

Committee Meetings - 03/14/22

DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
INSTITUTIONAL AND PROGRAMMATIC  
ELIGIBILITY COMMITTEE  
SESSION 3, DAY 1, MORNING  
March 14, 2022

On the 14th day of March, 2022, the following meeting was held virtually, from 10:00 a.m. to 12:00 p.m., before Jamie Young, Shorthand Reporter in the state of New Jersey.

## PROCEEDINGS

MS. JEFFRIES: Good morning, everyone. My name is Commissioner Cindy Jeffries, and I'm going to be the federal facilitator from FMCS for this morning's session anyway. It's my distinct pleasure to welcome you all to session one of the final week of the United States Department of Education's negotiated rulemaking, through which the Institutional and Programmatic Eligibility Committee, where their goal this week is to reach consensus. I am joined by fellow FMCS commissioners Brady Roberts, Rozmyn Miller, and Kevin Wagner to assist them with their process. So with this, we just want to take a few minutes to review the procedure and protocols. For the protocols, the negotiators will have three minutes and those three minutes are to be used only to relay new concerns and offer any new proposals or language for change that would help get you to consensus status this week. We ask that the time not be used to restate previously stated concerns, revisit already discussed text or sections and items not on the table for this negotiated rulemaking or to express support for something already stated. We encourage you to continue to utilize the chat to express your support. We will be assisting you with the above focus to keep you moving through the changes in the text before you this week. The intent is not to limit your dialog, but is instead intended to help you best utilize the remaining time this week to enable a process following the protocols to reach consensus or concisely articulate concerns and proposed changes for the Department to hear and take into

consideration. As previously stated, the goal, your goal this week is to reach consensus. We will be taking actual consensus checks this week instead of temperature checks. Consensus will be taken on the entire issue paper one by one issue, paper by issue paper. There will be no partial consensus checks on subsections, packaging of issues, trading or contingency of the issue papers. For the papers that you reach consensus on, the Department must use that language recognizing any grammatical changes needed in the final draft for the NPRM also, which is the acronym for the Notice of Public Rule Making. For those issue papers that you might not reach consensus on or is not reached, the Department may utilize any text in the final draft for the NPRM. They're not obligated to use any of the text that you've not reached consensus on. For issues where consensus is not reached, each person who is not in consensus will be asked to clearly articulate your serious concerns or deal breaker if you will, and ask you how you would change the language before you to get to consensus. We encourage you to look at that if your response is, well we submitted that in week one or week two, I just want to remind you that the Department has already looked at that language and has not at this point accepted it. So let's see if there's language that can be changed that might be able to help you get to consensus. There will be public comment from 3:30 to 4:00 every day except Friday. The Department is not accepting written comments at this time from the public, as there will be at least 30 days to submit comments during the NPRM period. Over the weekend, specifically Friday, we sent out

some data on ATB. We also sent out some GE data responses yesterday and plan to have and the Department plans to have a presentation tomorrow morning first thing to review the GE documents. Please put any questions about the data, either ATB or GE in the chat. Other questions may also be placed in the chat, as the Department may not be able to provide an immediate answer, but will consider them when they're drafting the language for the NPRM. With that in mind, we will move into roll call and then into the first agenda item on issue paper number one Ability to Benefit. Greg, before we do that, Greg, is there anything you want to add?

MR. MARTIN: Oh, no. I just thank everybody for all the hard work they've put in the past couple of two sessions and will on this one. And to reiterate what Cynthia said, we are trying to strive for consensus, so let's try to keep that in mind where you have disagreements with the text as it's written, try to keep your comments in line with what you would need to see to get to the point where you could vote consensus. Still, obviously willing to take anybody's questions. But I think at this point you see what the Department has here in our language and where there are disagreements. I think it's more important to talk about what would get you to the point where you could vote consensus on that issue. I think it's important to remember this is a negotiation, so it's unlikely anybody gets exactly what they want. But if I could, for those of us who are baby boomers, that old Rolling Stones song, you can't always get what you want, but you try sometimes you

just might get what you need. With apologies to those who got tired of having to listen to their parent's music day after day so that those songs, you know, I just thought I'd bring that up. So I hope that everybody can keep that in mind. And obviously not asking anybody to compromise their principles or anything along those lines. Obviously, we all have to remain true to that but you know where you think that there could be something that you can't live with as written, but would, but if change might move you towards consensus, let's try to keep the discussion oriented that way. So that's all I would say. Thank you, Cynthia.

MS. JEFFRIES: Okay. Thanks, Greg. I just want to remind the committee to please adjust your names to the naming protocol, and everyone should be on camera for the roll call. So with that, let's go ahead and start our roll call for accrediting agencies, we have Jamie Studley.

MS. STUDLEY: Good morning. I like the song lyrics, Greg.

MR. MARTIN: Thank you.

MS. JEFFRIES: Great. And Dr. Laura Rasar King.

DR. KING: Good morning, everybody.

MS. JEFFRIES: Good morning. For civil rights organization and consumer advocacy organizations, primary is Carolyn Fast.

MS. FAST: Morning.

MS. JEFFRIES: Good morning. And her alternate is Jaylon Herbin.

