

DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
NEGOTIATED RULEMAKING PROGRAM INTEGRITY  
AND INSTITUTIONAL QUALITY  
SESSION 3, DAY 4, MORNING  
MARCH 7, 2024

On the 7th day of March, 2024, the following meeting was held virtually, from 10:00 a.m. to 12:00 p.m.

P R O C E E D I N G S

MS. JEFFRIES: Good morning. I'm Cindy Jeffries with FMCS, and I'll facilitate this morning. Just briefly coming on to let the public know that's standing by that we are running a little bit behind as the Department continues to work on state authorization to be better prepared to bring it to the table. So we will have a little bit of a delayed start, and we'll be getting going here as quickly as possible. Thank you. Good morning and thank you for your indulgence in the brief delay getting started this morning. But welcome to day three of session three on the negotiated rulemaking on Program Integrity and Institutional Quality. We will start with a roll call this morning, then some brief announcements, and then we will move into state authorization. So for roll call this morning for business officers from institutions of higher education, Joe Weglarz.

MR. WEGLARZ: I'm here.

MS. JEFFRIES: Hey, Joe. Dom Chase.

MR. CHASE: Present.

MS. JEFFRIES: Good morning. Civil rights organizations and consumer advocates primary, Carolyn Fast.

MS. FAST: Good morning.

MS. JEFFRIES: Good morning. And alternate, Magin Sanchez.

MR. SANCHEZ: Good morning.

MS. JEFFRIES: Financial aid administrators primary, JoEllen Price.

MS. PRICE: Good morning.

MS. JEFFRIES: Good morning. And alternate, Zack Goodwin.

MR. GOODWIN: One final morning, all.

MS. JEFFRIES: Good morning. Historically Black colleges and universities, tribal colleges and universities, and minority serving institutions of higher education eligible to receive Federal assistance under Title III parts A and F, and Title V of the HEA, that primary is Dr. Charles Prince.

DR. PRINCE: I'm going to miss that introduction as it's the last day, but I'm here.

MS. JEFFRIES: Alright. Good morning, DC. And alternate, D'Angelo Sands.

MR. SANDS: Good morning.

MS. JEFFRIES: Good morning. Institutional accrediting agencies recognized by the Secretary primary, Jamie Studley.

MS. STUDLEY: Good morning, everyone.

MS. JEFFRIES: Good morning.

Alternate, Michale McComis.

MR. MCCOMIS: Good morning.

MS. JEFFRIES: Good morning. Legal assistance organizations primary, Robyn Smith.

MS. R. SMITH: Good morning.

MS. JEFFRIES: Good morning. And alternate, Sophie Laing.

MS. LAING: Good morning.

MS. JEFFRIES: Good morning. Private nonprofit institutions of higher education primary is Erika Linden.

MS. LINDEN: Good morning, all.

MS. JEFFRIES: And her alternate is Scott Dolan.

MR. DOLAN: Good morning.

MS. JEFFRIES: Good morning to the both of you. Programmatic accrediting agencies recognized by the Secretary to include state agencies recognized for the approval of nurse education primary, Dr. Laura Rasar King.

DR. KING: Good morning.

MS. JEFFRIES: And alternate, Amy Eckerson.

MS. ACKERSON: Good morning.

MS. JEFFRIES: Good morning, both of

you. Proprietary institutions of higher education  
primary, Jillian Klein.

MS. KLEIN: Happy last day. Good  
morning.

MS. JEFFRIES: Alternate, David Cohen.

MR. COHEN: Good morning.

MS. JEFFRIES: Good morning to both of  
you. Public four-year institutions of higher education,  
Jason Lorgan is primary.

MR. LORGAN: Good morning.

MS. JEFFRIES: And alternate, Alyssa  
Dobson.

MS. DOBSON: Good final morning,  
everyone.

MS. JEFFRIES: Good morning. Public  
two-year institutions of higher education primary, Jo  
Alice Blondin.

MS. BLONDIN: Hi there.

MS. JEFFRIES: Hi, Jo. And alternate,  
Michael Cioce.

MR. CIOCE: Morning, morning.

MS. JEFFRIES: Morning. State  
attorneys general. I'm sorry I lost my place here. State  
attorneys general, Diana Hooley.

MS. HOOLEY: Good morning.

MS. JEFFRIES: Morning. And the alternate is vacant in that position. State officials, including state higher education, executive officers, state authorizing agencies and state regulators of institutions of higher education primary, John Ware. Morning. Alternate, Rob Anderson.

MR. ANDERSON: Good morning, everyone.

MS. JEFFRIES: Morning. Students or borrowers, including currently enrolled borrowers or groups representing them primary, Jessica Morales.

MS. MORALES: Morning. I feel like we're graduating. Yay!

MS. JEFFRIES: Emmett Blaney is the alternate.

MR. BLANEY: Good morning.

MS. JEFFRIES: U.S. military service members, veterans or groups representing them primary, Barmak Nassirian.

MR. NASSIRIAN: Good morning.

MS. JEFFRIES: Good morning. And alternate, Ashlynn Haycock-Lohmann.

MS. HAYCOCK-LOHMANN: Good morning.

MS. JEFFRIES: Good morning. Federal negotiator, Mr. Greg Martin.

MR. MARTIN: Good morning.

MS. JEFFRIES: Good morning. We are joined by several other participants from the Department this morning of non-voting members. We will have Mr. Herman Bounds. Not sure if he's here yet. David Musser.

MR. MUSSER: Morning, all.

MS. JEFFRIES: Morning. Denise Morelli.

MS. MORELLI: Good morning, everyone.

MS. JEFFRIES: Is with us and Donna Mangold will be with us later on. Did I miss anyone? Okay, off to a good start. So with that, I want to make just a few announcements. Okay? We sent out a revised agenda last night, recognizing that we have pushed a few things to this final day. I want to make a couple- a correction to that. On the agenda, it lists lunch to 30 minutes. The thought behind that was to try to maximize time. However, we need to stick with our 60-minute lunch break to allow sufficient time for the negotiators and the Department to work on things as well as most importantly, our production team needs the time to be able to reset for the afternoon session for public viewing. Another thing I'd like to bring up is that we would like to- we recognize that time is short, and there's a lot to cover today. So we have- the Department has checked with the necessary components and compliances

to see if we could go longer today than the 4 p.m. stop time and we are able to run at least until 5 p.m. to allow that extra hour or so to wrap things up if needed. Is that of a concern to the negotiators? Okay. Zack has his thumb up, I like that. Okay. So wanted to make you aware of that that we're trying to squeeze every single minute that we can into today's session. With that, I'd like to, you know, caucuses obviously our necessary at times, we are going to- we would like for you to be considerate of how many caucuses that you think you might need. If it's possible to talk about something at the table, let's please do so. And if you do feel the need to caucus, absolutely. Step forward and let us know. We'd like to limit those to no longer than 15 minutes in the areas that are possible. Okay? Recognizing again, sometimes it might go over a little bit. Other than that I don't think we have any more announcements. Let me just double-check here. I don't think so. Greg, do you have any opening remarks before we move to state authorization?

MR. MARTIN: No, I do not have any opening remarks.

MS. JEFFRIES: Okay. Alright. So with that, I'm going to turn it right over to you, Greg.

MR. MARTIN: Thank you, Cindy. And I



want to say, one thing about the virtual environment is that if we go a little bit over, people aren't going to miss their flights. So that's one advantage of that. So in the past, we've had problems with people obviously having scheduled flights out so they couldn't stay any longer. Welcome back to the last day. I think we said yesterday that we were going to look at state authorization this morning and we are. We have a new proposal out there that's different than the one that we sent last night. So I just want to make you aware of that. So we'll have a few comments about what we've done when we've concluded with those, we'll go into the actual amendatory text that we have proposed here. And, you know, throughout this negotiated rulemaking process, we have considered various proposals that have been submitted by negotiators and listened to the concerns expressed during the sessions. In doing so, we have incorporated many of the provisions in the iterations of our proposal. For example, we added language related to reciprocity agreements from negotiators representing state officials. We incorporated the threshold for institutions enrolling a substantial number of students in one state, as proposed by consumer advocates, and added language around governance and complaints. In an effort to achieve consensus, the Department has made

substantial concessions on our proposal to compromise and work towards consensus in considering- in consideration of a widely diverging number of viewpoints. We modified our provisions on exemptions to address concerns from nonprofit institutions and community colleges while maintaining what we see as the most problematic exemptions in conflict with the HEA. We removed language on reciprocity, requiring agreements to allow states to enforce all applicable laws. To be clear, the compromise proposal does not represent the preferred position of the Department, and it is not our ideal proposal. It is also likely not your preferred option either. This is what we see as a compromise to the various viewpoints across negotiators that balances those viewpoints with our goals and concerns. We believe these changes shore up some of the holes within the program integrity triad with respect to states and help better protect students and taxpayers. We propose this in the hopes of reaching a consensus. But if consensus cannot be reached, we are not obligated to make the same concessions or include the provisions we have added in the NPRM or in the final ruling. Next, I want to talk a little bit about threshold and risk. We received questions from negotiators on the position that an institution with an increased presence in the state poses a greater risk, and we wanted to address that more

directly. An institution enrolling a greater number of students living in a state, in a given state rather, does pose a greater risk to the residents of that state than one that enrolls relatively few students. Of course, that doesn't necessarily mean that the institution will harm students, but for an individual state, more of their residents have the chance of being harmed by an institution, thus warranting greater oversight. This idea also aligns with the goals of reciprocity by not burdening the institution and rolling small numbers of students in the state, as discussed by negotiators numerous times. And it makes more sense for a state to review institutions by enrolling, rather, to review institutions enrolling large numbers of students with a significant presence rather than a minimal number. When negotiators first proposed the enrollment threshold, triggering the requirement that an institution receive direct authorization from a state, negotiators proposed 1000 students in the state. We reviewed our existing regulations for an enrollment threshold and found the 500-student threshold in our cash management regulations. We believe this threshold balances our concerns with protecting students, enabling access to distance education, and not putting excessive burdens on institutions. Institutions with a substantial presence in

