, their website showed my credits would transfer to a handful of

other schools, but my local community college told me I would have to start from the beginning, that my credits wouldn't transfer. The whole experience was very frustrating, especially because I used up my GI Bill benefits and cannot get them back. I earned those benefits and now I have nothing. With raising five kids and trying to pay the bills, school's just not an option for me at this time. But it's also really hard to do anything without a degree. This kind of behavior needs to be stopped before students get hurt, because there just aren't remedies that can make up for everything we experienced. I feel it was unfair that I was given no warning about the school's closure, and was left with limited options afterwards. Please consider rules that will protect people like me from abrupt school closings. Thank you for your time.

MS. JEFFRIES: Thank you, Caitlin.

Krystil, who's next?

MS. K. SMITH: Our next speaker is Amy Hatfield from Columbus State Community College, and Amy is in the room.

MS. JEFFRIES: Okay. Good afternoon, Amy.

MS. HATFIELD: Hello, my name is Amy Hatfield, and I have been a professor of mathematics at

Columbus State Community College in Columbus, Ohio, for the past 20 years. I really appreciate the opportunity to speak before you today regarding the positive impact inclusive access has had on the students I teach. Columbus State is an open access, two-year institution with an average enrollment of 25,000 students per year, serving five separate counties in Ohio. In addition to offering the first two years of a bachelor's degree through transfer partnerships with four-year institutions, Columbus State also offers over 200 applied associate degree and certificate programs. Supporting workforce development in our communities and providing an affordable, high-quality postsecondary education is at the heart of our mission as a community college. Our student demographics at Columbus State are diverse. 20% of our students are Black or African American, 25% are over the age of 24, and 75% are enrolled part-time. Many of our students are working adults and adults with children. Over one-third of our students depend on financial aid to pay their institution and purchase their material costs. These students are making an investment in their future and the future of our communities. For many students, this investment for a better future requires significant financial sacrifice in the present. And as their teacher, I am duty-bound to be a responsible

steward of their investment and their sacrifice. That is why I choose inclusive access for the homework software system I use in my math courses. My students pay only \$70 per semester for this software with inclusive access, where before they paid \$130 per semester, and that's a 46% reduction in cost while still providing the quality software my students need. Software that is proven to increase course success rates and close equity gaps. And on the issue of equity, assuring that our financial aid recipients have access to their course materials on day one, just as other students have, is a significant equity concern. Students who cannot purchase their materials before classes begin because of a delay with financial aid, have already fallen behind before they can begin through no fault of their own. And such students are far more likely to withdraw or fail the course and then suffer financial aid consequences. Inclusive access removes this barrier for my students, and has become a very important part of how I support their success. The revised language the Department is proposing will eliminate the ability [30 seconds] to ensure my students have access to the required software they need on the first day at the lowest cost. I urge the Department to reconsider their decision to eliminate these programs, which have shown so many benefits for so many students.

Thank you.

MS. JEFFRIES: Thank you, Amy.

Appreciate that. We're going to squeeze in one more if that's okay. I'm not seeing any objections. Krystil, give us one more person, please.

MS. K. SMITH: Okay, so then our final speaker for today will be Kelly Delpino from Pearson Campus Ambassador at the University of Pittsburgh. Kelly should be in the room.

MS. JEFFRIES: Hey, Kelly, are you with us?

MS. DELPINO: Hello, yes.

MS. JEFFRIES: Okay, so, Kelly, you have three minutes with a 30-second notice prior to that time expiring. So, please begin.

MS. DELPINO: Hello, I'm Kelly Delpino. I'm a junior at the University of Pittsburgh in psychology and communications. I value transparency, so you should know that I am also a Pearson Campus Ambassador, which means that I work directly with my fellow students to collect feedback through focus groups, surveys, and individual interviews. I hear from my fellow students what they think about course material programs like [inaudible] Lab at the University of Pittsburgh and relay that back to publishers like Pearson, so publishers

like Pearson can continually improve their programs. This is how I know that the proposed strike to the cash management rules that supports access and affordability programs will negatively impact students across the country, and especially at my campus, which has had an access and affordability program since at least 2016 and save students 50 to 70% on course materials. These programs, often called exclusive access, allow universities to acquire course materials for an entire class of students with a single order, ensuring that students get the materials on the first day of class. These programs also allow students to pay for the materials using Title IV financial aid, grants, and loans, rather than going out of pocket to get the course materials they need. I personally appreciate not having to find outside sources of funding to get access to the highest quality materials. Now, incidentally, the current rule established under the Obama Biden Administration require the publishers offer the course materials included in these programs are below current market rates, and as a result, inclusive access programs have made a really dramatic contribution to affordability as well. In fact, the independent research group, Student Monitor, reports that these programs [inaudible 03:07:50] a decline of 41% in spending in the category over the

past decade. And the other group that looks at this student watch found at 57% decline in spending, also in large part because of these programs. The College Board's most recent report on college pricing notes that students now spend an average of use \$310 a year in the category, making it a very, very bright spot in higher ed affordability. As a college student, I value the quality of the online learning solutions that are available through these programs and appreciate the role they have played in driving significant progress in affordability. The proposed rule changes will end the right of colleges and universities to provide these programs that have resulted in a decade-long decline in student spending on course materials and dramatically improve student outcomes. I support greater transparency, and I think that students should be able to know more about how the progress around these programs works. So our rule change regarding greater transparency would make sense. But the fact is that these programs have truly [inaudible 03:08:48] on the promise of affordability. They must be protected and preserved. Thank you.