MR. HERBIN: Good morning.

MS. JEFFRIES: Good morning. Financial aid administrators at postsecondary institutions, primary is Samantha Veeder.

MS. VEEDER: Good morning, everyone.

MS. JEFFRIES: Morning. And the alternate is David Peterson.

MR. PETERSON: Good morning.

MS. JEFFRIES: Morning. Four-year public institutions of higher education, Marvin Smith as primary.

MR. SMITH: Morning, everybody.

MS. JEFFRIES: And Deborah Stanley is the alternate.

MS. STANLEY: Good morning!

MS. JEFFRIES: Good morning, both of you. Legal assistance organizations that represent students and/or borrowers, we have Johnson Tyler as primary.

MR. TYLER: Hi, good morning.

MS. JEFFRIES: And Jessica Ranucci as alternate.

MS. RANUCCI: Good morning.

MS. JEFFRIES: Good morning to the both of you. Minority serving institutions, Dr. Beverly Hogan as primary.

DR. HOGAN: Good morning, everyone.

MS. JEFFRIES: Good morning. And Ashley Schofield is the alternate. Is Ashley with us this morning?

MR. ROBERTS: She hasn't logged in yet, Cindy.

MS. JEFFRIES: Okay, we can circle back if she logs in. Private nonprofit institutions of higher education, Kelli Perry is the primary.

MS. PERRY: Good morning.

MS. JEFFRIES: Good morning. And Emmanuel Guillory is the alternate.

MR. GUILLORY: Good morning, everyone.

MS. JEFFRIES: Good morning, both of you. Proprietary institutions of higher education, Bradley Adams is the primary.

MR. ADAMS: Good morning.

MS. JEFFRIES: Morning. And Michael Lanouette is the alternate.

DR. LANOUETTE: Good morning.

MS. JEFFRIES: And I want to note that for this morning, for the ATB Michael Lanouette will be sitting in

at the table in place of Bradley. States Attorney General  
State Attorneys General, Adam Welle.

MR. WELLE: Here this morning.

MS. JEFFRIES: Good morning, Adam. And Yael Shavit.

MS. SHAVIT: Morning.

MS. JEFFRIES: Good morning. State higher education  
executive officers, state authorizing agencies and/or state  
regulators of institutions of higher education and/or loan  
servicers, primary is Debbie Cochrane.

MS. COCHRANE: Good morning.

MS. JEFFRIES: And the alternate is Carney King.

MR. SOCOLOW: I'm David Socolow, good morning.

MS. JEFFRIES: Oh, I'm sorry. You know what, my I  
skipped down. I apologize, David, you were correct. For the  
record, David Socolow is the alternate. My apologies. Good  
morning, both of you. Student and student loan borrowers,  
Ernest Ezeugo is the primary.

MR. EZEUGO: Good morning, everyone.

MS. JEFFRIES: Good morning. And for real this  
time, Carney King is the alternate.

MR. KING: Hello, good morning.



MS. JEFFRIES: Good morning, both of you. Two-year public institutions of higher education, Dr. Anne Kress is the primary.

DR. KRESS: Good morning. Happy Monday.

MS. JEFFRIES: Good morning. Same to you. And William Durden is the alternate.

MR. DURDEN: Good morning.

MS. JEFFRIES: Good morning. And just to note, William Durden will be sitting in for Dr. Kress. U.S. military service members, veterans or groups representing them, Travis Horr is the primary.

MR. HARR: Morning everybody

MS. JEFFRIES: Morning. And Barmak Nassirian is the alternate.

MR. NASSIRIAN: Good morning.

MS. JEFFRIES: Good morning. Civil rights organization Amanda Martinez is the primary.

MS. AMANDA MARTINEZ: Morning.

MS. JEFFRIES: Good morning. They are joined by two esteemed advisers. Their advisers are non-voting members of the committee. Compliance auditor with experience in auditing institutions that participate in Title IV HEA programs, Mr. David McClintock.

MR. MCCLINTOCK: Good morning, everyone.

MS. JEFFRIES: Good morning, Dave. Labor economist or an individual with experience in policy research, accountability and/or analysis of higher education data, we have Dr. Adam Looney. Perhaps Adam will be joining us later. And then last but certainly not least, we have Ron Sann, who will be sitting in as general counsel at the table for the Department this morning and the chief negotiator for the Department, Mr. Gregory Martin.

MR. MARTIN: Good morning.

MR. SANN: Good morning.

MS. JEFFRIES: Good morning, both of you. Did I miss anyone? Brady, I'm just checking back to see if Ashley has joined?

MR. ROBERTS: No, Ashley has not joined neither has Professor Looney. But I'll let you know if they do.

MS. JEFFRIES: Alright. Great, great. Are there any other substitutions this morning for the primaries other than the ones that I already mentioned?

MS. COCHRANE: David Socolow will be in for state agencies for ATB.

MS. JEFFRIES: Okay, great. David is in for ATB. Alright. So with that, those who are not going to be primary at the table, please turn your cameras off so we

have just the people at the table on screen for us. That would be great. Alright. Johnson, you have your hand up.

MR. TYLER: Yeah, thanks. I just had a question before we go into the first issue paper, if I can ask just a housekeeping thing?