the state do warrant greater oversight from that state. We know that requiring small players enrolling small numbers of students in states to obtain direct authorization would be burdensome and put a strain on their limited resources. Those with larger enrollment in the state will have more resources to navigate the various processes. As we discussed in our distance education conversation, the Department does not yet have a good idea on distance education. To estimate the impact of this threshold, we examined available data from NC-SARA for a sample of years. Based on our analysis a 500 enrollment threshold would have the following impacts on NC-SARA institutions and students. More than half of out-of-state distance education students would now be covered by the direct state approval. Meanwhile, this would affect fewer than 5% of the more than 2000 NC-SARA institutions, 64 institutions in one year and 70 in another, and the burden on most institutions is minimal. More than a third of the impacted institutions would only need approval from one additional state. Within 70% of the impacted institutions would be required to obtain approval from ten states or fewer. Fewer than 20% of the students that are subjected to any direct authorization requirements would be required to obtain approval from more than 25 states. However, those schools enroll more

than two-thirds of the students, who would now be covered by direct state approval. This highlights the balance between achieving the goals of reciprocity to reduce cost and burden for institutions enrolling relatively few students in a given state. The Department would like to thank the negotiators that submitted the proposal- so I want to thank all- I want to thank everybody for submission of their proposals. As I said before, we have reviewed these and determined that this is the best compromise we believe we can offer at the time. So with that, I will ask Joe to put the revised language up on the screen so we can walk through it. Thanks, Joe. So we'll scroll down to our first change here. And you can see the revision of the text we made. An institution described under 600.4, 600.5, and 600.6 is legally authorized in the state if the state requires the institution to comply with any applicable state authorization or licensure requirements and all applicable state laws and regulations except as provided in paragraph (d)(2) romanette (ii). So next what we'll do is walk down through the exceptions. And then when we're done with that, we'll go down to (d)(2). And here we have the exemptions, rather. The institution may be exempted from the requirements for initial or renewed application for authorization or licensure if the state authorizes it

to operate educational programs beyond secondary education, including programs leading to a degree or certificate, and it is a public institution backed by the full faith and credit of the state or a charter, statute, constitutional provision, or other action issued by an appropriate state agency or state entity establishes the institution by name as an educational institution. A state action exempts the institution based on the institution being in operation on or before November 8th, 1965, without undergoing a change of ownership; or a state action exempts the institution based on the institution's accreditation by one or more accrediting agencies recognized by the Secretary, or based on the institution being in operation for at least 20 years, though this exemption shall expire on July 1st, 2030. An institution is exempt from state authorization or licensure requirements under this section that undergoes a change of ownership shall not be exempted from the requirements of 34 CFR 600.20 (h) (3) romanette (ii), which requires the institution to receive approval from the change of ownership, or the change of ownership, rather, from each state in which the institution is physically located, or for an institution that offers only distance education from the agency that authorizes the institution to legally provide postsecondary

education in that state. And finally, seek initial approval for state authorization. So with that, we'll go down to (d) (2), reciprocity. And starting with the [inaudible]. Here, if an institution is authorized to offer distance education in another state under a state authorization reciprocity agreement as defined in 600.2. We'll drop down to where it changes are, allow any member state of the agreement to enforce its own applicable general-purpose state laws and regulations outside of initial approval for state authorization of distance education. Applicable state laws related to closure, including record retention, teach-out plans or agreements, and tuition recovery funds or surety bonds. Allow any member of the state, any member state of the agreement, rather, to condition or revoke the authorization of an institution that operates in that state under the reciprocity agreement, based on violations of such state's general purpose laws and regulations. And we made a change down here under (5). Permit member states to, consistent with their own statutes and regulations. Accept, investigate, and resolve complaints about an institution of higher education that have not yet been submitted to and resolved by the institution of higher education. We've made a change here under (4). As a condition of

participation, the institution may not be authorized through reciprocity in a state where it enrolls more than 500 students in the two most recently completed award years. So there's what we've put in the threshold. And with that, I will turn it over to David Musser, who has sharing some background data for us. David?

MR. MUSSER: Actually, Greg, I think you walked through the major items that we were going to talk through on the data. So I'll turn it over to the committee.

MR. MARTIN: Okay. Then we'll turn it over to- open the floor for discussion, rather.

MS. JEFFRIES: Okay, thank you. Just- the negotiators have put in the chat that they'd like to receive a hard copy of this as soon as possible, Greg, to be able to follow along. Also, Jillian, you have a question in the chat. Is it your intent to address that when it's your turn to speak?

MS. KLEIN: No, actually, it was a general question, which I understand this proposal is different than what was sent to negotiators last night. So I was just trying to understand what the differences were because I think a lot of us had spent time with that language last night.

MS. JEFFRIES: Okay. So Greg and Dave,



the question that she put in there was, could you specify exactly what is different here from what was sent last night to negotiators? That it's somewhat- very confusing for them. Is there a good way to address that or just as it comes along?

MR. MARTIN: Well, I mean, we could.

MS. MORELLI: I'll jump in. One of the primary changes, and I don't know if it's all of them, is number (4), on the reciprocity.

MR. MUSSER: Yeah. So if you scroll down.

MR. MARTIN: Right, that's yeah.

MR. MUSSER: I believe this is the only change from.

MR. MARTIN: This is the only real change.

MR. MUSSER: The version that we sent last night. I'll look to my colleagues to make sure.

MR. MARTIN: Yeah, I think that's it, Dave. The language- we changed the language here as a condition of participation, may not be authorized through reciprocity in the state where.

MS. MORELLI: It was the same principle; except we made the language more consistent with direct authorization in terms of trying to make sure

we were capturing it correctly.

MS. JEFFRIES: Okay. Thank you.

Alright, with that, I show Rob Anderson is up first and he is in place of John Ware.

MR. MARTIN: Before we start there, Cindy, I just was notified. One thing we left out, we did- go back to that language, Joe. If you can, just for a second. Because there's one change we didn't note that was different. Where it enrolled more than 500 students in the two most recently completed award years. So I did want to clarify that. But, thank you.

MR. MUSSER: And just to make sure it's clear. The intent here was actually not to change the meaning of the one-year concept that was in the text that was sent to negotiators last night. This is intended to be a little bit more specific about how it will play out and exactly what data the school has to rely on to determine whether it's subject to this requirement. Essentially, once they have done- have more than 500 students in one year, then they know that if that happens again in the following year, they will be subject to this. And therefore they may need to obtain direct authorization.

MS. JEFFRIES: Okay. Thank you for that clarification, Dave. Rob Anderson, you are up next.

MR. ANDERSON: Yeah. Thanks so much. I really do appreciate the efforts of the Department to look for some compromise language. Unfortunately, you know, from my perspective, it's still too just all over the board. There are pieces in here that probably have ripple effects that go way down the line that really need to be analyzed. And to have some of this coming in on the last evening or even this morning some of these are really tough to consider because of what might happen. And, you know, I took it a bit personally, frankly, that it felt like a bit of a threat. You know, we tried to compromise and take it now because you might not get this, you know, I felt about like a defendant in front of a prosecutor and a judge. This might be your best offer. I'm not quite sure what to do with this. It's a process that's confounding and broken in many ways, yet kind of. Here we are. What I will comment to is the 500. As several of us have stated before, it's still- you know, you mentioned how does this figure balances your concerns. And I would ask how it balances your concerns. I mean, it still feels like an arbitrary figure. I'm reminded of Supreme Court Justice Potter Stewart when I'm asked about what obscenity is. And it was kind of I'll know it when I see it. And that's kind of what this feels like. And if we want to have conversations based on true

risk-based approaches, I think Jillian tried to get at yesterday. I would be happy to be a part of that type of a conversation. But as is now, I mean, there's just too much that's been added to really for me to consider. Obviously, I don't have a vote at the final table, but I would encourage others with these concerns to take heed. If I have a question about board composition, is that going to come up later or should I go ahead and ask that now?

MR. MARTIN: You can ask it now.

MR. ANDERSON: Okay. Regarding the composition, you know, it was stated at the outset. I still don't necessarily see what the problem is that is being solved. There was discussion around a possible chilling effect. This could lead to dot, dot, dot. Not a best practice, but it is a 501 C3 private nonprofit board. And SARA is not a direct link to Title IV in that if an institution participates in SARA or leaves SARA this doesn't have impact on their Title IV status. We have conflict of interest clauses within our board members and what they have to sign on. And there are sanctions by the IRS that we're seeing to violate if we're found to, I should say. And so we're very transparent in our meetings and what policy is being passed and who's voting yay or nay. If there's a problem

and there seems to be a conflict, let us know. We've offered compromise language that was added and then deleted. We'd be happy to revisit this again. Or if you wanted to have a discussion around proportional representation of board members and what that might look like. Thank you for your efforts. But for me, it still falls short.

MS. JEFFRIES: Thank you, Rob.

Jillian?

MS. KLEIN: Thanks. I have several comments, so if I run out of time, I'll just hop back in line. So I'm still not clear, I guess, on what the Department's data is that they have that shows a correlation between size, number of students enrolled in the state, and risk. So can you provide us with that data that shows that correlation?

