DEPARTMENT OF EDUCATION

OFFICE OF POSTSECONDARY EDUCATION

INSTITUTIONAL AND PROGRAMMATIC

ELIGIBILITY COMMITTEE

SESSION 1, DAY 4, MORNING

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P R O C E E D I N G S

MR. WAGNER: FMCS. I will be facilitating the morning session. This is the fourth day of the first week of the regulatory negotiations, so I will go ahead and get to the roll call. So I will call out folks. The other thing is, before I do that, I'll just make a note today that Will Durden will be sitting in for Dr. Anne Kress for the public two-year institutions for this session, Dr. Laura Rasar King will not be joining in the morning, Jamie Studley will be representing the accrediting agencies, and that Ashley Schofield will be sitting in for Dr. Beverly Hogan, representing minority-serving institutions. With that, I will go ahead and go through the roll call. So.

DR. HOGAN: Excuse me. This is Beverly Hogan, I am here today.

MR. WAGNER: Oh, wonderful.

DR. HOGAN: I was out yesterday. Thank you.

MR. WAGNER: Welcome. Welcome, Beverly. Okay, great. Good to see you. Okay, so.

MS. JEFFRIES: I have, Kevin, one other change. We have been notified that Barmak Nassirian will be sitting in for the service members and veterans on the certification piece this morning, and

Jessica Ranucci will be sitting in for legal aid.

MR. WAGNER: Okay, great. Thank you so much. Okay, let's go to go to roll call. So for accrediting agencies, we have Jamie Studley.

MS. STUDLEY: Good morning and happy Friday. Correction on number six: Laura Rasar King is here as the alternate and she will be sitting in the chair for accrediting agencies for certification.

MR. WAGNER: Wonderful, so she's, is she into the meeting at this point?

MS. STUDLEY: She is on the screen.

MR. WAGNER: Okay, great. Oh hi, I can see you. So, Dr. Laura Rasar King?

DR. KING: Good morning.

MR. WAGNER: Good morning. Representing consumer advocacy organizations, we have Carolyn Fast.

MS. FAST: Morning.

MR. WAGNER: Good morning. And Jaylon Herbin. He's just getting admitted; we'll come back. We'll move to representing civil rights organizations, Amanda Martinez.

MS. AMANDA MARTINEZ: Here, present.

MR. WAGNER: Good to hear from you. Representing financial aid administrators at

postsecondary institutions, Samantha Veeder.

MS. VEEDER: Good morning.

MR. WAGNER: Good morning. And David Peterson.

MR. PETERSON: Morning.

MR. WAGNER: Representing four-year public institutions of higher ED, Marvin Smith.

MR. SMITH: Morning.

MR. WAGNER: Okay. And Deborah Stanley.

MS. STANLEY: Morning.

MR. WAGNER: Good morning. We also have, from the legal assistance organizations that represent students and/or borrowers, Johnson Tyler.

MR. TYLER: Good morning.

MR. WAGNER: And Jessica Ranucci.

MS. RANUCCI: Good morning.

MR. WAGNER: Morning. Previously, we heard from Dr. Hogan, but for minority-serving institutions, Dr. Beverly Hogan.

DR. HOGAN: Here.

MR. WAGNER: And Ashley Schofield.

MS. SCHOFIELD: Good morning.

MR. WAGNER: Morning. From private nonprofit institutions, we have Kelli Perry.

MS. PERRY: Morning.

MR. WAGNER: And Emmanual Guillory.

MR. GUILLORY: Good morning, everyone.

MR. WAGNER: From proprietary institutions of higher ED, Brad Adams.

MR. ADAMS: Good morning.

MR. WAGNER: Good morning. And Michael Lanouette.

DR. LANOUETTE: Good morning.

MR. WAGNER: From the state attorneys general, we have Adam Welle.

MR. WELLE: Good morning, I'm here.

MR. WAGNER: And Yael Shavit.

MS. SHAVIT: Here.

MR. WAGNER: From the state higher ED executive officers, state authorizing agencies, and/or state regulators of institutions of higher ED and/or loan servicers, we have Debbie Cochrane.

MS. COCHRANE: Present.

MR. WAGNER: And David Socolow.

MR. SOCOLOW: Good morning.

MR. WAGNER: Morning. From the students and student loans borrowers, we have Ernest Ezeugo.

MR. EZEUGO: Good morning.

MR. WAGNER: And Carney King.

MR. KING: Good morning.

MR. WAGNER: For the two-year public institutions of higher ED, we have Dr. Anne Kress, who we mentioned was not going to be here, and sitting in Will Durden.

MR. DURDEN: Good morning, nice to see you all.

MR. WAGNER: Nice to see you. And representing U.S. military service members, veterans, or groups representing them, we have Barmak Nassirian.

MR. NASSIRIAN: Present.

MR. WAGNER: Is, Barmak, is Travis Horr also on?

MR. HORR: Yep, I'm here. Good morning.

MR. WAGNER: Good morning, Travis. For advisers, we have David McClintock.

MR. MCCLINTOCK: Morning, everyone.

MR. WAGNER: Morning. And Dr. Adam Looney. Okay. Representing the Department from the OGC, we have Steve Finley.

MR. FINLEY: Hey, everyone.

MR. WAGNER: Hello. And the federal negotiator, Greg Martin.

MR. MARTIN: Good morning.

MR. WAGNER: Morning, Greg. Just want to give everybody a quick reminder to try to keep the discussions focused on major issues and concerns. We have a lot to get through today. We did have a logical breakpoint yesterday. We'll turn it over to Greg. I assume we're going to begin with certification procedures.

MR. MARTIN: Thank you, Kevin. And it's nice to be with all of you today on our last day of negotiated rulemaking for our first session. And for those of you who just like winter the way I do, I have worn a a seasonally inappropriate spring tie for wishful thinking purposes. Because if you're on the East Coast this morning, you know it is very cold and not at all spring-like, so I'm being optimistic. And if you're if you're one of those people who like skiing and like this kind of weather, then my apologies. But for those allies of mine, springtime. Okay, so we're moving into a discussion of certification procedures this morning, issue paper number six, and so I'll give you a second to pull that up so that you have it in front of you, and then we'll get it on the screen. Here we go. So for certification procedures, the statutory cite is given to you, there are regulatory cites as well. The

certification procedures and this is actually in 668.13. And so, let's go into the summary of the issues here. The regulations in 668.13 spell out procedures for certification to participate in the federal aid programs, and further regulations in 668.14 include the requirements of a program participation agreement, or PPA, that institutions enter into as a condition of participation in the aid programs. However, the Department is concerned that procedures for certifying institutions of higher education to participate through the PPA are not sufficiently rigorous to adequately protect students and taxpayers. With that in mind, we'll go to our proposal. The Department proposes changes that will provide for heightened oversight of institutions, particularly those that have engaged in activities that are high risk for students or taxpayers. We believe these proposed changes will help ensure that students have access to high-quality educational opportunities and are protected from predatory and/or abusive behaviors. So, let's go into the overview of what those proposed changes are. These are under 668.13, certification procedures. First, the Department proposes to eliminate the requirement to automatically recertify institutions after one year on a month-to-month status if the Department has not made a decision. Current

regulations require that the Department make a determination to grant or deny certification, provisional or full, within 12 months for any institution's application submitted on or after July 1, 2021. Under that provision, if the Department does not decide to grant or or deny certification within 12 months, the institution is automatically granted renewal of certification, which may be provisional. However, institutions that remain on a month-to-month for an extended time are typically those that require more extensive investigation before we reach a decision. Forcing early decisions could have substantial negative consequences for students and for taxpayers. At the same time, the Department is working to improve its administrative processes and expand its resources to support more efficient and timely decisionmaking where possible. Next, we seek to provide additional events that will lead to provisional certification, including when the institution has incurred repeated findings related to the same compliance concern from program reviews or audits, or when the institution or an owner of the institution also owns another institution with liabilities owed to the Department. These are high-risk situations where the Department might need to take further steps to protect students and taxpayers by

putting the institution on a provisional certification status. We also seek to require recertification for certain provisionally certified schools after two years. Namely, this provision applies to schools who were provisionally certified for reasons related to major consumer protection issues, such as pending or approved Borrower Defense or false certification claims. Moving on to 668.14, we propose to ensure that both private colleges and the companies that own them are required to sign PPAs. To allow us to ensure owner entities with at least 50 percent interest in the institution are liable for taxpayer losses that may be incurred. We intend to add state attorneys general to the list of entities that have authority to share with each other and the Department any information that pertains to the institution's eligibility for participation in Title IV, HEA programs, or any information on fraud or abuse. Next, we seek to ensure that all programs that require programmatic accreditation and/or licensure certification actually meet those requirements. Too often, students have enrolled in programs without knowing that they won't be able to find employment in the recognized occupation because the program does not meet the necessary requirements for employment. Institutions will now be required to have those

necessary certifications or programmatic accreditation. We are seeking feedback from the committee on the appropriate maximum length of aid eligibility for a program that prepares students for gainful employment in a recognized occupation. We are aware of significant variations in the required length of programs that are tied to the same occupations across states. Longer programs result in significantly larger amounts of student loan debt. For instance, an American Institutes for Research analysis found that state requirements for cosmetology licenses range from 1,000 hours to more than twice as long at 2,300 hours without any evidence of increased pay or better program outcomes associated with those longer programs. We offer multiple options and seek additional feedback from the Committee on capping the appropriate length of aid eligibility by program type. We seek to establish additional conditions for use with provisionally certified institutions. The Department proposes a non-exhaustive list of conditions that may be used as a way to ensure institutions are aware of the requirements that may be applied to their schools. This allows the Department to formalize tools that are available now, but not typically used. So next, we seek to specify that the use of provisional conditions that will be applied to prior proprietary

institutions seeking to convert to nonprofit status. These conditions include compliance with 90/10 and gainful employment requirements, and the submission of reports on agreements with the owner of the institution for an institution that is certified as a nonprofit institution or that converts to a nonprofit institution. Conditions include reports on accreditor or state authorizer actions and new servicing agreements entered into by the school, as well as updates on IRS communications related to the school's tax-exempt status. And finally, under 668.43, institutional information, we propose to eliminate a disclosure requirement regarding the licensure or certification prerequisites to align with and reflect the proposed changes in 668.14, as described above, which will make this disclosure redundant. So, given that, then let's move into the actual proposed regulatory changes themselves, and we're going to start with 668.13, requirements for certification. We'll go through this starting with paragraph A. As we move through, we see that the change here is in B romanette three. And you see where we have removed the language, which says in the event that the Secretary does not make a determination to grant or deny certification within 12 months of the expiration of the current period of

participation, the institution will automatically be granted renewal of certification, which may be provisional. So that's been taken out or proposed to be removed. And just a little more background, we propose to eliminate this requirement. We believe that the Department needs the discretion to investigate institutions thoroughly so, prior to their being approved, to make sure they comply with federal rules serving the interests of students and taxpayers. So, this provision will allow the Department to take additional time when that is needed. And with that, I will open the floor for discussion or comment on the change proposed here in 668.13(b).

MR. WAGNER: Okay, I see Jessica.

MS. RANUCCI: Good morning, everybody. First, I just want to speak broadly to this section. I really appreciate what the Department's trying to do here, and I think that these are really important consumer protections that I understand the Department is trying to implement to prevent exactly some of the types of problems that we've seen that lead to clients coming to my office seeking legal help. And I just appreciate the mission of what you're doing here. As to this particular section, again, I'm completely on board with the goal. I think it is very important that the

Department make these tough decisions and make them quickly. As we said before, I think that the whole point of a lot of these changes is that we need to see the early warning signs we need to shut down the schools. My question is just that we don't want to leave students holding the bag. And I guess they do have some concerns here that if this provision, if the Department in fact does not make a decision and this provision kicks in, then I would just want to make sure that we have the right consumer protections. And to me, what would make the most sense, is that these students would be able to apply for closed school discharge, but I'm not sure that under the current regulations they would technically apply. So, I guess I would ask the Department what if your best efforts at your aggressive timeline don't work, what protections are there for students at these schools? Because obviously many students can't continue attending school without Title IV and it would be very disruptive, and I think we'd also be very unfair to require them to drop out of school and start repaying their loans after grace because of the opposite effect of what you're trying to have here.