MS. JEFFRIES: Sure.

MR. TYLER: So Greg, if I remember correctly, you were going to go back to the Secretary on transcript-withholding and just report back if there had been, I understand, you know, the lyric and we're not getting this as part of this. But was there anything you want to share about thoughts going forward if there was any anything to report?

MR. MARTIN: I don't have any report at this time. I'd rather I'd rather deal with that when the issue of paper comes up.

MR. TYLER: Okay.

MR. MARTIN: But we certainly at that point, would be open for discussion, we do have some points on that.

MS. JEFFRIES: Okay. Alright. With that, I'm going to announce the Ability to Benefit issue paper number one. Greg, do you want to take us through the document?

MR. MARTIN: Sure. And again, good morning, everybody. And I don't know which parts of the country were shocked back into winter over the weekend, but certainly

mine was so very happy to see the return of spring today. So hopefully for the rest of you that that occurred to, I heard the Denver broke an all time low or something like that was really cold. So I hope those of you in the Mountain West are enjoying better weather. So first, I would like to look at in 668.32 (e) (5). We haven't made any changes there. I just want to point out something to you where we talk about, once we get down there, we'll wait for that to come up, right there in five, you can see, has been determined by the institution to have the Ability to Benefit from an education or training program offered by the institution based on satisfactory completion of six semester hours, six trimester hours, six quarter hours for two hundred twenty five hours. We had some questions at the last session about the two hundred and twenty-five clock hours and whether or not that needed to be revised given the changes during the previous negotiated rulemaking sessions. Not in this table, but when we did when we made changes to the clock credit hour conversion. If anything in here needs to be changed to reflect that. But those are two separate issues. So just note that the two hundred and twenty-five clock hours bears the same relationship to the number of clock hours in an academic year or 900, as does the six semester hours to the 24 credit hours in an academic year for a semester. I mean, I'm sorry for a credit-hour based program, so I just wanted to point that out that the two hundred twenty-five clock hours is correct and is unchanged by anything that occurred with respect to the clock to credit hour conversion rules. And as we go

through some of the stuff, I do want to say that again to reiterate what Cynthia said, we're not doing temperature checks and we're not voting by paragraphs or whatever. But I may for purposes of discussion. Even though we won't be taking temperature checks, I may, I think I will break this up a little bit so that we don't go through the whole paper and then have people have to go back and remember what they wanted to say. So we'll stop at a certain point and entertain, discussion, and comment, but there will be no temperature check or interim consensus check at that point. So now I would direct your attention to, if I can get the numbering right here, in 668.156 under the approved state process. And let's take a look at (a) (2) romanette four. I'm sorry, romanette five. So I'll wait to get there. There we go. So. Here, you see, for an institution listed for the first time on an application, an assurance that not more than thirty three percent of the institution's undergraduate regular students withdrew from the institution during the institution's latest completed award year. For the purposes of calculating this rate, the institution must count all regular students who enrolled during the latest completed award year, except those students who during that period withdrew from, dropped out or were expelled from the institution and were entitled to and actually received in a timely manner, a refund of 100 percent of tuition and fees. So just pointing out here that we changed this paragraph moving it here. It initially applied only to the... or it did apply only to the initial application. So this previously only applied to

institutions who sought to participate in the initial trial period. And this change will require all institutions who are new to the state process to pass the threshold. After an institution has met the threshold one time, they will no longer be held accountable to this. And next, I want to go to B. And let's go to (b) (2). See that, I'll read that. The state agrees that the total number of students who enroll through the state process during the initial period will total no more than one percent of the enrollment at each institution participating in the state process. So we do understand that negotiators have raised concerns that this cap is too low and may be restrictive, given that the cap only applies for a limited number of years during the initial trial period. Expanding the cap or applying the cap at the state level could enable one institution to enroll all the students and then the other institutions would not be able to enroll any during that period. So we do have concerns here that if we change this to overall to the state as opposed to each institution, that one institution with a considerably large number of students participating could skew it, such that other schools would not be able to participate. So I want to stop there and open the floor for comments on what we've discussed thus far before we move on. Thank you.

MS. JEFFRIES: Okay. Will?

MR. DURDEN: Thank you. Good morning again, thanks for the rationale on the one percent at the institutional versus the state level, it's good to hear your thinking on

that. And I'm going to mull that over the next little bit. But my first reaction is still that I would worry that we would crimp off one institution's efforts because if that was an institution, it's a small, focused technical college and it has a lot of really great pathways and it's enrolling a lot of students, I would hate to shut that institution down, whereas maybe there's a college some miles down the road that's primarily a transfer liberal arts oriented institution, they're just not doing a lot of ATB. And so I think there's enough institutional differences in our state that the cap still makes more sense at the state level than at the institutional. But I do appreciate the rationale, I think.

MR. MARTIN: Thank you.

MS. JEFFRIES: Thank you, Will. Any other comments, questions? I know you're putting questions in the chat if you want to ask them. If the Department has an answer, they will, if not, they will certainly look at that as they move forward in drafting the language for the NPRM. Jamie?