MS. JEFFRIES: Thank you, Kelly. So with that, we are- have concluded the public comment time for today and the session of day three, session three. So we will see you all in the morning where we will

anticipate starting off with state authorization first
thing in the morning and then moving to accreditation. So
with that, have a good night.

Zoom Chat Transcript

Program Integrity and Institutional Quality- Session 3, Day 3, Afternoon, March 6, 2024

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

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

romper room!!!

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

never said my name

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

Flagging Jessi's hand raised.

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

I will be calling a quick caucus

From P - Erika Linden - Private Nonprofit Institutions to Everyone:

Scott Dolan will be at the table for private nonprofits for the accreditation discussion.

From P, Jillian Klein, Proprietary Institutions to Everyone:

Was there a readout from the caucus?

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

Reacted to "Was there a readout ..." with 👍

From Cindy Jeffries - FMCS Facilitator to Everyone:

Replying to "Was there a readout ..."

we are deferring that until we return to state authorization in the spirit of allowing the afternoon for the scheduled discussion on accreditation.

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

Reacted to "we are deferring tha..." with 👍

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

Replying to "Was there a readout ..."

okay, just wanted to make sure we were following protocol

From P, Jillian Klein, Proprietary Institutions to Everyone:

Reacted to "okay, just wanted to..." with 👍

From Cindy Jeffries - FMCS Facilitator to Everyone:

Replying to "Was there a readout ..."

@A, Scott Dolan, Private/Nonprofit IHEs yes and thanks for checking. State authorization isn't the agenda item for this afternoon but felt it was best to allow the short caucus so the parties could then focus on the agenda item.

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

If you haven't, please mute your mics. Thank you,

From P-Barmak Nassirian, Veterans & Military Students to Everyone:

I support the language as currently drafted. I see no reason why these individuals should take the public slot

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

@P-Jamie Studley, Institutional Accreditors Would you agree to change language to two or three year time frame?

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

Reacted to "I support the langua..." with 👍

From Joe Weglarz (P) NACUBO to Everyone:

Please turn on my video

From Brady Roberts | FMCS Facilitator to Everyone:

Replying to "Please turn on my vi..."

Whoops- not sure how it was turned off but I think I fixed it Joe. Apologies!

From P-Jamie Studley, Institutional Accreditors to Everyone:

Reply to DC: I would consider a one year window, that seems a sufficient 'cooling off period' and manageable for a candidate to find out from family to be able to attest

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

Reacted to "Reply to DC: I would..." with 👍

From P, Jillian Klein, Proprietary Institutions to Everyone:

+1 Jamie's question about "effective"

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

Reacted to "+1 Jamie's question ..." with 👍

From Joe Weglarz (P) NACUBO to Everyone:

Replying to "Please turn on my vi..."

Thanks !

From P, Jillian Klein, Proprietary Institutions to Everyone:

Replying to "+1 Jamie's question ..."

Query how an agency would know if they will be in compliance with a "not definitive" standard.

From P. Jo Blondin, Community Colleges to Everyone:

Agree on Jamie's language replacing "effective."

From P, Jason Lorgan, Public 4-years to Everyone:

Reacted to "Agree on Jamie's lan..." with 👍

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

Reacted to "Agree on Jamie's lan..." with 👍

From P, Jillian Klein, Proprietary Institutions to Everyone:

Reacted to "Agree on Jamie's lan..." with 👍

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

agreed that the re-recognition process enables open dialogue for the public to express any concerns about the acceptance of an accreditor.

From P, Jillian Klein, Proprietary Institutions to Everyone:

+1 Jamie's comment related to requiring an institution to change accreditors in the future.

From P, Jillian Klein, Proprietary Institutions to Everyone:

Replying to "+1 Jamie's comment r..."

could us "could" instead of "will"

From P - Erika Linden - Private Nonprofit Institutions to Everyone:

Reacted to "Reply to DC: I would..." with 👍

From P, Jillian Klein, Proprietary Institutions to Everyone:

Replying to "+1 Jamie's comment r..."

*use

From P-Barmak Nassirian, Veterans & Military Students to Everyone:

on institutional accreditors inappropriately accrediting a law school, we have the example of a law school that lost ABA accreditation in 2019, but was accredited by a regional accreditor in 2021. The school had been on probation for noncompliance with standards related to financial resources, academic rigor, bar passage rates, and the requirement to admit only applicants who appear capable of completing law school and being admitted to practice law

From P - Erika Linden - Private Nonprofit Institutions to Everyone:

+1 on Jamie's concerns re: public members restrictions, particularly related to step-siblings, etc.