MR. MARTIN: Alright. Thank you. So, with regard to this provision, it wouldn't affect that. So, if we go back to, this regulatory change you see

here was only effective July 1, 2021; it was a relatively recent rule. And before that, when when a school was up to be recertified, and this continues to be the case, that as long as they've applied properly to the Department for recertification, once the PPA expires, that their certification goes month-to-month until such time as we make a decision to provisionally certify, fully certify, or deny a certification. So, what we had done here was in response to some criticism in the past that the Department wasn't doing this in a timely enough manner, to say that if 12 months had elapsed from the time of application and we hadn't made a decision, that the school would be automatically recertified. Now, that could be provisional, we didn't have to do a full recertification. But it was sort of an instance where the Department regulated itself on timeframes. So, with this removed, this won't prejudice students in any way because the effect on students will be essentially no different, because that school's participation would continue to go month-to-month while we make the decision. So, it's just going back to what the situation was prior to 2021. I don't see it prejudicing students in any way, or their rights to redress in the case of closed schools, or anything like that. It just takes away this obligation to for the

Department to give or not, you know, this automatic approval. And I think, you know, we don't want this automatic. We concluded that we don't. It's not in the best interests of students or taxpayers to have any process like this be automatic and that, you know, there is a month-to-month continuation while we are making a decision. But this is different. This is just that the recertification triggers after a certain amount of time if we don't take action, if we don't make the decision. So, this pretty much just sets it back to where we were, and I think actually protects students and taxpayers more than than the existing regulation.

MS. RANUCCI: Thank you. If I can just respond, I don't understand what you said. I think maybe what you said is, and maybe somebody else can explain it better, but, the summary language that's provided in this document just says eliminate the requirement to automatically recertify institutions after one year on a month-to-month status if the Department has not made a decision. But I think what you what you said is different, which is that somehow this would be like re-putting in a requirement to do month-to-month. Carolyn, maybe you can explain it.

MR. MARTIN: No, I want to point out that we're not putting back. It's currently the case

that when schools, that we do that. This was different. This says after automatically after 12 months, irrespective of what we do, if we don't make a decision, the school is automatically recertified. That's all. All removing this would do is take away the automatic aspect of that. There will still be month-to-month. That would not go away. We're not putting that back or taking that away. It's just that if we didn't have month-to-month, then when a school certification was up, then they would just lose eligibility. And sometimes we don't act on it by the time it has lost eligibility. So all this does is take away the the automatic aspect of that. And I'll turn it over to Steve. Maybe he can expand on that a little bit and make it a little more clear.

MR. FINLEY: Unmuting myself first. So, the way it works is pending applications remain pending until a decision is issued. There was a concern that some applications were taking too long, and the regulations were changed to say if it's pending for a year, you're going to issue some type of approval. Now when you peel that away, the applications that are pending for a long time tend to be because there are underlying issues being examined related to the recertification, the kind of things we're going to be talking about later. And so those were left open. And

frankly, if the Department was going to be forced to issue a decision for something where there were still issues being looked at, it was likely going to be provisional anyway, and it would be a short-term provisional approval. So, this is just going to go back to the status quo ante the way it was before this regulation went into effect. Schools will continue on month-to-month until the decision on any pending recertification application is issued.

MR. MARTIN: Thanks, Steve.

MR. WAGNER: I see several hands, I see you're first Kelli, but before I call on you, I just want to let everyone know that Yael Shavit will be sitting in for Adam for the state attorneys general. And I did want to welcome Jaylon Herbin and Dr. Adam Looney. Jaylon's representing the consumer advocacy organizations and Dr. Adams Looney is an advisor. So, they've joined us since we started. With that being said, Kelli, you're up.

MS. PERRY: Good morning, and I apologize for asking this question. I just don't know the answer, and I just want to clarify. If a school is on month-to-month and they're left on month-to-month, are there additional requirements that they have to meet during that month-to-month process?

MR. MARTIN: I'll let Steve, in case if I don't say something right, Steve you can come in. No, they continue on that, the month-to-month is a continuation of the existing PPA until until such time as we provisionally certify or fully certify the institution, or we could also not certify the institution. I think one thing Steve said, I want to point out that this simply goes back to the way it was prior to July of 2021, that it was for years. I don't know when we started that practice, but ever since I can remember. So, it's only been a very short period of time that this has been in effect.

MR. WAGNER: Thanks, Greg. Barmak?

MR. NASSIRIAN: Yeah. I'm not sure where this belongs, but I want to flag that statutory language places great emphasis on state authorization. And you do have language and support in the second bullet in the issue paper referring to the AGs. We do need to talk about what state authorization means. It should at the very, again, I'm aware of reciprocity agreements amongst the states to deal with distance ed. I would certainly encourage the Department to address that issue by ensuring that all state consumer debt, any reciprocity agreement that satisfies this language does include retention of state consumer protection language.

That is, they are the people closest to the problem oftentimes, and allowing institutions to circumvent state consumer protection laws is a problem. So that's, I don't know where this belongs. Maybe it should come up in issue number two, but just wanted to flag that. I should also express concern about this notion of reversion to status quo ante on a month-to-month basis without additional protections. That has been a significant again path of least resistance [inaudible]. So, it just strikes me as very odd. It's almost worse than automatic renewal because, at the very least, automatic renewal basically means that the Department washes its hands of its obligations. Here, you're affirmatively extending the ability of an institution to operate legally, and that tends to portend future problems. So I would encourage the Department, if any institution goes on whatever the right length of time is for the Department to to act on most applications, to the extent that there are problem applications that failed that timeline, any month-to-month renewal should absolutely, at the very least, have a generic statement in the regs that entitles the Secretary to make additional demands on that institution.

MR. MARTIN: I would point out that, though it is the case that oftentimes the Department

takes more time, that we need to use the month-to-month because the PPA is expiring, that certainly in cases where we were aware there are issues, the Department could could prioritize that and actually act immediately, that the month-to-month is at our discretion. So, it doesn't give the schools any kind of automatic, you know, that they get to have a certain number of months or anything like that. So, where the Department perceives it needs to act with priority, it could always do. But there's no requirement that we give it a certain number of months or even even one month, we could act on it right away if we wanted to.

MR. NASSIRIAN: But in a renewal on a month-to-month basis, can you alter the terms of the provisional PPA?

MR. MARTIN: I'll turn that one over to Steve. I think that what we normally do is, once we issue a provisional PPA, that would provisionally certify somebody, that would have that provisional certification could have stipulations in it. But maybe Steve wants to clarify that a little bit.

MR. FINLEY: No, Barmak is correct. It's a continuation of the prior approval on a month-to-month basis, just like a lease is extended month-to-month beyond its term. And the Department would/could

issue a more restrictive approval to talk about what you're doing, can issue a decision on a provisional certification with additional conditions if it wanted to, and that's usually under consideration during these extended periods.

MR. MARTIN: And I do want to point out that, in the vast majority of cases, we don't have problems with the schools.

FEMALE SPEAKER: I want to open it so I see, so we can see their chat.

MR. WAGNER: I was just going to say, just a reminder, if you can mute yourself if you're not speaking, that'd be great. Go ahead. Is that it, Greg? Okay. So, I see Carolyn, you're up.

MS. FAST: Thank you. I don't know if this adds to the conversation too much, but I think that there still might be some confusion here about the provision. And I just wanted to add, if this helps at all, that part of the issue is that when an automatic certification happens, it would be for for an extended period of time, like maybe a two-year period. And this elimination of the automatic certification provision is helpful, because then it doesn't lock the Department into a long period of time where they couldn't easily take action against a school that's problematic. So, I

think that one of the benefits of this change that's been proposed is it puts the Department on greater footing to quickly respond after taking a long time to respond to a problem. So, I think that is a positive outcome in making the proposed change that we would certainly support. But I certainly share concerns that were raised by others about if a problematic school is allowed to continue even on a month-to-month for a really long extended period, that does seem like a problem in terms of not protecting students and taxpayers. So, I think Barmak was suggesting that perhaps, as part of a temporary provisional status, there could be a set of conditions, such as the ones that are laid out in this reg that give a higher level of protection. Perhaps that could be built into a temporary provisional program agreement, if not already.

MR. MARTIN: Thank you. Just want to make one clarification, I do want to point out that under the current regulations, while it is true that after 12 months the school would be automatically renewed, the Department has the right or retains the right to make that a provisional. So, we're not obligated to fully certify them or certify them for a specific period of time. We could, in fact, do a provisional for a very short period of time, but it's

just that it obligates us to do that. That's the main difference.

MR. WAGNER: Jessica.

MS. RANUCCI: I'll be brief. I'm sorry for getting us off on the wrong foot. I now understand this provision and I agree largely with what Carolyn said. I just want to push back on the Department's reasoning that just because this worked before 2021, that's a good enough reason to do it. ITT was before 2021. Corinthian was before 2021. I think that a lot of the problems that I really appreciate you're trying to address, were real problems before 2021, and so I think in thinking about how to make these provisions stronger in general, I just don't think going back to the status quo is good enough. And I'm not saying that's exactly what you were suggesting, or that this is the right place to do it. But I do think this group should think creatively beyond just "let's go back to what was working," because I'm not sure that it was working.

MR. MARTIN: Thank you. We're certainly open to any suggestions that any of the people from the table have. I do want to point out, just to make sure everybody understands the process, that while it is month-to-month, --and I get that people are very concerned about problem schools--I just must say that

the Department can right now, if hypothetically someone's school's PPA expired and they went on month-to-month, if the Department wanted to act the next day, we we could do that. So, we're certainly aware, our compliance staff is aware of issues, they would not just allow it to go month-to-month until caught up in a queue or something. Where we were aware of that, we could act right away. Which is not to prejudice anything any of you were saying about having ideas to strengthen this, so we're certainly open to those.

MR. WAGNER: Beverly.

DR. HOGAN: I muted myself. Yes. I will not speak to the issues that have already been raised, but I do have some similar concerns. But my question is simply this, and is based on 15 years of experience that I had working at state government and being over a lot of the programs that had to come under regulatory authority: is it advisable that there's language in there, and it could just set a tone, that the Department should hold itself to a timely review process? Because again, I get back to the shared responsibility. Institutions are waiting, and if the Department has the costs, your backlog, or whatever it is, and just continue to move that from month-to-month, it kind of holds the institution in a period of waiting.

And if there are problems, they don't get addressed, they just continue to grow. And what kind of guidelines do you have for the Department to say there should be a timely process, a review process, and some parameters for that?

MR. MARTIN: Yeah. Well, the issue here is not that the Department faces a huge backlog of these that they can't get to. In fact, we time the expirations of these of these PPAs so that it fits into our workload. Normally when we can't act on one in a in what someone might consider to be a timely matter, there are problems with that institution that we need we need to iron out. It takes some time to do, or we have issues with the institution that need to be resolved before we can go ahead with the PPA, so that's what this is about. As far as the Department acting timely, we make every effort, as I said, to act as timely as we can on issues. Where everything is fine and where there are no issues involved in a PPA or renewal, we can act quickly. But it may take time, because there's a back and forth that needs to occur. It's like with any time the Department interacts with institutions where there has to be a decision made by the Department. We understand the community's concerns about timeliness on our part, and we're making every effort to address those things, and

it could be with PPAs, or program reviews for another one. Generally, when program reviews go for a period of time, it's not because the Department is sitting on or choosing not to do it. It's because there are issues that involve back and forth between the schools and the Department. So, that's what this is more of a recognition of. And it's not in any way, I don't want to be signaling that the Department doesn't want to be held to timeliness standards or wants to say, "well, you know, we don't believe we should have to act on something timely." Quite the contrary. It's just that we don't feel that this is the best way to do that, to have the Department regulated in this way that forces something to occur that we might not want to occur. So, I'll leave it at that.

MR. WAGNER: Now we have Debbie.

MS. COCHRANE: I wanted to chime in to say how much I support this provision and how important I think it is. I certainly heard a lot about the timeliness, and I definitely agree that expedient response to problems is important both for student protection as well as for fairness to institutions. I also agree that it's important that the Department has the latitude it needs to address the problem. So, if there is language to be added, that could be around

adding more terms or conditions as the Department is warranted. If that is authority, it doesn't feel like it has been put to use. It would be supportive of that. But I think the predominant factor for me is also that, if the concern is about problem schools, and the schools that are probably falling in this category are ones that are thorny and potentially problematic, I think we also want the Department to have the time it needs to ferret out those problems thoroughly and appropriately. It's just not in students' or taxpayers' interests for that process to be shortchanged.

MR. MARTIN: Thank you.

MR. WAGNER: I just want to mention Emmanual Guillory is stepping in for private nonprofits, and he has a question, so Emmanual take it away.