MS. STUDLEY: Just a simple technical question. I didn't see a definition of the term regular students, and it seems like it would be simple enough to say that it wasn't students in these special programs, but I wondered if you thought about that.

MR. MARTIN: I'm sorry, Jamie, you wanted to add regular, you want to add something?

MS. STUDLEY: You use the phrase in romanette five, regular students, but I didn't see a definition of it. I don't know if there's one somewhere way upstream that I missed. When doing the calculation.

MR. MARTIN: Right, there is a, hold on one second here. Are you talking about the definition for that with the.

MS. STUDLEY: Within 668.156, (a)(2), romanette five.

MR. MARTIN: Five, right. Oh, I see what you're saying for purposes of this calculation, the calculation of this rate, the institution must count all regular students who enrolled during the last. Yeah, we do have a definition of regular student.

MS. STUDLEY: Okay.

MR. MARTIN: It, it just, a regular student is just defined as a student who.

MS. STUDLEY: Was not admitted through one of these programs.

MR. MARTIN: Well, yeah, a regular students is just anybody who was admitted to the it's in I think it's in 600.2. Oh yeah, someone's just confirming to me that that is indeed the case. So if you look at not to digress here.

MS. STUDLEY: I trust you if there is one, Greg.



MR. MARTIN: Yeah, there is one and I and I know it is there and I will try to confirm that it is. Yes, it is. Here it is. I just found it. A person who is enrolled or accepted for enrollment at an institution for the purpose of obtaining a degree certificate or other recognized educational credential offered by that institution. So in other words, it just differentiates between someone who's at the school taking credits or actually in there actually in an eligible program for the purpose of obtaining the degree or certificate. The basic eligibility requirement for Title IV as most of you are probably aware.

MS. JEFFRIES: Thank you. David?

MR. MCCLINTOCK: There we go. Yes, hi, thanks. So as with Will, I appreciate the rationale on the distinction between a one percent cap statewide versus the one percent for each school. And I think as Mike has put in the chat, is there some way to maybe compromise on this? Because the downside you've described of a statewide cap of one school soaking up the entire cap, great point, on the other hand, the downside of a school-by-school cap is a very small school, one percent is going to be a de minimis number of students. So small that it might not have the economies of scale even to run a cohort of 10 or 15 or 20 students that would make sense to run an ATB program. And so I guess the question is, is there any way to say, one percent of the school's enrollment but, you know, some number that you know that at least some de minimis number would be allowed, even if that ends up being higher than one percent. And I

associate myself with the comments to that effect that Mike put in the chat.

MR. MARTIN: That's interesting, I mean, I take that point, I mean, there absolutely is another side to that, as you point out that for small institution, that could be a small number of students. So we'll definitely take that back. Take a look at it today. I, if anybody has any comment, I mean any suggestions rather or as to what that might be or what language might work to accomplish both ends there, we will be glad to take a look at it. So by no means precluding take a look at what we might be able to do there.

MS. JEFFRIES: Okay, thank you. Mike. You're on mute, Mike. There you go.

DR. LANOUILLE: Got it. One other thing I would like the Department to consider is if they were to stay with the one percent language. There's really no statistical significance that you're going to get with the different sectors to get a true evaluation of what we're looking for here. So and again, as referenced, I did put some language in the text that I hope the Department considers. Thank you.

MS. JEFFRIES: Okay. Thank you, Mike. Any other questions or comments? Alright, Greg, I'm not seeing any of other hands. Do you want to move on?

MR. MARTIN: Sure. So we finished up with B, so now let's move into C and we're looking at (c) (2). So I'll wait for that to come up.

MS. JEFFRIES: While we wait for that, I should mention that Rene is sharing documents today, thank you very much, Rene.

MR. MARTIN: Let me add my thanks to Rene as well. There we go. So continuing, and again just for just for reference, we are still in 156, approved state process here in C and looking at (c) (2). And so here we have the monitor on an annual basis, the state's doing this. Each participating institutions, compliance with the requirements and standards contained in the state's process, including the success rate, is calculated in paragraph F in this section, which we'll look at momentarily. And this has been added to clarify that the states are expected to monitor the institution's compliance with the 95 percent success rate, which we'll discuss in a moment. And then moving down to 5, to (c) (5), just right below that. Terminate the institution from the state process if the institution refuses or fails to comply with the state process requirements, including exceeding the total number of students referenced in paragraph (b) (3) of this section, which we just discussed. And prohibit an institution from participating in the state process for at least five years after that termination. We've added this provision to ensure that institutions whose participation has been terminated cannot immediately rejoin the state

process. And let's stop there because we're going to move on quite a ways after that, so I don't want to get too far behind. So even though there wasn't very much. Let me just ask before any comments on what I just what I just mentioned.

MS. JEFFRIES: Okay. Will?

MR. DURDEN: Thank you. I think if I'm reading that correctly, that if an institution whenever they're capped they would just it seems punitive. They can't offer ATB at all for five years as part of that process. I wonder why they couldn't just be required to get back under the cap versus being terminated for five years. It seems like, unless I'm reading that wrong, that seems like a pretty strong reaction to somebody enrolling too many students.