MR. MUSSER: So, Julian, I'll just respond quickly. If you look at almost any risk analysis process, there's different- there's several factors to the risk. And I agree with you that size is certainly not the only factor that any risk analysis would use. It has to consider the various aspects of risk, including potentially, you know, things that have been identified about the school's financial situation, things that have been identified about their compliance, etc. We aren't

dealing with those items here in this specific item. However, any risk analysis is also going to put emphasis on the amount of risk that is associated with the number of students or the potentially impacted individuals. That's what we're getting at here. This is one factor and the idea is the state can then look at other factors with its direct authorization process. And it may have many things that it wants to consider. That's what we're getting at.

MS. KLEIN: Can you share the data that shows that an institution that enrolls 501 students in a state is notably riskier than an institution that enrolls 499 students in a state?

MR. MUSSER: Are you asking for why this particular threshold?

MS. KLEIN: I'm highlighting the conversation we had yesterday or whenever it was a couple of days ago when Greg acknowledged that the number 500 was arbitrary. And so I think after yesterday, I was hoping, based on the comments we heard from the Department, that the Department was coming back with actual data that showed a correlation between the approach being proposed here and the risk to a state. And I still haven't heard any of that. I've heard about the size and burden- level burden to the institution, but I

haven't seen any of that data. So I'm asking for the data that supports that.

MR. MARTIN: Well, I want to- I want to point out that the 500 number, I don't- I only use the terms arbitrary. It is a selected number, you know, based on the data that we have. It- I pointed out what those reasons were. I think at a certain point, you know, it's like any number we come to, it's going to be a settled upon number based on an analysis of the data. We believe this is a fair number to arrive at. I don't- you know, it's- we- you know, it balances our concern. And it represents a majority of students and doesn't place a burden or cost on small- on smaller players here. And 500 is substantially larger than the median out of state distance enrollment. So I mean, that- you know, we tried to settle it with understanding that at this table we have profoundly different views on this. So this isn't a- this is an attempt by the Department to recognize that there are- there is a- there is an admitted gulf between where people on this committee are and in an attempt to offer a, you know, a compromise position which may or may not be acceptable to the people on the committee, but it's incumbent upon the Department to try to offer something that represents a median ground between where both sides stand that might- may or may not be

acceptable. But that's what we've attempted to do here.

MS. KLEIN: So I'll do respect, I think what you just said, and also the language we heard earlier this week, you actually did say the number was arbitrary. And so I'm just pushing on that in terms of like wishing the Department had come back with something besides sort of. I'm sorry.

MS. JEFFRIES: Jillian, I want to give Denise Morelli a chance to add to what Greg said. Okay?

MS. MORELLI: And I just want to note that I think you're looking for specific data that we don't necessarily have, but we do, as Greg pointed out, show that there is a high risk for large volume institutions we've seen.

MS. KLEIN: What is that? Show me what that is, though. That's why I'm asking.

MS. JEFFRIES: Jillian, please do not interrupt. Thank you.

MS. MORELLI: I'm just telling you, Jillian, we have seen large closures and the impact and the detriment it's caused to students. We've seen them over the years. I don't really want to get into naming out these institutions right here on this but you've all seen them. They've been in the newspaper and we've had to deal with the impact. I wanted to just point out one of



the other things when we're talking about compromise and in between the situation, we do have data on why we hit the 500, but there was also comments made by a number of institutional representatives saying, we don't want to have to go and get direct authorization when we only have a small amount of students in a state. Therefore, we went back and looked to see what we could do with that. We hit the 500. We initially pulled it out of the tier two regs and tier one regs, but we did some additional data to see if we needed to move from that. And when this data was analyzed, it affects about 50% majority of the students that are in the distance education in the NC-SARA states. It also shows and as it points out that there is less of an impact on- there's not an impact on the schools that that fall below and that a lot of the institutions only have to get authorization in one state or less than ten states. So we did do an analysis, the data, and we'll get this document out to everybody, the data shows the impact isn't as bad as hitting everybody that's in the NC-SARA community right now. So we did do a balancing analysis, and this is what we came up with.

MS. JEFFRIES: Okay Jillian, back to you.

MS. KLEIN: So I don't think we have- we don't fundamentally disagree, Greg, on the idea of

risk- using a risk-based approach here. And in fact, in response to your asking for it, we sent- several of us sent in a proposal that actually gets at evidence-based risk factors the Department has developed in the past. So things that trigger provisional status as outlined in the regulation. Things that are not as arbitrary as pulling an enrollment number. And you guys didn't respond to that, or you didn't even consider the fact that that might be a better way to actually assess risk. Because you can have institutions that are tripping all of those triggers. They can be failing 90/10. They can have a high number of failing gainful employment programs. They can be in a bad financial state. And with your proposal, they would still be eligible to participate in a reciprocity agreement because they're not tripping an arbitrary number. So we'd love to hear from the Department about why that approach towards using evidence-based risk factors that have, over time, I'm assuming, been proven to be accurate because you all have continued to codify them, is not an approach that you're willing to consider.

MR. MARTIN: We did consider all approaches. I mean, there- you know, our position and you can disagree with it, is that there is, as David you know, pointed out, while it's not the only risk factor that is out there, there is always an, you know, an

inherently greater risk when the- when numbers are higher. We try to- we tried to come up with a number that- and that number is way above what the typical school has enrolled in these programs. So with such high numbers, there is a concern and I think that is in advance of a school being placed on provisional certification, which is at a point where we already have for other reasons, you know several compliance issues with the schools. So it just recognizes, I think, not- it's not meant- it's- and that 500 is not to say that because there's- because that- because someone's above that threshold, it's a bad school or it's a bad player or it's linked to a failure to 90/10 or anything else, it just represents the fact that with such high numbers comes the potential for its greater exposure is the potential for greater risk. And yes, we considered everything that was submitted. We also had to consider things that were submitted from the individuals on the other side of this argument as well, which is why this represents- why it represents a compromise. David?

MR. MUSSER: Yeah. I actually wanted to say we appreciated that suggestion. We thought about it. And many of the risk factors that you presented are things that the Department does evaluate through its existing processes. When we identify those kinds of

problems, we take various kinds of actions. We put schools on provisional certification. And one of the things that we do in many of those cases is that we reach out to the states that are affected, and if it's a physical location, we would reach out to the state that authorizes the institution in that physical location. But in the case of reciprocity, aside from reaching out to NC-SARA, we really don't have the ability to reach out to the state that is most affected by the potential problems. Whereas here, if a state is directly authorizing a school, we are able to reach out to that state directly and say, look, this is an issue that we've identified. And you have a lot of students in your state that are affected by this. That is what we're trying to get at. This also allows us to apply our existing risk-based oversight directly to the states that are affected by schools that we've identified as problematic. And that's why we're using the size as an important criterion for distinguishing between whether reciprocity will apply or whether direct authorization will apply.

MS. JEFFRIES: Thank you, all. I show three more hands up.

MS. KLEIN: I'm sorry. I'm not done.

MS. JEFFRIES: Okay, well, there are three more hands up, Jillian. So if you have another

question that is bringing up new information, please feel free.

MS. KLEIN: Yep, I do, thank you. So I think in January I had made the suggestion about codifying the certification procedures language, which I see you've done in the most recent proposal that looks at the closure rules, etc., that all institutions would be required to adhere to, even if they're in a reciprocity agreement. At least that's my reading of the language. So as part of that, right, institutions will be paying, all institutions will be paying into STRFs as required by a state. And so curious to hear from the Department. I mean, that is a lever that states already have in order to protect what they see as the risk in their state from institutions that are enrolling students. Now that all of our institutions will be paying into STRFs and states that requirement that require it. I'm curious the Department's perspective on that requirement. And then, you know, the need to sort of layer on what I'm hearing you say is supposed to address risk, even though states can already do that through STRFs now.

MS. JEFFRIES: Do you have a quick answer to that, Greg, or Dave?

MR. MARTIN: I'm not certain. So you're saying, Jillian, that the, I mean, regarding the

risk of closure. Yes, that certainly is a risk, a very great risk, and why we built that into the language. However, it's not the only risk that we perceive out there. It's certainly a major one, but I don't think that that alone addresses all of our concerns. But, David, do you have anything you want to add to that?

MR. MUSSER: Yeah, there are other factors. States may want to have stronger oversight over an institution with a large presence in its state. And right now it really- if it wants to apply its other laws to the institution, it really doesn't have the ability to do that if it's part of a reciprocity agreement. And we're essentially saying that once you're in that realm where there's that many students in a particular state the state needs to have the ability to apply all of its laws and regulations and oversee the institution more directly.

MS. KLEIN: I think the timing component on the language continues to be a concern. And we brought this up in our proposal. Thank you. States don't have- some states don't have these processes already or they take a very long time. So I would just push the Department again on sort of the language requirement in terms of when schools would be required to get this authorization at the point that they trip your

threshold. It's going to be sort of untenable. I think in some cases, I think last- yesterday or the day before, somebody at the table mentioned maybe 2030 as a date for that requirement, recognizing that states need to build processes and that institutions need a runway so that their students don't get sort of abandoned in the state. So can you speak to that briefly, too?

MR. MUSSER: So, Greg, I think I can talk a little bit about this. So one of the changes that we made this morning was in recognition that the way that the original proposal that you guys received last night was somewhat inconsistent with number one, the current approach to direct authorization in a distance education environment, and two, the approach described elsewhere in the proposed rules for direct authorization. And that is that under the current rules and other than in reciprocity, the Department's current view is that schools are subject to authorization in where states have such requirements in a direct authorization environment. So what this currently says is that the school can't be authorized if it has above 500 students as that threshold, it can't be authorized through reciprocity, and therefore it reverts to the original concept, which is that if the state has requirements, the school is subject to those requirements. So we don't believe that

most states would have to amend all their state laws to get to that. And it wouldn't require a long threshold. This would already- what we provided would already give at least two years from the implementation for schools to prepare for the new requirements. But we don't think there'd need to be significant changes by states with respect to how they operate their authorization requirements. And states all have an approach, whether it's not to have any requirements because most institutions have at least some small presence in states because many students- many programs are not covered by NC-SARA as you guys all know. So we're not- this proposal does not change the status quo for state authorization of distance education significantly enough, at least in our view, to mandate additional time.