MR. GUILLORY: Thank you so much. At this point, I want to echo what my colleague Beverly had mentioned--Dr. Hogan, sorry--had mentioned, regarding institutions being in limbo if there is no response or overall recommendation decision by the Department after 12 months. For an institution just to not know if they're going to be recertified or not, and have that lingering and lingering and lingering with no end date, to not really know when the end will be. I definitely understand if there's something concerning, the

Department will need time to continue to review things, and I think that the Department should have that time to do that, but communicate with the institutions so they can have some sort of idea of what to expect. When the Department previously put this language in, and I believe it was in the Distance Education and Innovation final regulations when they put this language in, it was to push the Department to have some sort of timeline. And I think that kind of goes back to previous Borrower Defense to Repayment regulations, where there was a time period that the Secretary gave themselves to respond to certain Borrower Defense claims, just to make sure things were moving in some sort of a timely order. So, I see here that under this current regulatory text, there's proposed language under the provisional certification status to allow the Department to do additional things. And I also know that currently, if the 12 months pass and there's an automatic renewal, that that could be provisional, it doesn't have to be full. And so basically, I feel like there could be maybe some sort of a happy medium somehow, instead of completely eliminating it. And I know that they're still on a month-to-month, and from what you said that it's the current certification that they're still under. So they're not technically provisional, and Barmak was

getting to maybe there should be additional if they are on a month-to-month. Instead of eliminate it completely, I just feel like there could be a balance, just so the institution could know what to expect in 12 months, or is it 14 months. And I also wanted to add that the institution has to submit their recertification 90 days in advance before their time is up, so that's 3 months plus the 12 months which is 15 months. So, if there's an additional 6 months, that they know, "okay, if the Secretary hasn't made a decision now, then something's going to happen." I just kind of think there should be some sort of timeframe for the institution as well.

MR. MARTIN: Thank you.

MR. WAGNER: Marvin.

MR. SMITH: I just wanted to applaud the efforts here, and maybe ask a specific question. You say that the Department is working to improve its administrative processes and expand its resources to support more efficient and timely decision making. As someone that's worked with this PPA system, and I think a lot of my colleagues have, your own folks call it a dinosaur of a system. And I don't know if that's part of the answer, are we going to modernize this PPA system that we're using out in the field, or what type of resources are at the Department? To me, you deserve all

the resources you can get for such an important topic.

MR. MARTIN: I work in policy, I don't work over in FSA where the operational side of this occurs. But I do know, and we can probably get some more information for you about that, but recently FSA has undergone a great deal of modernization to their systems. And what they're doing, they've been spending a lot of resources, both monetary and and human resources, on bringing this up, so I think that they've made some great strides. I don't have statistics or anything like that, but we take this very, very seriously. We definitely want to be timely in every way possible. But I'll also point out that this is a serious thing, recertifying an institution. There are serious consequences to getting it wrong. So, obviously, we want to make certain that what we're doing is measured and and exact, and that takes time and it takes a lot of our people power to do that. But I can say that we are making efforts to modernize, but we're not sitting on our hands, or we're not content with old systems. But yes, we are burdened with some older systems, and we're trying to deal with that. This just has to do with not regulating the Department in this way, which we feel actually hamstrings our ability to act in the interest of students and taxpayers.

MR. WAGNER: Okay, I don't see any hands up. We did go through 668.13(b). Greg, do you want to take a temperature check on that? Do you want to move to something else?

MR. MARTIN: Sure, let's take a temperature check so that we were doing it by paragraph wherever possible.

MR. WAGNER: Got it. Okay, so if you remember from the last three days, we'd like to take a temperature check on 668.13(b) and hold your thumbs up high so we can all see them. Looks like there are no thumbs down. Okay great, none down.

MR. MARTIN: Thank you very much.

MR. WAGNER: Okay. So Greg, where would you like to go next?

MR. MARTIN: I'd like to move to paragraph (c), provisional certification, and I'll wait for the screen to come up, and we're going to be looking at, if you look down into what we've eliminated there under (F). We have eliminated the text that says the Secretary may provisionally certify an institution if, and then we go down to (F), the institution is a participating institution provisionally certified, or rather provisionally recertified under the automatic recertification requirement, which we're proposing to

remove. So that text becomes redundant, and we remove it. Then we move down to (c)(1) romanette two, some additional text there regarding some new provisions. The institution's certification automatically becomes provisional upon notification from the Secretary if the institution triggers one of the financial responsibility events under 668.171(c) or (d) and as a result the Secretary requires the institution to post protection. (B), the institution has received the same finding of noncompliance on more than one program review or audit. And finally (C), the institution or an owner of the institution with control over that institution as defined in 34 CFR 600.31, also owns another institution with liabilities owed to the Department. We go down to (2), if the Secretary provisionally certifies the institution, the Secretary also specifies the period for which the institution may participate in the Title IV program, except as provided in (c)(3) of this section, a provisionally certified institution's period of participation expires--and here you see the our addition--not later than the end of the second complete award year, following the date on which the Secretary provisionally certified the institution that had been fully certified for reasons related to substantial liabilities owed or potentially owed to the Department

for discharges related to a Borrower Defense to repayment, or false certification, or other consumer protection concerns identified by the Secretary. And just as a review of our reasoning for this, we've added several events or circumstances the Department considers to automatically require provisional status. These events are significant and suggest major issues with the institution and the interests of students and taxpayers. We believe additional oversight is needed, and I just went over those. And what was here in (2), we changed items in romanette one, two, and four. These are technical changes to address incorrect cross references. And in romanette two, the text automates the maximum timeframe for recertification of an institution with significant consumer protection concerns, such as Borrower Defense or false certification claims, to two years. This will ensure more frequent oversight of the institution and allow the Department to reassess regularly. And those, except for some minor technical changes to address errors, that is everything for paragraph (c). So, I'll entertain discussion from the floor on what is there.

MR. WAGNER: Okay. Kelli, you're up.

MS. PERRY: Thank you. So, first a comment, and then a question. So, the comment is on (1),

romanette two, (A). I would propose that you change the order of the wording of this, such that it would read that the Secretary requires an institution to post financial protection as a result of being deemed not financially responsible relating to one of the triggers. And the reason being is that the way that this reads, it's basically saying that an institution hits a trigger and the Secretary requires them to post financial protection. An institution can post a 50 percent letter of credit and be financially responsible. So, in order for them to automatically be provisionally certified when they posted that 50 percent letter of credit and are considered financially responsible, I think if it's not reworded, that institution would fall into this provisional certification. So, that's one comment. The second one is in (B), where it talks about "an institution has received the same finding of noncompliance on more than one program review or audit." Is this consecutive audits? Or is this, for example, if someone had an immaterial compliance finding in an audit in 2020, and then two or three years later ended up with the same potentially non-material compliance finding, is that a trigger for automatic provisional certification?

MR. MARTIN: So generally I think, and I'll ask Steve to confirm this, that we're talking about

what we refer to as repeat findings here. So we say here the institutions received the same funding of noncompliance for more than one program review or audit, and so once it's identified in the program review or the audit, then it would be the next time they're audited or reviewed the same finding appears again and is not addressed. So, I think that would be where it's identified, and then in an additional audit or program review, the reviewer or auditor finds the same thing. We don't say anything here about severity of the of the finding or whether, so your suggestion is that we make some type of clarification as to what types of findings?

MS. PERRY: Well, just my concern is that you could potentially have the same type finding but it could not be consecutive, that it could be years apart and it could be a non-material finding. So, for example, you could have 120--I'll use cash management, for example, right?--you could have $120 that you didn't pay the supplier prior to asking for reimbursement from the Department. And it's just a one-off where you have procedures in place, you have corrected it and then, say 2 years later, for some reason they find another immaterial noncompliance finding. So, my concern is that the way that this reads is that it doesn't define whether or not it's a consecutive finding that hasn't

been corrected, right? Or if there's any materiality to that compliance finding.

MR. MARTIN: Yeah, well, certainly I can say that it's certainly not the Department's intention to have a regulation where we find there might be an unintentional repeat of something that was very non-material or, like you said, you didn't pay a vendor $200 or something like that, but that wouldn't be a Title IV finding necessarily. But I think we'll take this back. Your concerns are legitimate. I think it's certainly clear what we're trying to do here, but we understand that it takes institutions time to fix a finding. So, what we're generally talking about here would be repeat findings, not maybe a program review occurred and then an audit at the same time or very close, that would not be a repeat finding. A repeat finding has been identified in a report, and then the time has gone by sufficient for the institution to address that and they still haven't done it. But I think we'll take it back and take a look at maybe how we can flesh that out a little more to get to where we're trying to go there.

MS. PERRY: Thank you. Appreciate that.

MR. MARTIN: Sure.

MR. WAGNER: Brad?

MR. ADAMS: Hi, good morning. Committee and members of the public, and to add to just what Kelli just referenced, the Department is proposing in section (1), romanette two (B), in certain audit events automatically place an institution on provisional certification. Worth noting that provisional certification is a big deal. Often comes with limitations, restrictions on when an institution can implement adding new programs, locations, has additional reporting requirements. It also changes how and when the Department can take action on an institution. This is all just to say that there should be good reasons to put an institution on provisional status, which is how the law is currently designed. With that in mind, I'll offer a comment. In romanette two, the Department is proposing that an institution would automatically go on provisional if it, quote, "received the same finding of noncompliance on more than one program review or audit." Again, no materiality threshold here. Someone who's gone through the school side of many compliance audits has written an institution can have a single late refund of $20 two years in a row and be put on provisional. Second, there's no provision that says finding should have to have occurred in consecutive audits. The

proposal suggests that if an institution had a single late R2T4 in an annual audit, and they had another single R2T4 in an audit five years later, it would automatically go on provisional approval. In other words, if you ever have a repeat finding, you go on provisional. I guess here every school in America could be on provisional within years. By the way, this applies to all schools, not just proprietary. That being said, the single audit for nonprofits only requires findings to be reported if they rise to being material. The proprietary audit guide requires reporting all instances of noncompliance, without consideration of questioned cost, or number of instances, or materiality. I would love for David to come in and comment on what the average number of findings are in a normal compliance audit for a school in a normal year? And how many repeat findings are there in a normal year? Because they're substantial. Thank you.

MR. MARTIN: We could ask David to respond to that.

MR. MCCLINTOCK: I'm not sure that I can comment to the average number of findings. I would say that I would add context to two issues that that Brad, and I think Kelli, brought up. One is, and we work with financial aid administrators across all institution

types, and there's nobody that works harder at the schools, but the regulations are constantly changing. They're dealing with turnover in their departments, and occasionally things come up that become a finding in their audit report. But often that doesn't get raised to the financial aid department until they've gone through the audit process, at which point they may implement changes, but often they might be 4 or 5 months into the next audit period. And so, almost by definition, findings such as these will become a repeat finding because the school has not had opportunity to take corrective action to solve the problem. So, it's possible, even by the end of the second fiscal year or audit period, the problem would be resolved, but that it would be a repeat binding for those schools. Yeah, I would agree, the second issue for proprietary schools and the audit guide requires disclosing any instances of noncompliance, even those without questioned costs, and no consideration for the instances, and so that can lead to repeat findings that are not significant. I would say most commonly would be Pell Awards to students, just due to academics not always advising the financial aid department about students who drop or add classes. And if you review 120 students, I think at any institution you're likely to come across 1 or 2 Pell findings. A

consideration could be add a minimum. For this, there are requirements about a school's requirement to post a letter of credit due to late refunds that does consider a 5 percent threshold and not considering just instances of 1 or 2 in the finding. And so maybe considering something like that, as if you're above that threshold for multiple years, I might suggest a third year unless a finding was egregious, would make sense for when this would potentially come into play.

MR. MARTIN: Thank you, Dave. I appreciate that. I just want to say going forward that I do understand everybody's concerns here, about maybe there should be more specificity in the language. But I do want to say that it's not our intention to put schools on a provisional certification for minor findings. We do have, I think, a real concern about repeat findings, where schools have been told in either program review reports or audits that they're failing to make credit balance returns to students or R2T4 issues. So, there are some serious instances where we do see repeat findings that are, in fact, very material. So, I just want to point that out, which is not to say that I don't understand the concern some of you have voiced here. We will take the language back and take a look at it to see what we can do to make it more specific.

MR. ADAMS: Thanks, Greg. And I had a small comment on romanette three, would you like me to get back in line or?