MR. MARTIN: Yeah, I think you as written well where we say terminates the institution from the process, if the institution refuses to or fails to comply with the state process requirements, including exceeding. I would think that the spirit of it is that certainly I don't think that what is meant here is that the minute the state the school exceeds that, that they would be terminated for five years, I think there would be a process there by which the state would inform the institution they had exceeded the number and the school would have the opportunity to correct that. It's not the Department's intention that if the school, you know, is two students over that or that would result in termination. This is to deal with a situation where a school might refuse to adhere to the cap. And at

that point, the state would be required to terminate. But we'll go back and take a look at the language. But I I'm sure the way it's written that we certainly didn't intend the outcome that you're suggesting there just to slap a five-year bar from participating for what would be a slip up or. You know, I think it does it does absolutely reference an incidence where the school is refusing to comply.

MS. JEFFRIES: Okay, thank you, Greg. I don't see any other hands.

MR. MARTIN: Great. Let's move on to. So we were in C and our next destination is going to be in F. I'm sorry, E. So let's go to E. We should be looking at where it says after the initial two-year period. There we go. There it is. Let's read through that. After the initial two-year period described in paragraph B of this section, the state must reapply for continued participation and in its application demonstrate that the students it admits under that process at each participating institution have a success rate as determined under paragraph F of this section that is within ninety five percent of the success rate of students with high school diplomas. So here you see that the success rate is to be reported by each institution as opposed to statewide, and that update has been made throughout the document to reflect to reflect this change. Now I'd like to move down to F, if we may. And here, the state must calculate the success rate for each institution, each participating institution, as referenced in paragraph

(e) (1) of the section by determining the number of students with high school diplomas or equivalent who during the applicable award year described in paragraph (g) (1) of the section enrolled in the same program as students participating in the state process, at each participating institution and successfully completed the education and training program, remained enrolled in educational training programs at the end of that award year, or successfully transferred to and remains enrolled in another institution at the end of that award year. And this, changes have been made here to be more precise about the comparison populations of the success rate calculation. We note that only one success rate is required per institution, even if the institution has multiple Eligible Career Pathways Programs. If the institution does not enroll students in the same program as the ATB process students, then the institution can make the calculation based on all the students at the institution with high school diplomas or the equivalent. So what we're doing there is just cleaning up the making it more clear what the comparison population is. And then I'd like to move on to G. Where we say, and this is (g) (2), if no students are enrolled in an Eligible Career Pathway Program through a state process, then the state will receive a one year extension to its initial approval of its state process. And the change here is to reduce the burden on states that have not enrolled students in the initial trial period. And as a result of this change, states will not have to submit another application until students have enrolled through the state process. And

then I'd like to move down to H. And if you move down to, I'm sorry, I. So here, the Secretary withdraws approval of the stage process if the Secretary determines that the state process violated any terms of this section or that the information that the state submitted as a basis for approval of the state process was inaccurate. If the state is not terminated, an institution from the state process under paragraph (c) (5) of this section for failure to meet the success rate, the Secretary withdraws approval of the state process except in accordance with (j) (1) romanette 2 of this section. At the Secretary's discretion. Under exceptional circumstances, the state process may be approved once for a two-year period and if 50 percent or more participating institutions across all states do not meet the success rate in a given year, the Secretary may lower the success rate to no less than seventy five percent for two years. And here we have added language in this subsection, clarifying that the state must terminate an institution from the state process if it fails to meet the success rate or if or the Secretary withdraws approval. However, if most institutions fail to meet the success rate across all states, the Secretary may lower the success rate to seventy five percent for two years at a time. Additionally, we have maintained the provision allowing states to contest the withdrawal of approval of the state process, adding another provision that if withdrawals upheld by the Department, then the state may not reapply for a process for at least for the state process for at

least five years. So I'll stop there and entertain any comments or discussion on what we've just gone over.

MS. JEFFRIES: Okay. I'll open the floor for any questions, comments. Okay. I don't see any hands, Greg.

MR. MARTIN: Okay. Alright, in that case, we're moving on to 668.157, which is Eligible Career Pathways Program. And I'd like to go to 157 (a)(1). Great. So here are the, we see under career pathways program, this is where an institution demonstrates to the Secretary that a student is enrolled in an Eligible Career Pathway Program by documenting that the student has enrolled in or is receiving three of the following elements simultaneously. And you can see, here are some changes to reference WIOA definitions. So an eligible postsecondary program as defined in 668.8, Adult education and literacy activities under the Workforce Investment and Opportunity Act, as described in 34 CFR 463.30 that assists adults in attaining a secondary school diploma or its recognized equivalent, and in the transition to postsecondary education and training and workforce preparation activities as described in 34 CFR 463.34. So these are changes intended to reflect key elements of integrated education and training programs. And in romanette 2 and 3, we referenced the definitions used by WIOA. So I think that's, oh, and I want to go down to, let's good down then to two. And here we have, this is where the program aligns with the skill needs of industries in the state or regional labor market in which the institution is located based on research the institution



has conducted, including government reports identifying in-demand occupations in the state or regional labor market surveys, interviews, meetings or other information obtained by the institution regarding the hiring needs of employers in the state or regional labor market. And in addition, here, documentation that demonstrates direct engagement with the industry. And here is and you see that language is this documentation of demonstrating direct engagement meant to strengthen alignment with the labor market. In practice, direct engagement could be a meeting, as described in 2 above. So you see where in romanette 2 it talks about meetings or other information obtained by the institution regarding hiring needs of employers. So in three, we're saying they've documented that direct engagement so it can be documentation of what's in romanette 2. Let's stop there, and I'll entertain discussion on that, because I think there's some pretty big changes there.