MS. KLEIN: I would just say 18 to 24 months is not uncommon in terms of state approval timeline. So we'll just encourage the Department to think about sort of the reality of that timeline. Thanks.

MS. JEFFRIES: Jillian, your time has expired. We're going to move on to the four hands that are up, and then we're going to take the consensus on this and move to distance ed. So the three remaining hands we have are Robyn, Erika, Diana, and Carolyn. If you have something new to add please feel free. Robyn,



you are up next.

MS. R. SMITH: Actually, I think Carolyn was first.

MS. JEFFRIES: Okay. Yeah, okay. She was and then she popped to the end.

MS. FAST: I'm sorry. I'm happy to go after Robyn if that's fine. I'm fine with that.

MS. JEFFRIES: Okay. Okay. Alright.

MS. R. SMITH: So first of all, I just want to say thank you to the Department. I really appreciate that you are trying to do the right thing here by balancing sort of institutional burdens and student protection and recognizing that student protection is extremely important. And that reciprocity agreements shouldn't enable- shouldn't prohibit states from enforcing their consumer protection provisions, especially when students are at risk, many students are at risk. Just a couple of things I want to push back on. I'm concerned that 500 is actually too high of a threshold. You will have states like California, where probably many schools will meet that threshold, and then states like Wyoming or New Mexico, or smaller states where they will rarely meet that threshold. And so I think I'm going to push back and say, I think the numbers should be lower somewhere around 200 to ensure that

students in the smaller states who enroll in these schools still, when there are enough of them, will have some protection from the state. The second, I want to make sure this is correct. It sounded like what you just said is that your intention is to have schools who have to get direct authorization from the state to be subject to all applicable state laws in that state. Is that correct?

MR. MUSSER: Yes. Yes, that is correct. So it's any applicable law in that state.

MS. R. SMITH: Okay. Got it. I think my concern is that little sub little (i) because it's part of the same, you know, it goes through all of them. It appears that if a state joins a reciprocity agreement then it still limits what they can- the way it's worded, I'm concerned is it would still allow the reciprocity agreement to limit what those states can do with the direct authorization schools. And so yesterday, Carolyn provided language that would be clear, that would make it clear that those states are subject to all applicable state laws. So I really think it's important to add that provision if that's in fact your intention. The other thing I wanted to talk about is I still think it's really important to ensure that whatever body is making the policy decisions and or can overturn state decisions in a

reciprocity agreement should be composed entirely of state regulators or attorney generals and not composed of the regulated entities themselves because they have a clear conflict. I want to push back, I think the compacts- they already have steering committees, which are composed of both state regulators and schools they could easily change the composition of those steering committees to be all state regulators and AGs to make those kinds of decisions. This is something they can change and NC-SARA can change. None of this is set in stone. I want to push back and I want to say I think this change is possible. So that's important to me. Thank you.

MS. JEFFRIES: Thanks, Robyn, I appreciate it. Erika?

MS. LINDEN: Thank you. I do want to thank the Department for attempts working with us to come to a compromise. And I think some of the movement we've made is helpful and supports the shared goals of supporting students, protecting students, while organizations remain able to function within the really vast regulatory scheme that we're asked to do, both at each state level as well as at the Federal level. And so I think that's- I want to say thanks on that. I'm still concerned about the leadership or decision-making threshold or issue for SARA and those compacts. And I

still find that a significant challenge because I think there are many others who can contribute to the thinking that goes on for the oversight of those organizations through reciprocity. Thank you.

MS. JEFFRIES: Thanks, Erika. Carolyn. I'm so sorry. You were supposed to go after and so I'm going to call on you next. If that's okay, Diana? Thanks. Carolyn.

MS. FAST: Thanks. I appreciate the Department's efforts here to come to the right balance. And I do think the idea of having a threshold based on size makes sense, especially in light of the argument for permitting reciprocity agreements in the first place to satisfy state authorization requirements, which is a statutory requirement that the Department doesn't have to permit this sort of getting around the ordinary method of authorization. But the argument for it was that it would be difficult for small schools that might only have a few students in each state to operate in this online world without this sort of reciprocity agreement. It was for that reason, and not for the reason of allowing large schools with lots of resources to get around this state consumer protection laws. And that is, unfortunately, how it has evolved. But that has never been an appropriate reason for a reciprocity agreement to be recognized by

the Department. So I think that having a numerical threshold makes a lot of sense. I share Robyn's concerns that the number is too high, and I very much am concerned, and it would be sufficient not for, in my view, to not support this proposal. I am concerned that the language is not clear, that when in the provision in the proposed language, when they talk about- when the provision that talks about a 500 student threshold, it doesn't make it clear that those schools would be subject to all applicable state laws, consumer protection laws, and because that is the key information and it is not clear in the language. So I would not be able to support a proposal that does not clarify that for schools that have above a 500 student footprint in a state, whatever applicable state laws, consumer protection laws apply in those states would apply to protect those students and to allow states to enforce the laws as they apply. So those are two concerns. And I want to also echo Robyn, in that I think that the delegation issue is not fully solved. The delegation of decision-making and oversight authority is not fully solved. We have very serious concerns about that going to non-state actors and conflicted actors. But we don't think that the changes that we have proposed would actually lead to the need for really substantial changes to the current regional compacts system. It could

be just as easy as making sure the steering committees that have decision-making authority are just regulators right now. They have some other people. But this would not cause a fundamental upheaval in the way that the regional compacts currently operate. The reciprocity agreement, it would not cause any huge problems. They would just have to make some slight changes to the makeup of these steering committees. Thank you.

MS. JEFFRIES: Thank you, Carolyn.

Diana.

MS. HOOLEY: Thank you. We also want to thank the Department for engaging on this issue as much as we have throughout this process. I think that the intent is the right one as Carolyn just noted, you know, we're trying to balance the needs of the students, you know, with the burdens on the institutions. I understand where the Department's coming from there. You know, as attorneys generals, we have, as attorneys general, we have a mandate to protect all of the consumers in our states. And my concern is still that even with this proposal that we'll be perpetuating a two-tiered system of consumer protection. So full consumer protection for those students who aren't attending NC-SARA schools and not full for the ones that are. So that remains problematic for us. I think that- I also wanted to just

add on to the points raised by Robyn and Carolyn that as it's written, were the Department to go forward with this type of language, that limiting it to the applicable laws and regulations may have the unintended consequence of continuing to allow those students who are authorized under reciprocity agreements to avoid the obligation. So I'm just wording it a third way, which maybe isn't helpful, but it's the same concern. I think there needs to be a fix there. And again, yes, we still have the ability to pursue general-purpose, you know, remedies, enforcement actions under those laws. But as we have investigated these types of concerns and made and forced our regulations against- and pursued bad actors pursued, you know, we have had the ability to craft and specifically Massachusetts and other states as well, craft specific language that is responsive to these types of behaviors. And in order to prevent them and to provide students with more information going in. These were all benefits. And under the- as written, there's still a lot of students that will not have the benefit of those increased protections. So thank you.

MS. JEFFRIES: Okay. Thank you, Diana. Alright. Dave and Greg, are you ready to move to consensus?

MR. MARTIN: We are.

MS. JEFFRIES: Okay. Alright. We'll do a roll call consensus. So when I call your name, please indicate thumbs up, in support. Sideways, you can live with it. Thumbs down, you have some serious reservations about it. Okay, Jo Blondin. She's a thumbs down. Jillian Klein. Thumbs down, Robyn Smith. Thumbs down. Laura Rasar King. She is sideways. Carolyn Fast. She is sideways. Diana Hooley. Her thumbs down. JoEllen Price. Sideways. Erika Linden. Thumbs down. Jamie Studley. Thumbs down. Joe Weglarz. Sideways. Jason Lorgan. Thumbs down. Barmak Nassirian. Thumbs down. John Ware. Thumbs down. Jessi Morales. Thumbs down. And DC. Sideways. Greg Martin. Thumbs up. Okay. So consensus has not been reached on the state authorization. We have one hand up and we'll take that, and then we're going to move to distance ed. John Ware.

MR. WARE: Yeah, just real quick. I just wanted to explain my vote. I also wanted to thank the Department for trying to make a significant effort here to reach a compromise. And I do support a lot of what was proposed in state authorization. However, I didn't feel like I'd unilaterally agreed to significant changes to current and future reciprocity agreements without input from other states who would be impacted by the proposals. Because the nature of reciprocity requires



that all states have input. However, I do believe that many of the proposals the Department put forward and that have been raised by other negotiators should be given serious consideration by states compacts and the current reciprocity agreement governing board. And it's my hope and expectation that these issues that we have discussed will be addressed by states currently participating in the reciprocity process notwithstanding the result of this rulemaking process. So, again, appreciate the Department's efforts here.

MS. JEFFRIES: Okay. Thanks, John.

MR. MARTIN: Thank you, John, we appreciate that.

MS. JEFFRIES: Is there anyone else that wants to give an explanation that they haven't already stated with their serious objections were or the rationale for their position? Okay. I don't see any hands. So with that, we'll move to distance ed. And following that, we're going to move on to accreditation and then we'll break for lunch. So Dave and Greg?

MR. MARTIN: I'll turn it over to David.