From P - Erika Linden - Private Nonprofit Institutions to Everyone:

+1 on Jamie's reflections on agency's decision-making body membership. And, on definition of "executive officers".

From P, Jason Lorgan, Public 4-years to Everyone:

Reacted to "+1 on Jamie's reflec..." with 👍

From P, Jason Lorgan, Public 4-years to Everyone:

Reacted to "+1 on Jamie's concer..." with 👍

From P. Jo Blondin, Community Colleges to Everyone:

Scott--agreed about integrity of my leadership ability and recognition of conflicts.

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

erika will step back in for private nonprofits

From P - Erika Linden - Private Nonprofit Institutions to Everyone:

Erka Linden returning for private nonprofits.

From P-Jamie Studley, Institutional Accreditors to Everyone:

I understand that this would not preclude service by people in these categories. It would however intrude on agencies' ability to decide the balance it needs, t have to rejigger its board when a professor on our commission because for example, chief of staff. How about VP institutional Effectiveness -- do we get ot decide if that is academic?

From P-Robyn Smith, Legal Aid orgs. to Everyone:

+1 to Barmak's and Carolyn's comments.

From P-Barmak Nassirian, Veterans & Military Students to Everyone:

Owners and fiduciaries should also be excluded, and the exclusion should apply not just to individuals associated with institutions accredited by the agency, but rather any institution accredited by an agency recognized by the Secretary

From P-Barmak Nassirian, Veterans & Military Students to Everyone:

602.16(a)(1)(i)(C) disaggregation language should cite "veteran status" as an illustrative example

From P. Jo Blondin, Community Colleges to Everyone:

Agree with Laura

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

is it helpful to bring up the statutory language at some point?

From P, Jillian Klein, Proprietary Institutions to Everyone:

To Donna's answer, does that mean that if an agency doesn't believe this section is statutorily "appropriate" it wouldn't be required to follow? Just trying to better understand ED's view on the flexibility in "feasible and appropriate"

From P-Barmak Nassirian, Veterans & Military Students to Everyone:

"validity" refers to accuracy of data while "reliability" generally refers to consistency

From P - Erika Linden - Private Nonprofit Institutions to Everyone:

Scott Dolan will be returning to the table.

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

i agree the inclusion of standards there is very confusing

From P - Erika Linden - Private Nonprofit Institutions to Everyone:

Thanks, Jamie. Your response helps explain my confusion which led to my question.

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

only referencing this statutory language: **Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect the standards of an accrediting agency or association described in subsection (a)(5)**"

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

i get confused by the language that is saying we are setting standards for standards

From A-David Cohen, Proprietary Institutions to Everyone:

Could the Department comment on the very specific word "any" contained in the Statute?
The Secretary shall not promulgate "any" regulation....

From P, Laura Rasar King, Specialized Accreditors to Everyone:

The other important statutory language is: **"Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement."**

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

it gets back to who defines effective

From P, Jillian Klein, Proprietary Institutions to Everyone:

Reacted to "it gets back to who ..." with 👍

From P-Barmak Nassirian, Veterans & Military Students to Everyone:

maybe replace with "vague and ineffective?"

From P, Jillian Klein, Proprietary Institutions to Everyone:

Reacted to "maybe replace with ..." with 😂

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

Reacted to "maybe replace with ..." with 😂

From A, Rob Anderson, State Officials to Everyone:

Reacted to "maybe replace with ..." with 😂

From P, Jillian Klein, Proprietary Institutions to Everyone:

Maybe something like "develop clear expectations and effectively apply them"? Not sure it's *much* better but trying to be helpful here.

From P, Jillian Klein, Proprietary Institutions to Everyone:

Replying to "Maybe something like..."

602.16

From P, Jillian Klein, Proprietary Institutions to Everyone:

Agree with Laura, this should be in a section that applies to all schools

From P. Jo Blondin, Community Colleges to Everyone:

Reacted to "Agree with Laura, ..." with 👍

From P-Barmak Nassirian, Veterans & Military Students to Everyone:

I agree that agency standards should include adequate controls to prevent institutional manipulation of standards for all institutions.

From P, Jillian Klein, Proprietary Institutions to Everyone:

Reacted to "I agree that agency ..." with 👍

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

and there is often a 6 month wait time to get to the NCLEX

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

Reacted to "I agree that agency ..." with 👍

From P-Jamie Studley, Institutional Accreditors to Everyone:

1. please ask students to let us know if they have complaints, or share with us when it is our institutions.

From P-Jamie Studley, Institutional Accreditors to Everyone:

2. i use the care that someone who will have to understand and apply the rules would take

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

Reacted to "1. please ask studen..." with 👍

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

Replying to "and there is often a..."

I should say week (non-Nurse--sorry)

From P, Jillian Klein, Proprietary Institutions to Everyone:

One more day!!!!