MR. MARTIN: I'll leave that to our facilitator.

MR. WAGNER: If it's brief, go ahead.

MR. ADAMS: Okay, it should be under a minute. Under romanette three, the Department also proposes that a school would automatically go on provisional if an owner of an institution with control over that institution also owns another institution with liabilities owed to the Department. There should be some clarification here around what constitutes a liability. Schools owe funds back to the Department all the time, part of just normal processing. There also is again no materiality qualifier. The amount owed should have to be significant. Finally, there should be a requirement that the liability is not being timely paid pursuant to an agreement with the Department. Even if the school owes a material liability, if paying it back in a timely manner, other affiliated schools shouldn't be put on provisional. Thank you.

MR. WAGNER: Thanks, Brad. Barmak.

MR. NASSIRIAN: Yeah, I'm a little curious as to why these three particular criteria are

there, not other markers of potential trouble that should automatically place an institution into provisional? Why these three, to the detriment of lots of others? We had an institution that was found guilty of fraud in a court of law. Should that institution not automatically be in provisional?

MR. MARTIN: We'll certainly, this is what's identified in the proposed rules. We'll certainly take any comments or suggestions back with us.

MR. NASSIRIAN: Is it possible to have a catch-all that that simply captures any significant noncompliance across the board?

MR. MARTIN: Well, no, I think the Department wants to be careful about what obligates us to automatically place the school on the provisional certification. So, let me just ask Counsel. Steve, do you have any comments on that?

MR. FINLEY: I think the idea that we will entertain suggestions of things to add to the list is a good one. These issues are pretty much related to direct concerns about administrative capability and financial risk. I think they're probably obvious to most people. And the comments on materiality are certainly things we're taking back for discussion. I think it's obvious from Greg's comments that this wasn't intended

to be just a simple gotcha for something that would happen to everyone. But comments of other things that should be considered here would be welcome. Thank you.

MR. MARTIN: Thank you, Steve.

MR. WAGNER: Alright. Amanda, you're next.

MS. AMANDA MARTINEZ: Sorry, coming off mute, I'm on my phone. I was going to make this suggestion for extended coverage, but I'm wondering if this might say here-I'll bring it up again when we get to that section--but I'm wondering if an institution should, potentially, this is just me throwing out ideas here, for the Education Department to think creatively about, but to all think about this more deeper too, to go into provisional certification if there are disparate impacts on student civil rights, and if there's been found evidence that institutions are disproportionately impacting students' civil rights. I think that should be considered just as much as these financial responsibility and noncompliance, just as much as those are held to a high standard here. I think civil rights, or consideration of civil rights and the protection of student civil rights, should be also equally thought about at that high level of the threshold for certification. But that is a separate comment, and I

will think of what do you believe, that if that doesn't make sense, because I'm not an expert here, then it doesn't make sense. But I just want to just throw that out there. But my specific question in this part is mostly for part (C). It mentioned that the institution or an owner of an institution with control over that institution, and it references CFR 600.31. I'm wondering what that percent threshold is? I could also look, but I was just wondering if someone could just quickly state what that control percent threshold is when you cite 600.31.

MR. MARTIN: Well to be sure, I'll have to look. Steve, can you check, is that 25 Steve?

MR. FINLEY: Greg, could you repeat the question, I'm sorry.

MR. MARTIN: Yeah, so in (C), the institution or an owner of the institution with control over the institution, the control as defined in 600.31. She wants to know the percentage what the control is in 600.31.

MR. FINLEY: Well, I think based on the discussion we had yesterday, I think it would depend on how the determination of control was made. But I think the comment that this should be clarified here is is a good one.

MR. MARTIN: Okay.

MR. WAGNER: Okay, thank you. Jessica, you're next.

MS. RANUCCI: I have a minor drafting question. You don't have to respond now, but I'm a little confused about romanette two, which is the Borrower Defense, false certification, and other consumer protection part. I'm all for that, but I'm confused as to where it fits in (c)(1). There's no cross reference, and it seems to me like there should be some explicit corollary in (c)(1), either romanette one or two, rather than just putting that in the timeframe.

MR. MARTIN: Okay, thank you. I'll take that back.

MR. WAGNER: Steve, you had your hand up. Did you put your hand down? I just want to be sure if you had anything to add.

MR. FINLEY: I was just cycling through and trying to end up on not having my hand raised. Thank you.

MR. WAGNER: No problem. Okay, that being said, I jumped the gun here. I don't see any other hands up. So, Greg, do you want to take a temperature check on 668.13(c)?

MR. MARTIN: Sure.

MR. WAGNER: Okay.

MS. JEFFRIES: Let me just note here, Dave put his hand up. I don't know if he has something he wants to add prior to the temperature check.

MR. WAGNER: Thanks for looking at that, Cindy. Appreciate it. Dave?

MR. MCCLINTOCK: Yeah, thanks, Cindy. I just wanted to provide some insight, and I understand the path where we're trying to go. Johnson put a note in the chat about just removing the word "automatic." And that is part of the issue here. There is some discretion right now from the Department about how to consider repeat findings, without any real definition of what is considered to be a significant enough repeat finding under some of the discussions we're having today. We have just seen a generic comment included in the final audit determination letters that there was a repeat finding, and this could lead to additional action being taken. So just removing the word "automatic" I don't think eliminates that possibility. And we just encourage trying to put together language to describe the types of issues that would rise to that level, beyond just removing the word "automatic."

MR. MARTIN: Thank you.

MR. WAGNER: Thanks Dave. Alright,

we'd like to take a temperature check on 668.13(c). Make sure you hold your thumbs up so we can see. Okay, we have several negotiators that have their hands down. And if anyone would like to comment on why, that'd be fine. If not, we'll move on.

MS. VEEDER: I just wanted to say it's based on what we talked about already. I think we need significantly more clarity, particularly in relation to item (B) in this in this section, before I can get on board.

MR. WAGNER: Got it, thank you. Okay, Greg, you want to move on to 668.13(d)?

MR. MARTIN: Sure. I was on the wrong page. Yeah, before we do that, I just want to say again that we've heard your concerns, certainly about what we just discussed in (c), and I will take that back and we will work on it. Hopefully have something else for you during our next session. So, moving on to (d), (d) is the revocation of provisional certification. This should be a pretty easy one. So, if we go down to (d)(3), an institution may request reconsideration of a revocation under the section within 20 days of receipt of the Secretary’s notice, providing written evidence that the revocation is unwarranted, and the filing date of the request on which the request is hand-delivered, mailed,

or we just changed “sent by facsimile” to “electronic transmission.” Getting to the point now where people, born past a certain date, don't know what a fax machine even is anymore. They never seem to work real well, so I don't miss them. But anyway, that's been changed to “electronic,” just in recognition of advancing technology and getting rid of antiquated phrases. So, I'm not going to ask for a concensus check there, but I do want to give people the opportunity to comment if anybody does have a comment on that and loves fax machines and wants to see it kept there. I can't see if we have any comments on that or not.

MR. WAGNER: Oh, I'm sorry, I wasn't sure whether we were, if you want to go through the rest of it or we wanted to go.

MR. MARTIN: No, because we'll be done with 13 and moving on to 14. So yeah, I can't imagine many comments there, but I did want to give people the option to do that if they're inclined.

MR. WAGNER: Understood. And Aaron, can we stop sharing if possible? Thank you. Kelli, you have your hand up.

MS. PERRY: Yeah, I would just recommend making the same change in romanette one. The first one, where it talks about the facsimile

transmission, as you're also making in romanette two. So, make it in one and two.

MR. MARTIN: Yeah, thank you. So noted. We will do that.

MR. WAGNER: Anything else?

MR. MARTIN: I think that's it. We don't have any references to rotary telephones in here or anything, so we don't have to do that. Okay, why don't we move on to 668.14? Alright, we are in 668.14, program participation agreement, and our first change comes in (a)(3). And just for a little bit of context here, this language will specify that the Department will regularly require signatures on program participation agreements not only from a representative of the institution, but for private institutions also from an authorized representative of any entity with direct or indirect ownership of the college. We believe this will provide critical protections for the Department and for taxpayers in the event of closure. This will allow the Department to recoup liabilities from the owner entity that remains open. So, let's take a look at that. Under 3, an institution's program participation agreement must be signed by an authorized representative of the institution and, for a proprietary or private nonprofit institution, an authorized

representative of the entity with direct or indirect control of the institution if that entity has the power to exercise control over the institution. The Secretary considers the following as examples of circumstances in which an entity has such power. If the entity has at least 50 percent control over the institution through direct or indirect ownership, by voting rights, or by its right to appoint board members to the institution or any other entity, whether by itself or in combination with other entities or natural persons with which it is affiliated or related, or pursuant to a proxy or voting or similar agreement. If the entity has the power to block significant actions. If the entity is the 100 percent direct or indirect interest holder of the institution, or if the entity provides or will provide the financial statements to meet any of the requirements in 34 CFR 600.24(g),(h), or subpart L of this part. And that is the entirety of what we changed for paragraph (a), so I'll entertain any comments on that.

MR. WAGNER: Let's see. Dave, before I go to Brad, you're first in line. Dave, do you have anything you'd like to add?

MR. MCCLINTOCK: Oh, I'm sorry, I just didn't lower my hand.

MR. WAGNER: Okay, no problem. Brad,

you're up.

MR. ADAMS: On the PPA cosigning, I have some concerns about this proposal and would appreciate some clarifications from the Department. First, I know that in limited circumstances, the Higher Education Act authorizes the Department to require financial guarantees from an institution's board of directors, president, or in the case of a proprietary school, from its owners to cover certain financial losses and penalties. This is from Title 20 U.S.C., Section 1099c, subsection (e). The Department is only authorized to use this authority to the extent necessary to protect the financial interests of the United States. The statute is very specific that the Department shall not require these kinds of guarantees if the institution in question satisfies certain compliance thresholds. I do not see those kinds of restrictions built into this language. The Department's proposal here also seems to require owners in other controlling entities to cosign the PPA as a routine matter without regard to the statutory language. The question is what is the significance of the cosigning? If the Department is requiring compliant institutions to guarantee the institution's liability, this would seem at odds with the previously stated statute. If cosigning is not a

guarantee of liabilities, then what is it? In the appendix of the PPA, it says the owners are jointly and severally liable for performance. Can the Department state what this means, and I'll follow that up with another question?

MR. MARTIN: As this involves a statutory citation, I'll ask our counsel to respond to that, so Steve, do you have any comments on that?

MR. FINLEY: Sure, so the language that Brad was bringing to our attention in the Higher Education Act deals with limitations on requiring individuals to sign PPAs. And the language in front of the group right now is dealing with requiring representatives of legal entities to sign PPAs in certain situations. So that's the distinction here that I think is relevant and the discussion should focus on, I would suggest, the relationship between these entities and the institution that's being reviewed. I hope that helps clarify it, Brad. Not that I necessarily expect you to agree with me, but I did want to get that clarification into the discussion.

MR. ADAMS: I'll defer to the lawyers on that one, sir. Can you explain what the "jointly and severally liable for performance" statement in the current PPA means to the Department?

MR. FINLEY: It means those entities share financial responsibility for ensuring the institution's obligations to administer the programs properly under the Title IV regulations and statute.

MR. ADAMS: To my last point, I also want to point out that this is not just to proprietary schools. This proposal considers any entity that has the power to block significant actions stated in point (B) at the school. So, I would think this covers lots of churches that exercise reserve powers over faith-based institutions, hospital systems that found and oversee nursing and medical schools, and any other organization that may have governance authority over a private nonprofit. So, are we saying here that the Catholic Church will be signing the University of Notre Dame and Georgetown's PPA?

MR. MARTIN: I don't think that's what we're saying. I will take your concerns back. Certainly, the Department has a compelling interest in providing protection for taxpayers and for students here. And I think, well, I personally feel that it's not, and it's the Department's view that we're not able to do that unless we have all the parties which control the institution involved here. So, we believe that this provides protections where there are other entities that

exercise actual control over the institution. I think that there are differences between affiliated and exercising control. I'm not aware of the details of exactly what authority the Roman Catholic Church has over the institution you named. I don't know the details of that, so will not speak to that. But I can speak to the Department's intentions here, and that we don't feel it's appropriate to not take into account these other entities that do exercise significant control over an institution and its actions to students and in being a fiduciary for federal funds.

MR. ADAMS: Thank you, Greg. And maybe Steve could help the group explain what that means, "entity has power to block significant action." I don't understand.