MR. MUSSER: Yeah. Thanks, Greg. So I wanted to thank negotiators for submitting a proposal for how we might put some more guardrails around clock-hour

programs that use asynchronous learning. I think this was a difficult discussion for a lot of folks. You know, we heard the concerns from schools about making this change. And I think you guys heard the Department's concerns about enforcement of these provisions about concerns regarding the way that Title IV funds and the use of them would be expanded to types of instruction that had not been used before. And we had- we wanted to hear from negotiators regarding ways that we might be able to allow for the practice with certain guardrails but in reviewing the proposal we do not believe that we can include a concession at this time. And we have not at this point made changes to our proposed language. So some of the reasons for this. First, while we appreciate that some institutional accrediting agencies may be open to including a review of these programs. And I would go- I should go back and give context. The proposal was to require in the accreditation regulations an agency that allows asynchronous distance education to require such an agency to limit the allowance for asynchronous distance education to only portions of the program that do not include hands-on learning objectives, to require the institution to demonstrate that asynchronous distance ed delivery methods are comparable to synchronous distance education, and to require student identity practices to

be used that are already required under a separate accreditation provisions. So while we appreciate that some accreditors might be open to that many institutional accreditors don't review programs at all except as part of substantive change evaluations. And we've frequently heard the refrain from some agencies that they are institutional accrediting agencies and not programmatic accrediting agencies. So we don't believe, given the various practices among agencies and the likelihood that the standards and review will vary significantly without a consistent standard that this is a feasible solution that will meet all of our concerns. And second, the proposal doesn't address our concerns about the technical capabilities of institutions that we brought up throughout this negotiation. We've heard requests from schools for specific compliance data on this. And while we don't have [inaudible] that we can share that give exact numbers, it is our view that unfortunately because this is such a difficult item for the Department and auditors to enforce, even if we had given very clear and specific requirements to auditors, we don't believe that they could have evaluated this and identified very many instances of it, given the technical expertise required. The rules as they were created simply require an extremely technical- require an understanding of

technical details and a significant amount of resources. And this particular proposal doesn't get to that level of review. There, you know, there might have been other ways to address this. But overall the Department just doesn't see any other way beyond what the institution has proposed that would alleviate all of our concerns. So at this time, we do not propose to make any changes.

MS. JEFFRIES: Okay. Thank you, Dave. Let's open the floor for discussion. I'm not seeing any hands. Greg, are you prepared to move to consensus?

MR. MARTIN: Yes.

MS. JEFFRIES: Okay. So I'm seeing no hands for discussion on distance ed. And there were no changes made in the document from the last time received. We'll go ahead and take consensus by roll call. Jo Blondin. Thumbs down. Jillian. Down. Robyn Smith. Thumbs up. Laura Rasar King. Sideways. Carolyn Fast. Thumbs up. Dana Hooley. Thumbs up. JoEllen Price. Thumbs down. Erika Linden. Thumbs down. Sorry. Thank you. Joe Weglarz. Thumbs down. Jason Lorgan. Thumbs down. Barmak Nassirian. Thumbs up. John Ware. Sideways. Jamie Studley. Sideways. Jessi Morales. Thumbs up. DC. Thumbs up. And Greg Martin. Thumbs up. So there were four thumbs down. Do any of the four of you JoEllen or sorry, Jo Blondin, Jillian Klein, JoEllen Price, and Erika Linden. Do you have anything new

to add as to what the serious concerns are? Jo.

MS. BLONDIN: I just think that it's a disservice to all the institutions that do this well and that we should find ways to, you know, work with the institutions who aren't doing it. And there is a compromise here. The other thing that I do want to add to is there is a vast amount of information. There has been so much packed into this rule, making so many diverse issues. And I think that at times I feel that it's intentional and I just want to share that as well. Thank you.

MS. JEFFRIES: Thank you, Jo. I should have mentioned Jo and Jason also as thumbs down. Anything from those who participated in the consensus? Alright. We'll take one comment from Scott Dolan, and then we'll move on to, I'm sorry, sorry losing my thoughts here. Accreditation. Thanks.

MR. DOLAN: Just quickly. Yeah, I am also appreciative of the Department's willingness to, you know, meet with us, and discuss a little bit more a potential middle ground here. And I understand, you know, there was the second component around the technical pieces. We heard from some public commenters over the last couple of days about opportunities that we might have around providing provisions that might help around

the technical monitoring. So I would be willing to work with the Department between now in writing if there's an opportunity to talk through more reasonable ways for us to meet your concerns, which I think are valid. I think just a matter of how much time we've had to actually negotiate on these pieces when we haven't seen any change between January and two days ago. So with that said, very appreciative of the conversation that we've had over the last few days. Thanks.

MS. JEFFRIES: Thanks, Scott. Alright, let's move on to accreditation. We have until 12:00, where we will promptly break for lunch at that point. Denise?

MS. MORELLI: I'm just going to switch out with Donna. I just want to let everybody know. Donna Mangold will be replacing me.

MS. JEFFRIES: Thanks, Denise. Okay. Herman?

MR. BOUNDS: Alright. Good morning again, everyone. Vanessa, are you driving the show again today? Or is that someone else? Okay.

MS. GOMEZ: It's Joe today.

MS. JEFFRIES: It's Joe.

MR. BOUNDS: Oh, it's Joe? Okay. Alright. So I think yesterday we were probably ready to

move over into 602.17, I believe. And under 17, there are really no significant changes or issues there from when we last met. I think we're good to go down into 602.18. And also there's not significant changes that we have not discussed in 18. If someone does see something you want to comment on, please let me know. But I think we can move down to 602.19.

MS. JEFFRIES: Herman, sorry to interrupt. Jamie has her hand up.

MR. BOUNDS: Okay.

MS. STUDLEY: Sorry. I was keeping up with Herman, so I'm on 19 also.

MS. JEFFRIES: Okay, great.

MR. BOUNDS: Alright. Thank you. Alright, so in 19 to begin in paragraph (b) we have some changes there. Basically, we clarified language to require monitoring and evaluation approaches must provide the agency with the current representative and accurate information. That it must account for risk. And so those are the changes related to that in 602.19 (b). And we'll come back and cover 619 once we get through it. Yeah. If that's okay. Yeah. So that is it under 602.19. So I will stop there and open up for discussion.

MS. JEFFRIES: Jamie?

MS. STUDLEY: Yeah. Very simple

suggestion that the word audit in 19 seems- accreditors are not auditors. We would prefer a word like review. We're, you know, we're fine with the rest of the responsibility, but that seems to set a bar that's not appropriate here.

MR. BOUNDS: Yeah, I don't see an issue with that but I'll wait for any other responses from our folks. Okay. Let me make a note of that.

MS. STUDLEY: We also got some questions about the sample of data and whether that's clear enough.

MR. BOUNDS: Sample of data institutional programs. Yeah, I don't- What would your suggestions there be?

MS. STUDLEY: For the language backup?

MR. BOUNDS: Yes.

MS. STUDLEY: It was more a question about what was meant and whether that would be doable. That's all.

MR. BOUNDS: Okay. We can definitely take a look at that. But we do- I do agree with you about the term audit. We can definitely- that one should definitely be easy to address. Okay. Alright. Yes. Is there another one?

MS. JEFFRIES: Barmak?



MR. NASSIRIAN: Yes, I'm a little confused about what this exchange meant. I'm assuming, first of all, that it's not just any sample of data, but a representative sample of data. That is the standard practice. If you're not going to inspect universe data, you pull a sample and base your judgment on what that sample indicates about whatever it is you're evaluating. What's the objection?

MS. STUDLEY: I didn't object. I said I was asked by some people for clarity about what sample of data meant. It would be helpful to see the language again.

MR. BOUNDS: Yeah. Page 20.

MS. STUDLEY: I have no problem with it. I think periodic reviews and a sample may be more specific than it needs to be, but do are responsible appropriate review. And they could review all of it if they want to review all of it.

MS. JEFFRIES: Okay. Thank you. Laura Rasar King?

DR. KING: Yeah. Thank you. I just wanted to hear from Herman about what he envisions that would look like. Periodic audit slash review, whatever that word is, of a sample of data from institutions or programs. What in practical terms would that look like?

I'm not sure what exactly that would mean that we would need to do.

MR. BOUNDS: Yeah, I think it could encompass, Laura, I think it can encompass a, you know, different information. I would assume that we would be talking about a sample of information to determine the- that could be used, maybe to determine the compliance of the institutional program. You know, with, you know, with agency standards or procedures. And that's why we just say, I think we're just saying here a sample of data. We're not, you know, we're not saying that should be. But if you read that along the terms of what the other things that we're asking for here, you know, measure the physical information below, you know, compliance with student achievement. I just think, again, we're talking about just periodic audits, well, periodic reviews and a sample of whatever the agency thinks is appropriate for determining institutional program's compliance.

DR. KING: So-

MR. BOUNDS: Which is what- which is what you're doing on a monitoring and reevaluation anyway. I mean, that's the whole purpose of that section.

DR. KING: Right. So we are doing monitoring and evaluation of data. So this was added for a reason so it must mean something else.

MR. BOUNDS: No, I think it's just to provide more clarity for folks for, you know, for both accrediting agencies and for and even for institutions of program.

DR. KING: But I don't think it provides more clarity to what's already there. I think it adds an additional responsibility. So do you- are you envisioning that this means that for example, we would get graduation rate data through our monitoring reports, that we would take a random sample of our programs and request their underlying data? So student names and outcomes to see if their graduation rate reported was accurate. Is that, I mean, is that what you're talking about here?

MR. BOUNDS: So I think if you look at it- so what if you- without the additions and again, I want to correct something I may have said, you know, we don't require annual reports we just say periodic reports. I think I used the term annual report. And so right now, how the regulation reads is that you have to do these periodic monitoring activities, and we put what minimums in here which is, you know, financial information and then compliance with student achievement. What we're saying here is a periodic review of a sample of data from institutions- so that just says other

components that might indicate an institution's compliance with its standards periodically however you want to space that out in between the accreditation review. Just periodic reviews of other information that may be important to an agency to understand whether the institution and program is in compliance. That's- I think that's the key point of adding that language here.