MS. JEFFRIES: Okay. David?

MR. SOCOLOW: Thank you, Cindy. Thank you, Greg. I want to applaud the Department for this very helpful revision to the language. I think this will guide the field in very helpful ways. I think this builds on the Department's guidance through Dear Colleague Letters such as 16-09 and others that have made this point that this particular population, adults without a high school diploma, the career pathway definition in the law leads naturally to these kinds of partnership. Concurrent, the word concurrent is in the career pathway definition. This

is unpacking what the word concurrent in the statute actually means concurrent and contextualize both of which, of course, part of the statute. But this helps make it clear. So I think that the field will be guided to defining what an Eligible Career Pathways Program for the purposes of ATB Title IV eligibility really means by this language. And in fact, it will prevent the, you know, by requiring documentation to the Department to be eligible for pathway for this purpose. It will prevent the kind of confusion and frankly abusive ATB practices where some schools are really doing just the higher ED institution on its own, calling something an eligible career pathway, but having absolutely no integration or, for that matter, communication with the other required components. The required elements of a career pathway for adults without a high school diploma, which by absolute necessity includes the other two aspects the adult ED aspect and the workforce prep aspect. So having all three of them required is a good idea, and I applaud the Department.

MR. MARTIN: Thank you.

MS. JEFFRIES: Thank you, David. Any other questions, comments, anything you want to say before we move to consensus check on this.

MR. MARTIN: I want to add we don't specifically reference Title 2 providers here. Does anybody want to comment on that or feel that's necessary to do? Just a directed question.

MS. JEFFRIES: David.

MR. SOCOLOW: Yes, so I've looked at that. In terms of defining a Title 2 provider versus saying Title 2 services, I actually think that the language of the other reg that you're cross referencing refers to the services and what it takes to deliver those services. So I think to the extent you're cross referencing it, you're going to capture it that way. I don't think the entity delivering the adult education and literacy need at that moment, be actually signed up to be a Title 2 provider. Rather, they need to meet the definitions of what it takes to be a Title 2 provider, because that's the only way you can deliver those services. So I think you've got it right here. But if I could direct the question back to you. What were you all weighing in your minds as you were thinking about that, that distinction?

MR. MARTIN: I think, Well, you know, I'm not saying that what we're thinking, we obviously thought this language was adequate and met the requirements without that specific reference, but just wanted to see if, if you know what people's thoughts were about that. We're pretty pleased with the language we have here.

MR. SOCOLOW: Yeah, I mean, an entity that has demonstrated effectiveness in providing adult education and literacy services is defined again by reg. Local adult education providers must be organizations with demonstrated effectiveness in providing adult education literacy and that it lists a variety of things they have to be able to

do. So it seems to me that if anyone's doing that, they have to meet that definition, whether they happen that year to have won the RFP to be the literacy provider from the state, it's not necessarily they could have applied. How about that? I think that's implicit in what you've said, and I think that works.

MR. MARTIN: Thank you. Okay back to you, Cynthia.

MS. JEFFRIES: Okay, thank you. Will.

MR. DURDEN: Thank you. So I just want to clarify, as I was understanding this, that a community college provided its own adult education services that met these criteria, they would not have to formally Title 2 providers, for example, in a state where those relationships don't exist. And we might wish that they exist and we might want to promote that relationship. But where it doesn't currently, this would not, this would not prohibit a community college from moving forward with its efforts to serve those students in its region, which I think is really critical for the community colleges to be clear on. And also, I don't know if there's an answer to this, but I think in number five where it says the education is offered as appropriate. It just that seems to open up a lot of possibility for what is and isn't going to be done. And I'm not sure how that interacts with this new language in one, but that's more of a comment. I'm thinking about that, and it's not really a question unless you specifically want to address what that means as

appropriate, the level to which that adult education needs to happen and just kind of curious about that.

MR. MARTIN: Let me let me take that back to our people if you want. To your first point, you're right, it's not meant to preclude community colleges from offering that, who meet that definition. As far as with the education offered as appropriate concurrently with and in the same context as with workforce recreation activities and training for a specific occupation. I don't remember how else to characterize that, except as it is there, but I will take it back if you want some further clarification on that.

MR. DURDEN: Yes, thanks. Just I, if my reading of that is appropriate as it actually gives the institution quite a bit of latitude in what they offer. But I might be reading that wrong.

MS. JEFFRIES: Thank you, both. Mike.

DR. LANOUILLE: Just a point of order, I was wondering, will the Department take a break and look at the some of the recommendations that we just sent before a final vote?

MR. MARTIN: Well, does yeah. If we feel that is necessary to I would love to achieve consensus here. I think that we seem to be very close. Before we do that, I just want to be clear, if everybody has just go back and briefly reiterate for me what language you want to see

reconsidered. Just so all of it's so the Department have that in our heads.