MR. MARTIN: Well, and I'll let, if Steve wants to add to this, certainly. You know, blocking the power has the power to block significant actions. We are concerned over any entity that has the authority to control what's going on in an institution. And we have seen, it's been a long time, but I personally have participated in program reviews, compliance actions where I have seen institutions where arrangements such as this exist, where there was an effort on the part of the institution to do something

that was in compliance, but other entities involved in decision making prevented that from happening, and certainly were involved in the day-to-day operations of the institution, especially as regards the school's finances. So, we are concerned here about an entity that's present that's able to intercede in decisions that the institution makes, because some of the decisions that institution makes might be, or all, could be in the best interest of the programs, but that those are being changed or altered in some way by this other entity. And this is a recognition that that is a reality, that that does happen. So, we have concern to address that.

MR. ADAMS: That would include faith-based institutions if they had that power to block.

MR. MARTIN: I don't want to make a comment about faith-based institutions at this point, because first of all I'm not an expert on what the relationship between a faith-based institution is and generally the churches they're connected to. But I would imagine they have to be looked at on a case by case basis, but I'll ask Steve if he wants to comment on that.

MR. FINLEY: And I can say the intention here is to address a number of ownership

structures we've seen where there are entities that do not control the day-to-day operations of an institution, but they absolutely have control over a lot of more significant decisions that the entity owning the institution might undertake. Which is either taking on additional debt, or change of ownership, operations, and other restrictions, and in essence gives them a lot of control over the institution. So, the scenario where we would welcome comment and input, if there's further distinctions that we should look at here, that'd be very helpful.

MR. MARTIN: Thanks, Steve. I do want to echo what Steve just said, that we do welcome comments on this.

MR. WAGNER: Alright. Barmak, you're up.

MR. NASSIRIAN: As a graduate of a Catholic institution, I can tell you that Georgetown and Notre Dame are owned by the Jesuit order, not by the Catholic Church. More importantly, I think with regard to the faith-based institution issue, to whatever extent faith, the affiliated order, or religious authority exercises control, that control tends to be curricular and academic, not financial and administrative. So, there is a distinction there. I think what the

Department is going after is control of administrative and financial decision making at the institution, not whether the Pope speaking at its cathedral is necessarily a case of infallibility. Be that as it may, it is, but a separate conversation. A couple of thoughts here. One, subpart (A), the 50 percent control is really inadequate for publicly traded. It's generally inadequate, but it's particularly inadequate for publicly traded corporations because very rarely does a publicly traded organization, a corporation, have one person controlling 50 percent. I mentioned this yesterday. The SEC defines insider shareholders as anybody that controls 10 percent or more of the shares in a publicly traded corporation. So that, to me, that's a huge thing. Secondly, even with even with smaller corporations, what you probably want is the single largest shareholder, whoever that is. It may be that they only own 49 percent, but then the rest of the shares are owned by 100 people. That doesn't mean that 49 percent equity ownership doesn't give that one individual control. So, I would modify that in appropriate ways to make sure that you're capturing everybody. The other point I wanted to make is that there are nonprofits, let me rephrase that, there are publics and nonprofits that may that may form a sole-

member subsidiary, a sole-member, nonprofit subsidiary, and it seems to me that that parent entity needs to sign as well. I don't know that this requires it. Subpart (C), "if an entity is the 100 percent direct interest holder of the institution," can you define what that means? I don't quite understand what that means.

MR. MARTIN: I'll take that back, Barmak. I'm not 100 percent sure. I want to make sure that I get that correct, so I'll inquire about that.

MR. WAGNER: Yael?

MS. SHAVIT: Thank you. A couple of things. One, I want to echo what Barmak was just saying about the 50 percent ownership threshold, and I think that those ideas make sense and offer a more realistic picture of how these institutions and how ownership actually works. But more broadly, I wanted to just lend support to what the Department is trying to do here. I think that it's critical to capture control over institutional decision making in this regard for these regs to be meaningful, and I think this is an important effort. And just for members of the public who aren't able to see the comments, I want them to know that representatives from accrediting agencies and state authorizers have also noted that this type of language is consistent with the with issues that authorizers and

accreditors face as well.

MR. MARTIN: Thank you.

MR. WAGNER: Let's see, we have Brad, and then Debbie back up.

MR. ADAMS: This is not something through the comments being made by the committee members, this is directly related to publicly traded institutions. I'm just curious if the Department intends to try to pierce the corporate veil and hold individual stockholders liable under this pronouncement?

MR. MARTIN: Well, what we're doing here is, I think we don't reference stockholders. We're talking about an authorized representative of an entity. So, we're looking at the entity that has direct or indirect ownership of the institution and an authorized representative of that entity having signed the PPA. I don't think there's a reference here particularly to stockholders.

MR. ADAMS: Maybe Barmak could add more to that, I know he brought that up in the past few days.

MR. WAGNER: I see Debbie.

MS. COCHRANE: Okay. I am looking at the language, and I'm trying to understand the Department's intent. I'm wondering why, we would have a

PPA signed by, it looks like it would be effectively two people: an authorized representative, and one of presumably several people who have the power to exercise control over the institution. I guess I'm trying to think about why that would be just one of the people who has substantial control over the institution, and kind of thinking about how some of that would even play out, and whether that undermines the goal of what the Department's trying to get at here.

MR. FINLEY: I'll take that one, Greg. The people that are signing are authorized representatives of those entities. So, this is not piercing the corporate veil. It is actually requiring the higher-level entities to directly sign the contract on behalf of the institution as well, so an authorized representative of an entity is binding that entity to meet those obligations.

MS. COCHRANE: They would be the one, but I guess under (3), romanette two it would only be, if there are five people have that have the power to block significant action, say only one of them would be flagged under this. Is that correct?

MR. FINLEY: The entity that's required to sign would be responsible. If you'd like to suggest some clarifications there, we will be happy to

consider them, but that's kind of where we're trying to go.

MR. WAGNER: Is that it, Debbie? Okay. Let me just make sure I don't see any additional hands. Do you want to take a temperature check, Greg, on 668.14(a)?

MR. MARTIN: Yes, why don't we do that?

MR. WAGNER: Okay, everyone, you know the drill. Make sure we can see your thumbs. Thank you. Okay, I see one thumb down. If you'd like to make any comment, that's great. If not, we can move on. Okay. Alright, Greg, would you like to move on to the next section, 668.14(b)?

MR. MARTIN: Sure. Let's move on to discussion (b) here. By entering into a program participation agreement an institution agrees that the Secretary, guaranty agencies and lenders, nationally recognized accrediting agencies, the Secretary of Veterans Affairs, state agencies recognized under 34 CFR part 603 that legally authorize institutions and branch campuses or other locations of institutions to provide postsecondary education, and we have added here state attorneys general, have the authority to share with each other any information pertaining to the institution's

eligibility for participation in the Title IV, HEA programs or any information on fraud and abuse. And we propose to add state attorneys general to the list of entities included in the information sharing related to Title IV participation for fraud or abuse. This recognizes that AGs play an important role in the oversight of colleges, and we believe this edit will provide greater clarity about that importance. Moving on to (b)(26), you'll notice this is not a change, but we do highlight this text and I'm about to read, but I pointed out earlier when we did the overview a summary of what we propose to do here. The Department is aware of significant variation across states and the minimum required length of programs tied to licensure in many states in a variety of fields. Otherwise equivalent programs that require many more hours, and once they can lead students in that state to spend more time in school, take on more loan debt. So, we already discussed that and I will move to the Department's seeking feedback on the appropriate maximum length of time for gainful employment in a program in the situations where the equivalent programs have substantially different lengths. The Department would not limit the discretion of states to establish program length requirements, but is concerned about the costs to students providing aid

eligibility beyond the minimum required for state licensing. So, let's read that language that we currently have in and would remain. Right now, we have not offered any amendatory text at this point. If an educational program offered by the institution is required to prepare a student for gainful employment in a recognized occupation, the institution must demonstrate a reasonable relationship between the length of the program and entry-level requirements for the recognized occupation for which the program prepares the student. The Secretary considers the relationship to be reasonable if the number of clock hours provided in the program does not exceed the greater of 150 percent of the minimum number of clock hours required for training and the recognized occupation for which the program prepares the student as established by the state in which the institution is located, if the state has established such a requirement or as established by any federal agency, or the minimum number of clock hours required for training in the recognized occupation for which the program prepares the student as established in a state adjacent to the state in which the institution is located; and establishing the need for training for the student to obtain gainful employment and the recognized occupation. So, giving you the current

regulatory text and opening it up to a discussion of whether or not we should retain this or what we might do differently here.

MR. WAGNER: Aaron, if we could stop sharing, that would be great. Okay Brad, I see your hand and then Barmak.

MR. ADAMS: I want to say out of the gate. So, we completely agree that if an institution operates a professional licensure or certificate program, for the licensure, then the state… Actually, you know what, I am off one section, I'm on 32 here. I'm going to come back. I have a different comment on 26. I apologize.

MR. MARTIN: No problem. We'll get to 32 shortly.

MR. WAGNER: Okay, Barmak.

MR. FINLEY: So in section 17, first of all, I certainly support the inclusion of AGs in the list that is enumerated in current law, but I'm wondering why we cite the Secretary of Veterans Affairs and we do not include the Secretary of Defense? The DOD runs a significant educational assistance program, the tuition assistance program, and should probably be listed there. In addition to which, it seems to me that we would probably want to allow CFPB data sharing as

well, so that would be two suggestions. At the very least, we can have a conversation later on about 90/10. The Department apparently wants to publish a longer list of agencies that provide student assistance. And my assumption is that all of those agencies ought to be able to share data with each other. But at the very least, to the extent that you mentioned the Secretary of the VA, the Secretary of Defense ought to be listed here as well because DOD runs a significant tuition assistance program. Second point I wanted to make has to do with the peculiarity of allowing 150 percent of the minimum required number of hours in your state, but only the minimum requirement in adjacent states, which is basically a formula that says the algorithm produces the higher of either 150 percent of yours or whatever is the highest minimum required elsewhere if they're adjacent. That just doesn't make a lot of sense to me. Can you explain how that was arrived at and why?

MR. MARTIN: Sure. So, this came out of the Distance Education and Innovation package that was done under the previous administration. The justification for this, and I'm not saying that it's my justification or the Department's current opinion, was that there are instances where a student could be in a state and one that was commonly cited was, for instance,

areas like New Jersey, New York, Connecticut, where you have a high population in a very compact area, and it could be the case that somebody wants to receive their education in one state and then practice in another, but those requirements are different, so that it would allow the students in the one state to take the program. To allow that institution. that may have numerous students who want to actually be licensed to practice in this adjacent state. to get the number of requisite hours that they would need to do that. There was no accounting for things like MSAs. I'll give you an example of the way it's currently written: you could have a student in a school in Key West Florida, and there could be a different standard in Alabama, that's probably an 11-hour drive or something. So, it wasn't like an MSA, it just literally meant adjacent state. But that was what it was meant to accommodate, Barmak. And the reason why it's the minimum at the other state is so that, if the student needed the hours to be in the other… I don't want to say students. The program needed to be such that it met the requirement of another state, then it could just be up to the minimum required in that state and no more. So, I hope that that explains it.

MR. WAGNER: Okay, Brad, your next.

MR. ADAMS: I think Johnson has his

hand up in front of me.

MR. WAGNER: Okay, Johnson. Johnson is stepping in for Jessica Ranucci, representing legal assistance organizations. You're up.

MR. TYLER: Oh, thanks Brad. Thanks, Kevin. Just a small note on the adding the attorney generals, it's come to my attention, and not knowing who to complain to about actions, that there's this thing called Sentinel, which the Federal Trade Commission uses, where you can, if I complain to the local consumer agency in New York City, it uploads that information into a federal database that's accessed by many entities so that they can then have access to forms of information from all different sources. So, I think this (17) is too limited just having AGs added to it. I think you just want to figure out how to get everyone in there. The Department of Consumer Affairs and the local communities are sources of information about the schools within that area, and their information should be used as well. Thank you.

MR. MARTIN: Thank you. I'll take that back.

MR. WAGNER: Okay, Brad and then Barmak.