DR. KING: Okay. I don't think that that's clear. I don't think what you described is what is stated here. I'm still not- it's hard to offer language because I'm still not clear exactly what- exactly what's being envisioned here. But I don't think what you said is what is written here. And I think what is written here then would have- would be misinterpreted very quickly by department staff.

MR. BOUNDS: Yeah. I'm not understanding how you interpret that differently from what I just said.

DR. KING: I gave an example. I gave an example of what- of how I'm interpreting what this means. I mean, when I see periodic audits of sample data from programs, I am thinking that you want us to, again, take a random sample of programs and request underlying data for a data point that they already gave us. Is that what this means?

MR. BOUNDS: I don't see it that.

First of all, I think we agree that we would remove the word, the term audit if that's the word that's causing, you know, everyone, you know, everyone the issue. Here, we're just saying we want- we're just adding periodic reviews of sample data, whatever may be important to the accrediting agency regarding the program's or the institution's compliance. That's what we're asking. I will ask my colleague. Donna, if you want to come in maybe I'm not explaining that clearly. If you have another- some other talking points here.

MS. MANGOLD: I think Laura is touching on an element, though that would be appropriate in the agency's discretion. Is that if the, and it's part of what you're saying, but I think it is a way of- it's an example of it that you would actually if they're reporting graduation rates, you would test it. You would do a file sample and actually test it. That's one way. Herman is describing something bigger. And that's not the only way. But that's one sample of what you might do.

MS. JEFFRIES: Laura, does that help?

DR. KING: Yeah. I would go back to what Jamie said. We are not auditors. That's not the role that accrediting agencies play and that was what I was afraid that this meant. So I appreciate Donna

acknowledging that that's really what this means. I-

MS. MANGOLD: But I don't mean audit, I mean review. If we could- we will- I think we are comfortable that we would change that word from audit to review.

DR. KING: Right. I mean, it's- the intent is still the same though. Thank you.

MS. JEFFRIES: Okay. I was going to ask if the Department wanted to make that real-time change or not.

MR. BOUNDS: We can.

MS. JEFFRIES: Give Joe a second to do that. He has to get in another screen. Carolyn, you're up next.

MS. FAST: Just wanted to offer support for the language that the Department currently has. Although I'm fine with the change to review. There have been multiple instances where accreditors have missed situations where accredited institutions were misrepresenting information about graduation rates, placement rates, and other things, and even may have been under investigation by state law enforcement or other regulators, with the accreditors continuing to just rubber stamp it. So it's really the least that accreditors could do to make sure, especially if there is

a red flag that the data being provided to them is accurate.

MS. JEFFRIES: Thank you, Carolyn. So you can see the Department made that change from audits to reviews. Jamie, you're up next.

MS. STUDLEY: I appreciated Donna's clarification that this is in the agency discretion. I can imagine lots of different ways it could be done responsibly, both for cause when there's a reason to look into the validity and veracity of the data that's provided random spot checks, if that's what the agency thinks would be helpful or you know, other routine practice or triggers. I thought it was a small point. Laura has now suggested that it makes sense to- I have no problem with expecting those, as long as it's- the agency determining on a reasonable basis to satisfy itself that it is working with valid information. The review may include comparing different sources of data to see whether the institutional and public data align with each other. But I think acknowledging that it's- I think the Department was wise here not to say how, but to leave to the agency to determine what's appropriate, subject to the oversight of the agency that happens in recognition. I'm not suggesting that we add that word. Did I miss something here?

MS. JEFFRIES: Add what word, Jamie?

MS. STUDLEY: Representative. Was that just- was that something that had been there before? I just saw typing going on. I didn't want to be suggesting edits accidentally.

MS. MANGOLD: That was Barmak's suggestion.

MS. STUDLEY: Well, I think a sample is kind of useless unless it's representative, so I can hardly argue with that.

MS. JEFFRIES: Okay. Alright. Laura?

DR. KING: Again, the more specific that we get here, the more prescriptive that this becomes. And it becomes what I was suggesting that it would probably be. I don't think we need to be more prescriptive here. I think it should be in the agency's discretion if this is going to remain.

MR. BOUNDS: So are we concerned with what was just added here? The representative prior to sample of data? Just leave it sample of data?

DR. KING: Yes, please leave it sample of data.

MR. BOUNDS: Go ahead and strike. And again, Jamie, I'm glad you made the comments that you made. We have always left the monitoring activities, you



know, to the discretion of the accrediting organization. You know, we don't, you know, as the regulations are currently written, the only thing that we did prescribe that we do prescribe here is financial review and then, you know, compliance with student achievement. So all of these changes would be, you know, at the agency's discretion is when it thinks is important information to determine the compliance position of the institutional program.

MS. JEFFRIES: Thank you. Robyn, you had your hand up.

MS. R. SMITH: Yeah. I just- I think representative is important to put in there because schools shouldn't, I mean, accreditors shouldn't be taking unrepresentative samples. I think it is important to be clear that any kind of sample is at least meaningful. So I would argue that should stay in.

MS. JEFFRIES: Okay. Thank you.  
Barmak?

MR. NASSIRIAN: So I was going to make the same point, or at least urge the Department to make it random. Otherwise, whatever the institution, the five people who graduated would be the sample that would be submitted and the accreditor would not have a leg to stand on in demanding that the sample represents

something real. So make it at least random. But representative is the better word.

MS. JEFFRIES: Okay. Thank you. Any other comments? Okay. I want to make a note that Scott Dolan is at the table. And, Herman, I don't mean to backtrack here, but Scott did put a question in the chat when we started this. He was asking if there were any changes to 602.16? Because that's where we left off yesterday. So were there any changes to that so we can address his question?

MR. BOUNDS: We haven't made any changes as of yet. We are looking at the suggested language that I think Laura sent last night, but we have not incorporated anything at this time.

MS. JEFFRIES: Okay.

MR. DOLAN: It was both that and the recognition of the manipulation of data, I think since we're making real-time edits in other sections I just wanted to ask that question. But thanks, I appreciate it.

MR. BOUNDS: Okay.

MS. JEFFRIES: Thanks. Alright, I think we're prepared to move on to the next section with change, Herman.

MR. BOUNDS: Okay. So let's scan down. And it looks like we start in enforcement of standards. A

lot of the blue we had discussed previously. I'm going to skip that and try to get to the yellow highlighted. But if there's when we open up the discussion, if there's any questions at all, please bring that up. So I think we should be on page 22 right now. And we just added the enforcement of intermediate checkpoints that allow the agency to ensure that the institution will be in full compliance by the end of the timeline. And then we added the timeline basically some grammar, we added the timeline must not exceed. No changes there with the lesser of four years or 150% of the program. And of course, this is related to student achievement. The one thing we did do in (c) is- I want to make sure I don't miss it, we limited the good cause extension for one additional year there. I don't know if that was noted previously. I want to make that known under (c). And if we scan down, we struck unless the agency determines there is good cause to extend a period of time. So we just removed that and we made these situations where if these things occur the agency could, in fact, allow additional time for the institution program to come into compliance. And I think we had some changes under (5). And I think if we go down to- I think it's page, yeah, 24. And all we added here was to kind of, you know, be consistent with what we've added previously, where we say

the agency's timeline must include the enforcement of intermediate checkpoints that allow the agents to ensure that the institution will be in full compliance by the end of the time. And I think that wraps up basically 602.20. So I would then open up questions for enforcement of standards under 602.20.

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

MS. KLEIN: Thanks. I have a question on page 22. I brought this up last time, and I thought I remembered the Department acknowledging that you guys would take this back. So just curious if you have an update. My concern was in the middle of that page in (b) where it talks about the timeline not exceeding the lesser of four years or 150% of the length of the program. And I indicated for doctoral programs especially, this doesn't work because you don't even have students moving through a program in this amount of time. And so I remember the Department was going to take that back, but I don't see an update.

MR. BOUNDS: Yeah, I think our internal discussions were to leave this section as is. I think what we have here, you know, constitutes the majority of programs. And no matter what program it is four years would be the max based on whatever is

published in the- whatever the institution publishes for the length of those doctoral programs because they're, you know, as you know, there are many different types. They're all different, you know, they're all different lengths. So we did not make a change- we did not make a change here.

MS. KLEIN: Yeah. So I'll just highlight again, I mean, I don't understand how this is supposed to work. So students who are already in flight in a program that lasts longer than four years. So essentially my read of this is if you have a doctoral program that's not meeting the standard, then you should just close your program because the accreditor is not going to have the flexibility to actually allow you to put in mechanisms that will enable institutions to be able to meet this requirement. I know I said it last time, I just don't understand. I-

MR. BOUNDS: I want to- I also want to make sure that I understand your- so this doesn't kick in until you get to the point where the accrediting agency finds the institution itself non-compliant. So from that point in time then the agency, of course, can allow that institution up to four years to make that, you know, to make that situation happen.

MS. KLEIN: Yeah, I understand that.

But the amount of time it takes students who start a doctoral program, and I'm just using that as an example, there might be other programs too, in a program that, for example, is published to take 6 or 8 years. Students cannot get through a program in four years. So you're not going to see an increase or a change in those graduation rates, no matter what the institution does, without a full cycle of students moving through whatever interventions the institution is taking towards the student. So it just- it doesn't- this works, I'm sure, for I think what most people think about in terms of like associate's programs, or bachelor's programs, certificate programs but it's not going to work for programs that are longer than four years.