MS. JEFFRIES: Okay, so it looks like Greg is asking the negotiators to articulate clearly, concisely what areas you want them to consider. And based on that, it may take a break to look at that before the actual consensus is taken. Is that correct, Greg?

MR. MARTIN: Yes, we are moving quickly through this and I'm really pleased with the progress we've made. I definitely would love to try to get consensus this morning. So if there's an area that is sticking with you that you want us to think about, just like I'd just like to have you review that for me briefly.

MS. JEFFRIES: Mike, do you have, your hand is still up so do you want to go ahead?

DR. LANOUILLE: I'd be happy to do that. Basically in 668.156 (b) (2), the language around one percent I put in the chat would you consider the higher of one percent or twenty-five students.

MR. MARTIN: Percent or twenty-five students. Okay. Alright. Got that. I'm sorry. Just like on the haze of battle here, I shouldn't characterize it that way, in the haze of trying to reach consensus I forget where we are. So thank you very much for that, for refreshing my memory there. Is there any is there anything else?

MS. JEFFRIES: Yes, I see Kelli's hand is up.

MS. PERRY: I think this is just a correction. In 668.156 (c) (5), there's a reference to (b) (3) and I think that should be (b) (2).

MR. MARTIN: (c) (5). Let me find that. Okay. The reference to (b) (3) should. Were you saying that should be (b) (2)? Okay. Anything else?

MS. JEFFRIES: Kelli anything else for you? Okay. Alright, thank you. Will.

MR. DURDEN: We proposed just a 75 percent success rate overall period, it seems like you've got all these like a highly stratified set of regulations for something that's barely even happened, yet gives the colleges a chance to actually offer this, we've got what five states with the state plan offering incredibly small, enrolling incredibly small numbers of students so far. And now we've already got this option where if we don't meet the ninety five percent, we can go down to the seventy five percent. So why not just go down to the 75 percent? That's what we'd advocate for.

MR. MARTIN: Alright, I'll take that back.

MS. JEFFRIES: Okay. Anything else, Will? Okay. Anything anyone else has?

MR. MARTIN: I just want to ask this question before we go back, I want to make certain that there's nobody, that we don't have any objections to these proposals from other individuals on this negotiating panel?

I mean, I still have to go back and see that the Department's position, but I just want to make certain that the rest of the people on this on this panel would be okay with those changes.

MS. JEFFRIES: Okay. Great question, Greg. Johnson.

MR. TYLER: Mike, can you put in, can you reiterate what the site is for the one percent versus twenty-five students where that language would go?

DR. LANOUILLE: It's 668.156 (b) (2). Found on page four.

MR. MARTIN: Up to page four.

MS. JEFFRIES: Did you find it Johnson?

MR. TYLER: Sorry, I'm still hunting, but I

MR. MARTIN: It says, Johnson, where the state the state agrees that the total number. Right before C.

MR. TYLER: I see it, thank you.

MR. MARTIN: Sure.

MS. JEFFRIES: Okay, thank you. Alright, any other comments, changes, or response to the changes that the Department has asked to take a minute and go look at. Any objections to those? Alright. Greg, I'm not seeing any of their hands.



MR. MARTIN: In that case, I request a 15-minute break.

MS. JEFFRIES: Okay. Alright. So it is 10:55, you want to say 10, 15, Greg, just to?

MR. MARTIN: Yeah, let's do that.

MS. JEFFRIES: Okay. Alright. So we will take a break till 10:15 and come back with that. Alright. Welcome back. I just want to update everyone, both the negotiators and the public, that the Department is still considering the changes that the negotiators put forth. And they have asked for an additional five minutes of time to wrap things up. So we're going to go off live stream again and we will pick back up in five minutes. Thank you. Okay, we are back in live main session and everyone is back. Greg, I'm going to turn it over to you.

MR. MARTIN: Thank you, Cynthia. Yeah, so we, the Department [inaudible] on the requested changes, and I'll go through them want to make sure I'm correct here, if we are looking, we're looking at again, B, in 156 (b)(2), the state agrees that the total number of students who enroll through the state process during the initial period will total no more than one percent of enrollment at each institution, and the requested change for the Department to make was one percent or 25 students. And the Department agrees to that change. And that will be reflected. And the other thing that we were asked about was a technical change in, let's make sure I have it here, this was in C in

(c) (5), which was a technical change to where it said including the including C in the total number of students referenced in paragraph (b) (3) that should actually be (b) (2) and we will make that change. And thank you for pointing that error out. The last matter for discussion, let me find it here, is in 156 J, this had to do with the well, this actually had to do with the ninety five, actually, we should start with the ninety five percent threshold requirement and we were asked if we would be willing to move the 95 percent threshold down to 75 percent overall. And in consideration of that request the Department doesn't believe that feel at this point that we can, that we can move the threshold that down we desire to stick with the original threshold as the target for institutions. We do point out, however, that in in J romanette three, where it indicates if 50 percent or more of institute, well, the Secretary withdraws approval of a state process under J, rather, where it talks about the Secretary withdraws approval of a state process if the Secretary determines the state process violated any terms of the section for as basis for approval of the state process wasn't accurate. And then down where it says if, in romanette three, if 50 percent or more participating institutions across all states did not meet the success rate in a given year, then the Secretary may lower the success rate to no less than seventy five percent for two years. We do point out that we're not limited to that initial two-year period so that that can certainly be extended if the situation continues that 50 percent or more

of the institutions across states don't meet the 95 percent success rate. So that is where we are with it. We could, given that one area, but feel here we have to we need to maintain that that 95 percent. But again, when it stressed that we do have flexibility with respect to the 50 percent.