MR. ADAMS: Thank you. Back to (26)

now, off of (32). So first, I just want to point out that the Department is proposing treating institutions differently. The Department does not impose a 120 or 126 credit hour cap on a bachelor's degree, but essentially that's what they're trying to do here for clock-hour programs. But on the proposals on the table in the comment, we think the first two are better than the third. The third option attempts to inappropriately use national medians for something that is entirely regulated at the state level. State legislators set these standards. If the Department has a problem with the clock requirements being too high, those comments should be directed to the states. In practice, the third option would make it hard for institutions to operate if they are in a state that requires students to earn more clock hours than the national median. I feel this is an attempt by the Department to strong-arm the state legislators to change licensing requirements. That's not really the role of the Department, so I think the third option is particularly bad. Thank you.

MR. MARTIN: Thank you.

MR. WAGNER: Okay. Barmak, you're up.

MR. NASSIRIAN: I appreciate the response that Greg gave to my question. I would strongly urge the Department to, first of all, consider reducing

the 150 percent to no more than 125 percent. There is no reason, if the minimum threshold is X, for the Department to allow 50 percent more than thatJust that margin strikes me as way too long. And I would also limit the extent to which adjacent states' requirements factor in. There is some sort of a proximity definition, right? I mean, out west the adjacent state could be hundreds of miles away. And furthermore, I don't know how we deal with distance education here. Should it be pegged to where the student is located in the case of programs delivered primarily via distance?

MR. MARTIN: Thank you.

MR. WAGNER: Okay, Jessica, you're back in for Johnson and you're up. No?

MS. RANUCCI: Yeah, sorry, I just lowered my hand.

MR. WAGNER: No problem.

MS. RANUCCI: I just want to briefly say that I think that this is really important to think about. We're talking about gainful employment programs here. The whole point of those programs is to prepare students for jobs. Many of us might have gone to [inaudible] and gotten bachelor's degrees where we took a poetry class or something for our own edification. And I think that that is not what we're talking about here.

And I think that treating these programs very seriously is important. I don't know how to say it right, but this is the exact kind of program where people can get saddled with lots and lots of extra debt, and I think we've heard that from some of those public commenters. So, it's important and I appreciate what the Department's trying to do.

MR. WAGNER: Thank you, Jessica and Debbie, you're up.

MS. COCHRANE: At the risk of jumping ahead a slight bit, I think that actually this question really relates also to (32), romanette two, which we're going to get to, and also one. Anyway, the question of whether a program has the requisite state approvals, I think the most important piece here, rather than thinking about adjacent states, is really around whether the program is appropriately training people for the states in which they will be working. And I think that's going to be really important when we get to (32), not just about the state where the program is located, but also anywhere where the program is being offered. But I bring that up here because I think it's not just the number of hours that's relevant here. Each of these programs that has an hour requirement has specific classifications for each of those hours. Maybe

California has 200 hours in health and safety, but Nevada has 250. So, it's not just about the number of hours, it's about the number of hours in the right configuration. So, I kind of think that maybe getting at this problem through the requisite certifications might be a more effective path than just looking at a blunt instrument like ours.

MR. MARTIN: Thank you.

MR. WAGNER: Thank you. Laura, you're up.

DR. KING: I just had a clarifying question related to this one. It's written only in clock hours, and other folks have alluded to it, but is there a credit-hour conversion that you're using, or is this really intended only for clock-hour programs? And I'm asking because there are GE programs in community colleges, for example, that I'm thinking of that are credit-hour not clock-hour programs.

MR. MARTIN: Yeah, that's an excellent question, and let's see if I have an excellent answer. You were right to say that there are many of these types of programs that do operate with credit hours, especially with clock- to credit-hour conversion. Whether or not that is the case for the purpose of enforcing this particular provision has been a matter of

it's not specified in regulation, so what's specified is its clock hours, and it's not laid out whether that applies to credit hours. That's been a matter of ED policy, how can I say this, that has evolved depending upon leadership. So what I could do, what I will try to do, is take that back and see what the call on that would be per for where we are now. And I guess your question is, if an institution offered the program in credit hours, would they be completely exempt from this or would we do some type of a conversion back to see what the applicable number of clock hours was? I'm going to go on a limb here and say that I believe we would convert that, but I will need to check with our compliance people and leadership first before I can make a definite statement about that. But it was a very good question.

DR. KING: Thank you. It would definitely be helpful to know that, I think, in considering it.

MR. MARTIN: Steve, do you want to add to anything I said?

MR. FINLEY: Yeah, I certainly agree with Greg saying we'll take it back. I mean, these programs are designed to be subject to the restrictions established by the state licensing requirements to

practice in these fields. So, if we're talking about state licensing requirements that also speak to credit hours as well, that's something we'll consider when we're taking it back.

MR. MARTIN: Thank you, Steve.

MR. WAGNER: Thanks, Steve. Brad, you're up.

MR. ADAMS: Thank you. I put this in the chat, and I just wanted to reference it for the public, I do agree with Jessica's point. From a gainful employment perspective, let's pick cosmetology just because it's easy, if salary is equal across the country but states have varying hour requirements, and if hours equal more cost, students that live in states with a higher hour requirement, that's a higher cost. The program would be at a disadvantage from a gainful employment perspective. So that's comment one, and then I'm just curious if the Department has ever limited Title IV eligibility in the way it proposes, and what is the statutory authority for this change?

MR. MARTIN: We've not limited, this regulation changed with the Distance Education and Innovation rules. So, before that, there was just a 150 percent minimum, just the requirement. So we had those, and I don't know when that went into effect, but it has

been a long time, so the statutory authority had been established. The more recent rule, which was, I believe, effective July 1, 2021, but couldn't have been really implemented, was what allowed for the adjacent state. So, we determined at that time that we had the statutory authority to open that up, because that was the thought at the time, about allowing schools to have a program with more hours to accommodate the minimum requirements in adjacent states. So, I don't think the statutory authority changes here from the rule we had before this rule to this rule here. And I just want to remind everybody that this is not a change. What you see here is existing regulation. We have not yet provided any redlines for the change. What we're asking all of you is if you have any ideas for how this might be different, or do you like the way it is currently and think that's the best way to have it? Or should there be, as I think Barmak suggested, some type of accounting for reasonably contiguous areas like MSAs or some other type of arrangement?

MR. WAGNER: I don't see any hands on this. Oh, I do see a hand. Johnson, if you could come on camera.

MR. TYLER: Yeah, hi, I'm sorry.

MR. WAGNER: No, no problem, you're

in.

MR. TYLER: Yeah, I just want to respond briefly to something Brad said, and what the Department is trying to achieve here. There was an article about, I think it was the state of Iowa, which has a huge number of credit hours needed to become a hairdresser or cosmetologist. And this is, you're asking a gainful employment school to certify that they've taken into consideration what those requirements are when they open a school, and with respect to gainful employment, whether they're going to meet that mark. So, it seems to me that in Iowa, if I have the state right, they don't want any more hairdressers because they're created such a barrier to entry that there shouldn't be a school training people to become hairdressers in that city. And as a lawyer, I'm sort of familiar with this because, you see, you pass the bar in New York, but New Jersey doesn't want you, and they don't want you because they want to protect the New Jersey lawyers. They don't want more people in there, and vice versa. So, I think it's a political process, and I think all the Department of Education is saying, if you're going to open a school here, make sure gainful employment is going to work.

MR. MARTIN: Thank you.

MR. WAGNER: Thank you. Greg, would

you like to take a temperature check on 668.14(b)?

MR. MARTIN: No. We need to move on to one more section there, (32). And before I do that I've been asked to clarify, I think maybe it wasn't brought up at the table, but maybe in some of the chat here. So, I want to make clear to everybody (that's not so much the table, which knows that) that although the chat is not being shared in real time, it is part of the record and will be shared with the transcripts. So, the chat that is going on is not something which is only to be seen by members of the committee, it's just that we don't have the means of sharing that real time. We do have to worry about 508 compliance and whatnot, but there will be access to that, so I just wanted to make that clear. And now we'll move on to (b)(32). And here we talk about language requiring that an institution offering a program that leads to an occupation that either requires programmatic accreditation per state or federal requirements, or requires the program to meet certain licensure requirements, meets those requirements. We are aware of examples of programs that enroll or previously enrolled students in such programs without meeting the requirements, where most students struggle to find employment and often take on student loans to finance a virtually worthless credential. We

propose this language because we believe all programs financed by taxpayers should meet the minimum requirements for the field in which they prepare students. So, let's take a look at what is proposed in (32). In each state in which the institution is located, or in which the institution is otherwise required to obtain state approval under 34 CFR 600.9, the institution must ensure that each program is programmatically accredited, if such accreditation is required by a federal government entity or by a governmental entity in the state, and ensure that each program satisfies the applicable educational prerequisites for professional licensure or certification requirements in the state, so that the student who completes the program and seeks employment in that state qualifies to take any licensure or certification exam that is needed for the student to practice or find employment in an occupation that the program prepares students to enter. So, I'll open it up for discussion.

MR. WAGNER: Carolyn, I see you're first.

MS. FAST: Thank you. I think this is a really critical protection that the Department is proposing that is very, very much needed to protect

students. Students put a lot of trust in their institution, and assume that if their institution is offering a program to them, that that institution is going to lead to employment, and they should expect that from their school. So, I think that's a minimum kind of requirement, that I would really be surprised that schools would object to, that they would be providing a program that would lead to licensure in the state to people. So, I really think this is a minimal requirement that should not be looked at as a burden, but really just as the very least it could do in offering a program. But in terms of the actual language here, I do have one concern, which is that I want to make sure that students who are enrolled in distance education programs have the same protections as brick-and-mortar students. And I think that that is intended by this provision, but the way it's written it's a little bit unclear. So, I would suggest that the language be changed so that instead of referring to the state authorization regulation, that either that would be clarified to make it clear that that applies to distance education students, or that the provision be rewritten so that it refers just to 'in each state where an institution offers a program' rather than linking it to the authorization. Because my understanding is that it's

possible to be, let's say, in Arizona and be enrolled in a distance education program that's geared toward a particular profession, such as teaching, and to have that program be offered without necessarily having to be required to be authorized by the state, depending on the laws of that state. And also, there is some confusion in here because of the reciprocity agreements we're working here. So, my suggestion would be, rather than referring to the authorization recommendation, I would just say where a program is offered in a state, it has to lead to licensure.

MR. MARTIN: Thank you. So, I just want to clarify a little bit. So, you would be suggesting that it be made clear that, in a distance education environment, that wherever the student is, that it be that the program meet the licensure requirements for that student in that state based on the student's residence?

MS. FAST: That's right. Because my understanding is that if a school is going to offer a program to students in that state, then at minimum they should ensure that that student can get a job in that field that's a career-oriented program.

MR. MARTIN: Okay, thank you.

MR. WAGNER: Brad, you’re next.

MR. ADAMS: Thank you. I just want to start off by saying that our industry completely agrees that if an institution is offering a professional licensure or certificate program with a license or certifications required for a graduate to enter the profession, the school should be sure that its program is providing the necessary educational and state prerequisites. But the language here needs to be clear that we're talking about professional licensure or certification, which is required under the law for the student to practice in the state. The phrase "needed" which is used here is a little vague, especially given that many types of licensure or certification are optional. Also, to add to what Carolyn just said about distance location or distance education, is it the state where the school is located in, or is it the state where the student is located? In the case of distance ed, those may be two different things.

MR. MARTIN: Thank you, we'll seek to clarify that.

MR. WAGNER: Okay, Jessica, I see you're next.

MS. RANUCCI: Thanks. I just want to echo everything Carolyn said. And just, you know, this is a real problem. It's one of the things we see in our

office all the time, and I think you know what this looked like. We heard last night from someone who talks about what it looks like, the paralegal program, in my office, this is often--for example, a working adult who currently has a low-wage job as a medical assistant who says, 'oh, I think I would like another job in the medical field. I'll try and become a cardiac stenographer, someone that takes ultrasounds of your heart.' That's not a program you go to for fun, right? It's not, it's a lot of money and you're saddled with a lot of debt. And if in fact you don't get a job as a cardiac stenographer, it really was a waste of time. And so I just want to emphasize how important this is. One very minor point on subsection one, I'm not sure this is a question for Laura, if there are any circumstances under which an institutional accreditor would require that certain programs be programmatically accredited? But if so, I would think that that would also be important to add in to romanette one, because if the institutional accreditor thinks programmatic accreditation is important, then I think the school should be required to do that.

MR. MARTIN: Thank you.

MR. WAGNER: Thank you. Laura.