MR. BOUNDS: But I would just say that same situation happens at any, I mean, at any point, you know, in any program, we would hope that there would be, you know, once these things happen. I think that's why we have those teach-out requirements and all those things in place is to allow students to transfer to a place where they can, you know, where they can complete-

MS. KLEIN: Okay, so you're- so- I'm sorry. I'm sorry. So then the intention of this language is to allow students an off-ramp, not to allow institutions the chance to make their programs better.

That's what I heard you say. So I just want to make sure we were clear on what the intention was. Thanks.

MR. BOUNDS: I mean, the intention is, is to allow an institution overall time to come into compliance with an agency standards. And we're giving them that max of four years to do that. Even if you're in a bachelor's degree program and you may be halfway through the- you may not even, you know, have completed that program or master's program. We're looking at the institutions, the additional time that we're going to allow the institution to come into compliance with standards. I mean, it's going to be hard to make an exception for each individual type and length of program that we have at an institution. I would also remind folks that under the regulations prior to the 2020 regulatory changes, institutions only had two years to demonstrate compliance. This is a significant increase than what was there previously.

MS. KLEIN: Yeah. I don't think it's hard to fix the language, just get rid of or the lesser of four years and just leave 150% of the program, which gets it literally a program of any length, I think, is indicative of the fact that there are multiple program lengths across all sorts of different career levels.

MS. JEFFRIES: Okay. Thank you. I'm

going to note that Dom Chase has come to the table in place of Joe Weglarz for business officers and has his hand up. Dom?

MR. CHASE: Thank you. Three things just to raise here. And in (a) (1) appears to- the language appears to always require an adverse action, which seems inconsistent with due process that has historically been afforded to institutions by accreditors. And then on 602.2 (b). I would like to- I guess what does enforcement of a checkpoint, what does that mean? When the timeline provided for attaining compliance is a longer period, a check- what- a checkpoint appears to be just that. I just don't know what enforcement necessarily means on a checkpoint. And then the last is on section (c). Why is it being limited to one- why is good cause being limited to one year? As long as there remains a legitimate basis for a good cause extension, why couldn't it extend beyond one year? I'm wondering, what's the reason for one year? Thank you.

MR. BOUNDS: Let me- Cindy, can I answer this question first since he had some, since he had some- thanks. So we, you know, we discussed internally about the time limit for extension for good cause because we think there should be some time limit attached to that. And what we found out in our research



over with accrediting agencies is approximately, you know, about 20- 20 agencies currently allow for an extension for good cause period of one year. We have about 18 that offer, you know, slightly more than that. And then the rest offer a significant long time. So we're looking at the majority of agencies already offer an extension for good cause, period for around one year. And we thought that was a good point, a good point to start at. But we do think there needs to be some time limit on an extension, on an extension for good cause. The question that you asked about the enforcement of intermediate checkpoints along the way, we just want to make it clear that during the period of noncompliance that an agency will monitor the institution's progress in coming into compliance with those standards and make enforcement actions at that time if they see that either the situation has gotten worse, you know, within that enforcement timeline period. So we just want to make sure that they take these intermediate looks to see how the institution is progressing.

MR. CHASE: So I would just like to point out that good cause extensions help students by not disrupting their education as long as an institution is making steps to come into compliance. And there- I could foresee issues such as facilities related to facilities

that would extend beyond a one-year timeline. Thank you.

MS. JEFFRIES: Thank you, Dom. We have Barmak and Jamie's hands up. We have approximately nine minutes before the top of the hour. So, Barmak, you are up.

MR. NASSIRIAN: Yeah, I think we're all here to help students. But you know what will help students the most is to be compliant. That little premise has gotten lost here. These are institutions that already have given us cause for alarm. That important fact is being overlooked in the name of prolonging how many epicycles of additional benefits of doubts can we extend to institutions. One of the points that I think is getting lost here is the faith-based assumption, both in Jillian and Dom's commentary, that, of course, of course, if you prolong the time, you help students who are in transit, because of course the institution is going to be just fine. And, of course, you know, my concern is what happens if it's not? What happens if the noncompliance is systemic and entirely endemic to the practices of the institution and the institution ends up collapsing? Prolonging the timeline for a non-compliant institution simply increases the number of victims that will someday have to line up for some kind of loan discharge by a sympathetic administration. One way to contain the damage

if you have, like a flood in the kitchen, is to shut off the water before you start mopping. The administration has done an enormous amount of quite appropriate mopping, some would say, to the tune of \$138 billion to date and running. But, you know, let's stop some of the obvious sources of damage, and lousy programs are a huge source of the damage. Let's attempt at least to make a difference by turning off the spigot a little bit here. Thank you.

MS. JEFFRIES: Thank you, Barmak.

Jamie.

MS. STUDLEY: You know, I'm going to let other people speak before lunch if that's okay, just to stay on point. Because I was going to raise some other issues.

MS. JEFFRIES: Okay. Alright. Laura?

DR. KING: Sorry. Yeah, I had wanted to kind of return to Dom's second question about the language about including enforcement of intermediate checkpoints. I agree with Dom that an intermediate checkpoint in a term of a period in which the institution or program can come into compliance. They're just that, they're checkpoints. And what I heard you say Herman, is that you really want us to be monitoring them on intermediate checkpoints. Enforcement has a very specific

meaning, and I don't think that that meaning is appropriate in this sentence. Can we- can you consider changing the word to, the timeline must include the monitoring of intermediate checkpoints?

MR. BOUNDS: Yeah. I mean, we can- we can take that into consideration. I think too, one thing I didn't state, we do want to make- I think the other time is when we say enforcement of intermediate checkpoints, I think it is that we really want agencies to have these intermediate checkpoints along the way during that period of noncompliance so that they are getting information, you know, whether the program is progressing or the institution is progressing well. So I think we do want to ensure that these intermediate checkpoints are there. And I think in this context, that's probably a better description of what we mean by intermediate checkpoints, enforcement of immediate checkpoints.

DR. KING: Yeah, I agree with that, actually. This language I believe was something I suggested in 2019, these intermediate checkpoints. So it's funny how it all comes around back to bite you. But I think- I do think, though, that enforcement of them seems to imply that you're supposed to take some kind of enforcement action at the intermediate checkpoint, but I

don't think that's what that means. I think it really means you want there to be intermediate checkpoints, and you want to monitor those intermediate checkpoints. And I fully agree with that.

MS. JEFFRIES: Okay. Thank you, Laura. Jo Blondin.

MS. BLONDIN: Yes. I just wanted to say that as someone who has been around the table, considering institutions that are, you know, subject to a sanction or even, you know, other actions, I would just add to that the whole point of the accreditation process and deliberation is to make sure that these institutions are successful and succeed. So I don't want that to get lost in this conversation either that this is all about the bad actors. Of course, there are bad actors, but I also want to amplify the need to focus on quality assurance and that we're trying to help institutions improve as well. And I also want to amplify Laura's comment about monitoring rather than enforcement. Thank you.

MS. JEFFRIES: Thank you, Jo. Jamie?

MS. STUDLEY: Yeah. I want to for the moment, make a really specific point about the intermediate checkpoints in the monitoring. I think Herman's right that the focus belongs on monitoring and

creating an obligation that sounds like it has a new technical expectation of intermediate checkpoints that seem to be- supposed to be spread out over the time period that the institution is allowed. Creates an opportunity for an institution that is appropriately denied accreditation a technical basis for- it creates liability for the accreditor for not having done some mechanistic intermediate checkpoints mathematically, whatever this imposes, I can just see places that should rightfully be thrown out using it to say you didn't do it exactly right in whatever this is supposed to do, when we all know what monitoring is, and that is really the obligation. So I didn't realize it was Laura's provision, but I was just seeing that it has the risk of making accreditor decisions to close- we don't close institutions, to withdraw accreditation vulnerable in a way that is not in anybody's interest. If accreditors have done their job in monitoring and say that an institution now is determined not to meet standards and does not comply, we shouldn't burden- we shouldn't create new causes of action to say you didn't do it exactly the way that regulation describes. We've got a lot of responsibilities for due process that we follow exhaustively and with tremendous effort. And this would be in the opposite direction if it made those decisions

more vulnerable or harder to substantiate and put our effort in the wrong place when it should be on monitoring and determining compliance.

MS. JEFFRIES: Thank you, Jamie.

Herman, did you have something to say?

MR. BOUNDS: Yeah, I don't think we're- I don't think we're not opposed to that. So we'll- we can, you know, we can look at that hopefully and get back, you know, by the- you know, before we finish this. Yeah.

MS. JEFFRIES: Okay. Alright. Thank you. Alright, it is almost 11:59. I'm going to just make a couple of quick announcements here and then take the adjournment for lunch. For our public viewers on the live stream link, please remember, there is a different link for this afternoon, so make sure you are utilizing the correct link to sit in and observe this afternoon's session. We will pick up with accreditation, wrap up this section, and continue to move forward on this topic throughout the rest of the afternoon, culminating in consensus at the end. Okay, we'll see you back here a little before 1:00, so we can get set up and get started on time.

**Zoom Chat Transcript**

**Program Integrity- Session 3 , Day 4, Morning, March 7, 2024**

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

From Krystil Smith | FMCS Facilitator to Everyone:

Please don't forget your naming conventions!

From A, Rob Anderson, State Officials to Everyone:

Can we get a hard copy of this sent to our email addresses?

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

Reacted to "Can we get a hard co..." with 👍

From P, Jillian Klein, Proprietary Institutions to Everyone:

Also can ED specify what exactly is different here from what was sent last night to negotiators? This is very confusing.