DR. KING: To answer Jessica's

question, I'm the programmatic accreditor representative, Jamie can add it in the chat. I'm not aware that any institutional accreditors require programmatic accreditation. You know, certainly they support it, but not aware that they require it. I wanted to, so first of all, I really applaud the Department for taking a stab at this particular provision. Back in 2019 when we were negotiating, we talked about this and then we ended up on the disclosure provision instead. And so I wanted to kind of talk about this in combination with the elimination of the disclosure provision, because I'm not sure that requiring programmatic accreditation will necessarily eliminate the need for some disclosure. Now, perhaps the disclosure that is required right now in the regs is not the right disclosure if accreditation is required. But I think we need to kind of ferret out what that might be. There are some occupations that may have requirements in licensure that don't have programmatic accreditors. So that's something to consider. I think some of the language addresses that. But just to kind of put that on the table, there also may be general accreditation but also certifications within that general accreditation in different subspecialties, and this might be a place where disclosure is required. So, for example, a student may enroll in a counseling

program, but does that mean that they're able to take the certification exam for marriage and family, or for alcohol and drug abuse counseling, or school counseling? So that might be a place where disclosures are necessary. The other thing actually Brad raised with the language about needed prerequisites because there are certifications that are required in state law or federal law, but there are also certifications that are broadly accepted within occupations and professions that might not be required in law, but in practice are really needed to get a job or to practice in the profession or the occupation. So, I think that I'm arguing kind of the separate the opposite point for distance Laura is trying to make, but I think that's really important. And then the second item I wanted to get on the table is related to timing and implementation. Some accreditors will not accredit until programmatic accreditors and a lot don’t accredit until a class has gone through. So, our program is required to get accreditation prior to offering the program or within some reasonable timeframe. I know I'm out of time for this one, but I'm happy to circle back to that since it is a welcomed issue.

MR. MARTIN: Thank you.

MR. WAGNER: Thank you, Laura. Yael, you're up.

MS. SHAVIT: Thanks. I just wanted to offer a state enforcement perspective on this issue and note that this is one area where I think I speak very comfortably for all state AGs on this. We see countless students fall into exactly this problem, where they participate fully in programs with a specific goal of having a professional outcome that was very obvious to the schools that enrolled them, that were misled either explicitly or through omission throughout the entire process, expecting they would be able to work in that profession and ultimately weren't able to. And it is a huge, huge problem. I think it's critical that the Department is taking it on this way. This is truly essential, and there are two other points that I want to piggyback on here. It is completely critical that we ensure that distance the Department is included here. If a school wants to be enrolling a student from out of state, they increase its student body and its coffers presumably. It needs to ensure that it is only enrolling students who will be able to actually benefit from the professional certification or licensure that they're hoping to achieve in the state that they live in. And if that's a problem for schools, they shouldn't be enrolling students from out of state. So again, this goes back to this is a choice the school is making. To

participate in distance ed, they should make sure that students are getting what they expect to be getting. And my final point is that I agree fully that 'required by law,' the suggestion that Brad put forward, isn't workable here. It's simply too narrow. It's not consistent with the reality of a lot of the professional fields that these students are entering. This is something that schools that are offering professional certification programs in those fields are or should be well aware of. I think 'needed' is appropriate, and it's something that these schools should understand and incorporate into their decision making and they're ensuring that whatever they're offering is sufficient and that allows students to get employed in the professions that they're seeking to enter.

MR. MARTIN: Thank you.

MR. WAGNER: Barmak.

MR. NASSIRIAN: So, I also strongly support what the Department is attempting to do here. I would suggest that under romanette two where it reads "ensure that each program satisfies the applicable educational prerequisites" that you add to "educational," something--I'm not a regulatory draft person--but praxis MSA prerequisites. Because it's not just a specialized accreditation issue, it's also

whether the appropriate internships and clinical placements are available to students for them to ever qualify to sit for licensure. So, that's one suggestion. The other suggestion has to do with the fact that we do have non-programmatically accredited institutions, typically law schools, for example, that go through the loophole of like one state not requiring ABA accreditation. This happens in California, where 23 law schools do not have ABA accreditation, 11 of which actually participate in Title IV, through the loophole of suggesting, of explaining to students, that well, of course you can become an attorney, guess where? In California, because California, unlike every other state, does not require ABA accreditation as a prerequisite for licensure to sit for the bar exam. So, in addition to ensuring that any distance ed delivery satisfies the requirements for licensure where the student happens to reside, it's also important to at the very least require disclosure or, ideally frankly, prohibit institutions from enrolling students that they know will be going back to a state where that program does not meet licensure requirements.

MR. MARTIN: Thank you.

MR. WAGNER: Thanks, Barmak. Debbie, you’re next.

MS. COCHRANE: I want to slightly refine two points that have been made. One is just there's been a lot of talk about online education, and I wholeheartedly agree institutions should not be enrolling students from states in which their programs do not prepare students, but I really want to emphasize that is not just online education. Even when we were just talking about the prior point, we're talking about contiguous states, we're talking about MSAs, and that should not be. This is just a critical point to add to this provision for online students and brick-and-mortar students, so I want to put that out there. And also, I definitely agree with the way that this is interpreted needs to be a practical reality for students. But I also fully agree with some of the comments that Laura made, that I don't think any language here will actually nullify the need for disclosures, because there are going to be some fields where you get a leg up. It's not necessarily a requirement, but there is a leg up if you have certain certifications, and dental assisting is a good example of that. Massage therapy might be another one. So, I know again, jumping ahead a little bit, but I want to put that out there, that while this can be strengthened, we're still going to have to look at the disclosure piece.

MR. MARTIN: Thank you.

MR. WAGNER: Brad.

MR. ADAMS: I want to voice quickly again, as I referenced earlier, "needed" is my concern here. You could argue, as I mentioned in the chat, that a CPA is needed to get a job in accounting, but you can get a job in accounting with an accounting degree living in both of those worlds. And, an anesthesia assistant versus CRNA is another example. Anesthesia assistant is only recognized in about 16 or 17 states, and so they deal with that issue all the time. So, I really think that's a state and programmatic accreditor discussion. I'll defer to those experts on it. Medical assistance is another one where in certain states it's strongly suggested, if not required, and then there are others, it is not. And so again, the regional accreditors tend to defer to the programmatic accreditors here. So again, I'll defer to the other experts, but I do believe "needed" is not, can be interpreted in many different ways. Thank you.

MR. WAGNER: Thanks, Brad. We have Ernest.

MR. EZEUGO: Excuse me, thank you. Excuse me. I would just like to take a moment to harken back to some of the public comments provided by students

here, throughout the course of the week, as a way of emphasizing that students don't often, if ever at all, intend on applying to, paying money to enroll in institutions that will profit on immediate, after of course graduating successfully benefit to the places where they live in. And a lot of the comments from students, particularly about needing to and kind of a focus on distance ed, about needing to attend programs that could that could acquiesce to their schedules, I just want to harken those comments and kind of support of this idea about making sure that, especially for institutions the need for including distance ed here, especially the institutions who are offering distance ed to students not in their states, are being considered and protected here. Most institutions are making sure that these students can go and participate in whatever certifications are necessary, for instance, for jobs in their in their state where they reside. And I just also wanted to support the idea of talking about “needed” language here, and kind of refute the idea of really limiting that by changing the language to “required.” And, I did that in the chat, but just wanted to get that over a comment as well, because recognizing the chat is not going out live to folks. That's all for the time being.

MR. MARTIN: Thank you.

MR. WAGNER: Thank you. Laura.

DR. KING: I just want to circle back around to the idea of timing, and this might be a question for you, Greg, I'm not sure. With this added language about required programmatic accreditation, I mentioned this at the end of my last comments. There are some programmatic accreditors that, because outcomes data require the program to be run through at least one time, to have graduates from the program so that we can look at the data and make an accreditation decision, so the timing can be a bit chicken and egg, depending on what the requirement is. So, I don't know if the intent is that the program would be accredited as a condition of being approved? Or would it be that they have to obtain accreditation within a reasonable timeframe? You know, I can help think what that is, but I'm not exactly sure on the timing issue, although I absolutely support the inclusion of this, I just want to get it right.

MR. MARTIN: As written, it would be each program would have to have programmatic accreditation, currently have it in full.

DR. KING: Okay, so yeah, we might want to add in, let me think about that. Just because there are a variety, this is kind of where we ended up

in 2019 to try to figure this out. There are a variety of approaches that programmatic accreditors use, and a lot of times there are safeguards in professions related to certification. But there are a lot of programmatic accreditors, so I can't guarantee that that would be the case in every instance. But it's something to consider.

MR. MARTIN: The intent here, obviously, is to make certain that students who are enrolled in these programs know going in that the program has the accreditation that's necessary for that individual to practice, to be licensed in the field. That's certainly what our primary concern is. That's something students can rely upon, so that would mean that the program would have that programmatic accreditation in hand if it's required.

DR. KING: Yeah, and I think that makes sense, I think it might require some changes on behalf of some of the programmatic accreditors, but yeah, thank you.

MR. MARTIN: If you have concerns about language, please submit that to us.

MR. WAGNER: I see Jessica.

MS. RANUCCI: I think this is implicit in what you were saying, Laura, and I don't deny it's a hard problem, but I would say, on the other hand, one of

the most common things we hear from students is that the school will represent that accreditation is in progress or going to happen or going to happen by the time they graduate. So, I think it's important that whatever fix doesn't create a loophole that allows that to continue because it really [inaudible].

MR. WAGNER: Sorry about that. Brad.

MR. ADAMS: Yes, sorry, I thought I was done on the section, and then I've got to respond to Greg's comment that that many, many, many programmatic accreditors, especially in the graduate levels, will not accredit your program until you actually graduate students and show results. A Doctor of Osteopathic Medicine is a perfect example. You can't give full accreditation on that program until after your four years and your students graduate and pass the test. So, to say you have to have full programmatic accreditation, how could you ever have that before a student graduated? That was chicken or the egg. You'd never be able to graduate a student until understanding that you'd have to have that programmatic accreditation already fully approved. So, saying you have to have fully approved, you may be going through the process to be better wording, but programmatic accreditors would eat that alive.

MR. MARTIN: I'll take that back.

MR. WAGNER: Laura.

DR. KING: Osteopathic, so the health professions, you're not going to find that issue really, because I talked about that as sort of covered in the preaccreditation. I think Brad's getting into a bit of, yes, Greg might not have used exactly the right word, but I knew what he meant. They have preaccreditation processes that are considered fully accredited in accreditation terms, so I don't think that that's a concern. There are accreditors that do require outcomes, mine is one of them, prior to accreditation, but those are also processes that can be modified depending on what's needed. So, just wanted to clarify.

MR. MARTIN: Thank you.

MR. WAGNER: Thank you, Laura. I don't see any other hands. Oh, Amanda, go ahead.

MS. AMANDA MARTINEZ: Sometimes I like to have the last word, not that it might make a difference in solving all the complexity of this specific part. But I do want to send a message to the Education Department to remind, and to remind folks who may not know, that distance, just the comments of making sure this language in particular is a form of accountability and ensuring quality education across the

board for programs. And, I think also keeping in mind distance education students is extremely critical given the pandemic, the change that we've seen across the sector, right, that we've seen. According to recent data for fall of 2020, using IPEDS data, we see over 8 million students are now in completely online distance education. While that's probably impacted by clearly the pandemic, and maybe that's by mostly brick-and-mortar schools that uptick. In fall of 2019, just to show that distance education is now growing, there is about 3 million students in fall of 2019. So that's without the pandemic involving there. So, it's still a significant amount of students, and what we know about the disaggregated breakdown by race and ethnicity of those students, these nontraditional, which I would say actually nontraditional students, are the traditional students of today. More we see older students now are today's students. We see that more Black and Latino students are enrolling and making up a majority of undergraduate students. So, students, when you look at those 3 million that they talked about in fall 2019, are most likely to be also a growing number of Black, Hispanic, or Latino, American Indian students. And we have for the latest data that shows that we can look to NPSAS data, which kind of gives you a proportion, like

for Black students specifically, completely in online programs. About 15 percent of Black students are completely enrolled online, because this is even going back in 2016, the academic year of 2016. So, just to make sure we're ensuring protections at all costs, we're ensuring that federal aid dollars. Again, this is about federal student aid and access to that aid, and I really like what was stated before that access to this aid is not a right. It's a privilege. But at the end of the day, whose rights are we trying to protect? It’s students, and specifically those who have been disproportionately impacted in entering negative experiences. We want to avoid that scenario.

MR. MARTIN: Thank you.

MR. WAGNER: Okay. Just a time check, we're coming up, it's about 12:23. Greg, we still have some ways to go on 668.14. Do you think this is a good stopping point prior to the break, or should we take a temperature check?

MR. MARTIN: Let's do a temperature check on this paragraph, and then see if I could just introduce (e) if we have time. So let's take a temperature check on (b).

MR. WAGNER: Okay, great. Sure. Alright, everyone, you know the drill. This is a

temperature check on (b). Let's see. Okay, we have one hand down, I mean thumb, sorry. Is there anything you would like to add, Brad? Alright, thank you. Okay. Go ahead, Greg,

MR. MARTIN: I'll just introduce (e) and see where we are when we hit the lunch hour. So, we are offering here a non-exhaustive list of conditions the Secretary may opt to apply to institutions as appropriate. This will ensure greater monitoring and oversight of colleges about which the Department may already have concerns, and I'll list those out for you. But remember that this is a non-exhaustive list of conditions that the Department may require as a result of an institution being provisionally certified. So, looking at (e), if the institution is provisionally certified, the Secretary may apply such conditions as are determined to be appropriate to the institution, including for an institution the Secretary determines may be at risk of closure, submission of a teach-out plan or agreement to the Department and the institution's recognized accrediting agency, submission of a records retention plan to the Department, and the release of holds on student transcripts over a de minimis amount, and the release of all holds on student transcripts in the event of a closure. Restrictions on

the addition of new programs or locations. Restrictions on the rate of growth and enrollment. Restrictions on institutions providing a teach-out plan on behalf of another institution. Restrictions on acquisition of another participating institution, which may include posting of financial surety. Additional reporting requirements, which may include but are not limited to cash balances, an actual and protected cash flow, student rosters, and interim unaudited financial statements. Limitations on the institution entering into an agreement with another eligible institution or ineligible institution or organization for that other eligible institution or ineligible institution or organization to provide between 25 and 50 percent of the institution's educational program. For an institution alleged or found to have engaged in misrepresentation to students, engaged in aggressive recruiting practices, or violated incentive compensation, requirements to submit marketing and other recruiting materials for review and approval by the Secretary. And, such other conditions as the Secretary may deem necessary or appropriate. And just to reiterate, the Secretary already has the authority to impose conditions on an institution which is provisionally certified, we just believe that this makes that more clear and lays out some of that in

regulation. So that's all of (e). It is 12:27, maybe we could provide maybe one comment before we go to lunch, but I'll leave that to the facilitators.

MR. WAGNER: Okay. We have two comments, I think we'll cap it at that just for now, we can always pick up after lunch, so we'll go ahead and take these two and then it'll probably be 12:30. So Jessica, you're up.

MS. RANUCCI: I'll be very quick. I support these. I think that they're great. Very minor point: I think the second half of romanette three under number one, which is requiring the release of all holds on student transcripts in the event of a closure, I think that should be pulled out to its own bullet point. I think that's a really important consumer protection. Getting transcripts from closed schools is really hard and obviously only happens in the event of a closure, so I don't see any reason why it should be limited only to schools the Department thinks are going to close. If the school ends up closing, the student should have the protection.

MR. MARTIN: Thank you. We'll take that back.

MR. WAGNER: Carolyn, you had a hand up, or are you down? Just checking. You're on mute.

MS. FAST: Sorry. I agree with Jessica's point. And in general, I just wanted to say that I also am supportive of this provision. I think it's very important, but it is reflecting what is already happening and that the Department already has the authority to do all these things. So, I just wanted to make sure that the way it's written doesn't have any unintentionally limiting effects, because the Department is able to impose conditions as it deems appropriate. Now this is just a way of providing additional notice to people that these are provided. So, what I would suggest is to make it more clear that this is not an exhaustive list by saying in (e) "including, but not limited to." And I would also not separate out the three things under (1) from the rest of it, because it seems to me that schools at risk of closure might need to have more conditions and vice versa, those conditions should not be limited to certain determinations, that the Department should have discretion to always be able to impose whatever conditions are relevant. So, I wouldn't necessarily lock them into separate sections. I would put them all in one. And we may have suggestions for additional conditions as well. I can stay after lunch.

MR. MARTIN: Okay, thank you. And we would, of course, entertain submissions. I do want to

point out, taking everything you said, but do want to just clarify that in number (9), we do say "such other conditions as the Secretary deems necessary or appropriate." So, just want to note that. Alright, I think that's back to the facilitators.

MR. WAGNER: Perfect timing. It is 12:30. We'll take a 30-minute break for lunch. We'll be back with the live feed at 1:00 p.m. Have a good lunch, and thanks for the discussion this morning. We can go off live.

Appendix
Department of Education, Office of Postsecondary Education
Zoom Chat Transcript
Institutional and Programmatic Eligibility Committee
Session 1, Day 4, Morning, January 21, 2022

From Barmak Nassirian (A) Servicemembers & Vets to Everyone:

I am sitting in for servicemembers and vets for certification

From Johnson Tyler, Brooklyn Legal Services to Everyone:

Jessica Ranucci will be sitting in for Legal Aid

From Jessica Ranucci (A)- Legal Aid to Everyone:

I will be sitting in for legal aid

From Adam Welle, P -- State AGs to Everyone:

If it wasn't said before, Yael will be again the primary for state AGs today

From Beverly (Primary/MSIs) to Everyone:

The south has cold weather as well today!

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

+1 to Beverly's comment on timing issue

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

Emmanual will be coming to the table temporarily to ask a question

From Sam (P) Fin Aid Admin to Everyone:

+1 to Debbie's comments

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

+1 to Emmanual's comment

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

Can the Department provide data on how many recertifications are handled timely? Within 90 days after expiration of the ppa? It seems like there is a persistent problem with untimely decision making and I think the committee would be better equipped to talk about this provision if we have data on this issue and how many institutions have had their PPAs auto renewed under this 12 month provision under the current regulation ?

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

I will be returning to the table.

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

+1 to Kelli's comment

From Beverly (Primary/MSIs) to Everyone:

+1 to Keli's comments. Language should be clear

From Sam (P) Fin Aid Admin to Everyone:

+1 Dave, those were my comments as well. Simply adding "consecutive" does not resolve the issue on the wording here because of the timing of the annual audit resulting in a loss of opportunity to correct, once learning of the issue, prior to the next academic year.

From Johnson Tyler, Brooklyn Legal Services to Everyone:

I think DOE judgment goes into the issuing of the notification that triggers the provisional status. I think if you get rid of the word "automatic" you get the gist of this which is that these are factors that can influence that decision.

From Beverly (Primary/MSIs) to Everyone:

+1 to David's comments. Perhaps language can be included with specificity to the materiality of audit findings.

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

+1 to Johnson on removing the word automatic

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

+1 to David's comments

From Marvin Smith (P) 4 Year Publics to Everyone:

+ 1 to Johnson suggestion. Remove automatic.

From Dave McClintock (Advisor) auditor to Everyone:

would like to discuss Johnson's suggestion to remove automatic if Greg is open to it

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

I don't understand Johnson's comment on automatic, so Dave it would help me.

From Jessica Ranucci (A)- Legal Aid to Everyone:

I understand that Johnson was suggesting moving the 2 audit bullet from (c)(1)(ii) (automatic triggers) to (c)(1)(i), (discretionary triggers)

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

Thanks for adding that commentary Jessica.

From Beverly (Primary/MSIs) to Everyone:

+1 to Dave's comment. So on point.

From Debbie Cochrane (P), State Agencies to Everyone:

You likely want to eliminate the word "facsimile" in (I) as well.

From Debbie Cochrane (P), State Agencies to Everyone:

(That's a lower case i which is autocorrecting)

From Beverly (Primary/MSIs) to Everyone:

+1 to Keli. Just use the phrase electronic transmission and remove outdated language

From Jamie Studley (P) Accrediting agencies to Everyone:

as a broad matter institutional accreditors also deal with issues of institutional control in many kinds of settings in order to evaluate the institution's independence. Where an entity controls institutional decisions, governance and direction it is reasonable to recognize that responsibility as this change would do.

From Debbie Cochrane (P), State Agencies to Everyone:

+1 to Jamie's comment. State authorizers face similar issues.

From Jamie Studley (P) Accrediting agencies to Everyone:

To Debbie: I read it that an auth rep of each and every entity that meets the definition in 3(ii) would have to sign along with the instit rep in (little i)

From Jessica Ranucci (A)- Legal Aid to Everyone:

Johnson is going to swap in on this.

From Johnson Tyler, Brooklyn Legal Services to Everyone:

I'm switching in on the AG sharing info amendment

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

+1 to adding CFPB and DOD information sharing

From Jamie Studley (P) Accrediting agencies to Everyone:

If federal agencies need to be mentioned by name here to allow sharing, then consider adding the FTC as well.

From David Socolow (A) State agencies to Everyone:

+1 to adding CFPB and DOD information sharing to 668.14 (b)(17) along with all the other agencies that will be included in the 90/10 reg

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

+1 to adding FTC as well

From Beverly (Primary/MSIs) to Everyone:

+1 to Barmak's comment to add other federal agencies. Sharing of information among relevant agencies can only strengthen the effectiveness of the process and outcomes

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

+1 to Johnson's suggestion about sharing information including Sentinel complaints

From Johnson Tyler, Brooklyn Legal Services to Everyone:

I'm switching out and Jessica is back on. thanks.

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

+1 to state approval Barmak point

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

I agree with Jessica's point, but state's give the requirement on hours required to be certified so if they want to work in their state they have to meet that

threshold and I agree that causes a GE issue for students in states that require programs to be longer than other states.

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

Good question Laura

From Laura Rasar King (A) Accrediting Agencies to Everyone:

In terms of program length, there may also be a consideration of accreditation requirements for credit/clock hours (which are national in scope and intended to capture differing requirements nationally). It will not cover all GE occupations but it would be a good benchmark in some cases.

From Laura Rasar King (A) Accrediting Agencies to Everyone:

I like the idea of using MSA's rather than contiguous states.

From David Socolow (A) State agencies to Everyone:

+1 to using MSA's, not adjacent states.

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

+1 to Johnson's question

From Beverly (Primary/MSIs) to Everyone:

Thank you, Johnson, for that concise clarification.

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

+1 Carolyn's comments, both related to what students would, at a minimum, expect from their brick and mortar institutions and considering rewriting the provision to protect distance ed students in the same way.

From Jessica Ranucci (A)- Legal Aid to Everyone:

+1 to Carolyn

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

+1 to Carolyn's concern about the inclusion of distance ED

From Laura Rasar King (A) Accrediting Agencies to Everyone:

+1 to Carolyn

From Beverly (Primary/MSIs) to Everyone:

+1 to Carolyn's comments re distance education

From Debbie Cochrane (P), State Agencies to Everyone:

+1 - Institutions should not be enrolling students from states in which the program does not properly prepare students. That is true for BOTH online education and brick-and-mortar education.

From David Socolow (A) State agencies to Everyone:

+1 to Carolyn's point that distance learning programs must prepare a student for licensure or certification in the state where the student will be employed

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

Our request is the word needed should be replaced required.

From Jessica Ranucci (A)- Legal Aid to Everyone:

+1 to Laura. De facto requirements for employment are very important.

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

A CPA is needed, but it is not required to get a job in accounting if you have an accounting degree.

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

+1 Laura's comment about keeping "needed" language as opposed to specifically required.

From Laura Rasar King (A) Accrediting Agencies to Everyone:

+1 to Yael - "needed" must remain in the language

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

+1 to Barmak's praxis point

From Jessica Ranucci (A)- Legal Aid to Everyone:

+1 to Barmak

From Laura Rasar King (A) Accrediting Agencies to Everyone:

+1 to Barmak's point about practice placements

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

I agree with Barmak's point on the law school, but that appears that is a programmatic accreditor/state issue. will defer to the other experts.

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

+1 to Debbie's point

From Laura Rasar King (A) Accrediting Agencies to Everyone:

Osteopathic has a pre-accreditation process.

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

correct

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

pre-accreditation vs full accrediated

From Johnson Tyler, Brooklyn Legal Services to Everyone:

+1 on Amanda's comments on on-line education up-tick due to covid and need to ensure students are able to enter marketplace after earning degree

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

i recommend breaking e down in sections. there is a lot in this section.

From Bradley Adams - (P - Proprietary Institutions) to Everyone:

maybe 1-3 first?

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

emphatic +1 to Jessica

From Jessica Ranucci (A)- Legal Aid to Everyone:

+1 Carolyn

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

+1 Carolyn