From A, Rob Anderson, State Officials to Everyone:

+1 to Jillian

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

Reacted to "+1 to Jillian" with 👍

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

Reacted to "Also can ED specify ..." with 👍

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

Reacted to "Can we get a hard co..." with 👍

From P- John Ware, State Regulator to Everyone:

Rob Anderson is coming to the table to make some comments on State Auth

From Cindy Jeffries-FMCS Facilitator to Everyone:

Working on getting a copy for everyone now. Jillian, we will address your question.

From P. Jo Blondin, Community Colleges to Everyone:



Reacted to "Also can ED specif..." with 👍

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

doesn't fully outline the data that we will utilize in a practical sense, but does provide the two consecutive years stipulation

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

plus 1--what risks does the department and others think the threshold protects? what is the evidence that the number of students is related to such risk?

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

+1 to Jillian;'s question on risk and size

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

what factors specifically are of concern to states?

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

not certain it's clear what criteria was used to derive that number

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

define small?

From Barmak Nassirian to Everyone:

To Jillian: the risk analysis is an "if => then" evaluation: IF an institution with a larger enrollment engages in misconduct, THEN more student / federal money is at risk

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

but it would be important to hear what types of misconduct states are concerned about that aren't covered reciprocity

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

we added closure requirements to the language

From P. Jo Blondin, Community Colleges to Everyone:

Replying to "but it would be im..."

I recall that that was an early data request in January.

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

Reacted to "I recall that that w..." with 👍

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

Reacted to "To Jillian: the risk..." with 👍

From Barmak Nassirian to Everyone:

Post-facto triggers are not gatekeeping: they are lagging indicators. state auth is supposed to be an upfront protection against the kinds of outcomes we currently tolerate

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

Reacted to "Post-facto triggers ..." with 👍

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

Reacted to "Post-facto triggers ..." with 👍

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

agreed, fully supportive of using a risk as a trigger. and also supportive of adding the closure language to protect students appropriately. the concern is with using volume of students as the risk trigger without good evidence that there is a relationship between the two

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

Reacted to "Post-facto trigger..." with 👍

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

important, department has highlighted these closure requirements as essential to their risk calculus

From P. Jo Blondin, Community Colleges to Everyone:

And, conversely, that enrollment numbers by state could reflect need for the program or concerns. I understand that there are other factors that drive enrollment numbers, but enrollment seems arbitrary. Enrollment can be both lagging and leading indicator.

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

can we highlight the other risks more specifically?

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

Jessica Morales coming back to the table for students/borrowers.

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

Reacted to "And, conversely, tha..." with 👍

From P, Jillian Klein, Proprietary Institutions to Everyone:

I know folks continue to reference ITT and Corinthian - would just remind everyone that neither were part of NC-SARA.

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

Reacted to "I know folks continu..." with 👍

From Cindy Jeffries-FMCS Facilitator to Everyone:

You should now have the language in your email boxes

From Brady Roberts | FMCS Facilitator to Everyone:

Hi all- here is the revised state auth language the Department presented this morning. It is also being sent to your email.

From P, Jillian Klein, Proprietary Institutions to Everyone:

I understand the facilitators trying to rush us along; would just again highlight that introducing a new concept in the third session and then truncating substantive conversation on the proposals is really challenging, especially in advance of a consensus vote.

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

Thank you, Brady!

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

Suggest adding something like the following to the end of the last subsection: Schools shall be subject to all applicable laws and regulations of such State. Reciprocity agreements cannot prohibit participating States from applying all applicable State laws to such institutions.

From P-Jamie Studley, Institutional Accreditors to Everyone:

I remain concerned about the board composition restrictions as well, and about denying states the ability to decide what exemptions they want to apply under their own state law.

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


I would just like to note that we are going to be asked vote on a significant issue with some

broad implications, that we have had minutes to review.

From P. Jo Blondin, Community Colleges to Everyone:

And have been told represents a compromise.

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

Reacted to "I remain concerned a..." with 


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

Reacted to "I understand the fac..." with 


From Barmak Nassirian to Everyone:

I hope the Department realizes that the numerous concessions it has made to accommodate institutional objections make no difference for purposes of consensus. The proposed language has been significantly weakened for the sake of institutional convenience, and I would urge the Department to reconsider the several ways in which its attempt at compromise expose students and taxpayers to predictable future losses as reciprocity agreements become ready vehicles for circumventing state oversight. Also, +1 on Robyn and Carolyn's comments.

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

Reacted to "I would just like to..." with 

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

Reacted to "I would just like to..." with 


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

Re: ITT & Corinthian— NCSARA began in 2013 and those schools closed in 2014 and 2015. A more recent example would be the Center for Excellence in Higher Education (CEHE), which 25 state AGs wrote about to NC-SARA because SARA policies prevented other states from protecting their residents prior to its precipitous closure, even with extensive evidence of misconduct.

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

Well said, John.

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

Reacted to "Suggest adding somet..." with 

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

Scott would like to comment


From P, Jillian Klein, Proprietary Institutions to Everyone:

My comments are the same as they have been, which is without data from the Department on the issue here and approach on solution it's really hard to support policy change without the evidence that was requested.

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

My concerns are the same as what Jo stated.

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

Reacted to "Re: ITT & Corinthian..." with 

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

were there changes to .16?

From P. Jo Blondin, Community Colleges to Everyone:

Reacted to "My concerns are th..." with 

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

Scott Dolan will be at the table for Private Nonprofits


From Barmak Nassirian to Everyone:

samples should be either rigorously representative or at least randomly selected with a size that allows for statistical inferences

From Barmak Nassirian to Everyone:

Why is the notion that accreditors should occasionally make sure that the schools are not reporting false data so problematic?

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

Reacted to "Why is the notion th..." with 

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

+1 to Carolyn's support for this provision.

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

+1 to Carolyn's comments and support for this provision.

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

+1 to Carolyn and +1 to Barmak.

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

Reacted to "Why is the notion th..." with 👍

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

Reacted to "Why is the notion th..." with 👍

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

+4 to Carolyn and Barmak

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

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

From Barmak Nassirian to Everyone:

"trust but verify" has apparently devolved to "trust and hope for the best"

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

Reacted to ""trust but verify" h..." with 👍

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

I support the addition of the word representative to be clear that the sample must be meaningful.

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

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

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

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

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

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

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

Agree with Robyn that "representative" should be included.

From P-Jamie Studley, Institutional Accreditors to Everyone:

if we have to do reviews the reg should not try to tell us how to do it.

From P-Jamie Studley, Institutional Accreditors to Everyone:

except of ocuse ot the extent that rerecognition reviews how agencies carried out their responsibilities

From Barmak Nassirian to Everyone:

The program is NONCOMPLIANT! How much more time does it deserve to get its act together?

From Joe Weglarz (P) NACUBO to Everyone:

Dom will be coming to the table

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

Reacted to "The program is NONCO..." with 

From Donna Mangold - ED OGC to Everyone:

4 years is in the current regs at 602.20(a)(2). This language was put in during the 2019 negotiation

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

Replying to "The program is NONCO..."

to Dom's point. think it's important to recognize the various ways that an institution may be noncompliant. We noted these previously. And some of them might take extended periods of time.

From P, Jillian Klein, Proprietary Institutions to Everyone:

Replying to "4 years is in the cu..."

never too late to fix bad policy language.

From Joe Weglarz (P) NACUBO to Everyone:

I agree with Barmak

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

+2 to agreeing with Barmak.

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

I agree with Barmak as well. Prolonging the timing for noncompliance increases the harm to students.

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

it's giving the accreditor an opportunity to make those determinations.


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

+4 with Barmak.

From A. Ashlynn Haycock-Lohmann (vets) to Everyone:

Reacted to "+4 with Barmak." with 

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

Reacted to "+4 with Barmak." with 

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

+5 to Barmak

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

Reacted to "I agree with Barmak ..." with 


From P, Jillian Klein, Proprietary Institutions to Everyone:

All due respect, Barmak - I don't disagree with the concern you are raising at all. I'm just saying the math doesn't work on an 8 year program if you give them 4 years to meet a student achievement standard. I'm not even opposed to capping enrollment at 4 years or whatever, just being realistic about the impact of interventions on any cohort of students in a program.

From Barmak Nassirian to Everyone:

Just watching institutions fail to hit the timelines without taking action is how we got to where we are

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

Reacted to "I support the additi..." with 

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



Laura's point is an incredibly important distinction, especially given the direction of changes on minimum expectations of student performance

From Barmak Nassirian to Everyone:

The whole point is to help institutions succeed, but at whose risk?

From A-David Cohen, Proprietary Institutions to Everyone:

+ to Jo's comments. Across the various accrediting standards, there are literally hundreds, if not thousands of thresholds and portals that an accredited institution has to meet in order to stay in compliance. The suggestion that these are always simple or easy fixes is not accurate. sometimes it is an easy fix, but some fixes require layers of regulatory approval to implement. Accrediting agencies need discretion to assure that students have access to good accredited schools.

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

risk comes with both opportunities and threats. standard risk analysis

From P. Jo Blondin, Community Colleges to Everyone:

Reacted to "+ to Jo's comments..." with 🍌

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

Reacted to "The whole point is t..." with 👍

From Barmak Nassirian to Everyone:

in this case, all the opportunities are reserved for schools and the risks are entirely assigned to students and taxpayers

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

not if the institution comes back into compliance.

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

students win

From A-David Cohen, Proprietary Institutions to Everyone:

Obviously we do not want students to be at risk, but closing schools that can be improved does a disservice to the public policy concern of assuring equity and access - particularly in regions that do not have many schools.

From Barmak Nassirianto Everyone:

And when it fails, oh, well

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

hardly my stance

From A-David Cohen, Proprietary Institutions to Everyone:

Most schools that have adverse actions typically have the capacity to improve. The suggestion that they all fail is not accurate.