MS. JEFFRIES: Okay, thank you, Greg. Any, okay, Mike.

DR. LANOUILLE: Thank you very much for your consideration on the revisions to 668.156 (b) (2). Would it be possible for you to put that potential revised language up on the screen for us, just so we could absolutely be certain where we're squared away with it.

MR. MARTIN: I will try. This might be a little bit awkward. I don't think. So our person who's showing the text is using the issue papers that we have. I can ask if it's possible for some of our people to get that text over to Rene so he can put it up. That might take that might take a few minutes if you want to see it. While we're thinking about that, I missed one thing as well. Another area that we're going to make a change in is in, just make sure you get this correct, in 157 (a) (5), where we talked about the education is offered comment as appropriate. Concurrently with **add** in the same context as workforce preparation activities and training for a specific occupation or educational cluster, et cetera. We understand that that might be somewhat confusing. So we are going to make a change to indicate that the take as appropriate. The as appropriate does come from statute. So that's what we

get that. But we understand that it could lead to some confusion, could lead to the erroneous conclusion that the concurrent aspect of this is not really required if it's not considered appropriate. And that's not what we want to convey. So what we will do revision will be the appropriate education is offered concurrently with the same with and in the same context, so it would go from the education is offered comma as appropriate comma to the appropriate education is offered. Still keeping the spirit of this, which is that the concurrent aspect of this is required, but within the scope of the way the program functions. But understanding that might come at different times, but that can the concurrent that it being concurrent is necessary. And there's not that that's not optional. So we will make that change to make that clarification. And thank the negotiators for pointing that out. And I'll see if I can get this up on the screen. I'm not, this might be a little bit of a delay, so just bear with me to see if we can pull up to the revised document the revised the revised text.

MS. JEFFRIES: Mike, you have your hand up?

DR. LANOUILLE: I was just going to ask it if it's going to cause a delay, if you could just perhaps read the revision one more time for us. That might be that might be enough.

MR. MARTIN: Sure. So I just read the one revision and the other revision we would be making, the one was a technical correction. So I think that's. Rene is pulling it up I believe.

MS. JEFFRIES: Yep, you have your text up.

MR. MARTIN: So Rene will be pulling it up for the revision that we made.

MS. JEFFRIES: Okay. He's got it in there.

MR. MARTIN: The first one here. Right. The state agrees that the total number of students who enroll through the state process during the initial period will be no more than the greater of 25 students or one percent of enrollment at each institution participating in the state process. So that would be the first. That's the first provision that we're making. Is everybody, I should just ask, is everybody okay with that or feels that's clear before we move on?

MS. JEFFRIES: David has his hand up.

MR. SOCOLOW: I mean, I just, I think everyone knows what you mean, but this is for the twenty-five and the one percent greater of those two numbers applies to each school, right? So each school is their own little cap of one percent or 25.

MR. MARTIN: Each one has their own little they have their own little cap.

MR. SOCOLOW: It's not twenty-five students per state.

MR. MARTIN: No, no, yeah, no, twenty five percent, yeah per state. The state can only have twenty-five

students. No, you're correct. That would be rather restrictive, indeed.

MS. JEFFRIES: Thank you.

MR. MARTIN: Thank you.

MR. MARTIN: And now we'll move to, trying to think what the next one would be, drawing a blank, oh, yeah, there was a technical correction, there was the one we just did on the cap. We're not making any changes to J and we are going to make a slight change to F, that was F, no that's not correct. I'm sorry I'm trying to keep track everything here. The other, the technical change was in 156 (c) (5), where we changed the reference from (b) (3) to (b) (2) and here's the other change right here. Thank you, Renee. This is where we have changed that from the education is offered as appropriate to the appropriate education is offered concurrently with in the same context. So you can see the revision that we made there. And I think that is it.

MS. JEFFRIES: Okay. Thank you, Greg.

MR. MARTIN: Thank you. And thank you, Rene, so much for getting that up.

MS. JEFFRIES: Alright. I'm not seeing any further hands up. So at this point, I think we'll go ahead and take consensus on this. As a quick reminder in consensus, a thumbs up means you are on board 100 percent with it, a sideways thumb means you can live with the proposed text

and a thumbs down is indicating you dissent and you will be asked the two questions that we talked about earlier in the opening statement of what is the deal breaker point for you or your serious reservation. And what language do you propose that could change you from a dissent to at least here [indicates sideways thumb]. Okay? We will be doing a roll call of thumbs, for the record, since this is consensus, so we ask you to hold your thumbs high so that we can see them and give us and let me run through it as I see it on my screen. Okay? So with that, negotiators, may I please see your thumbs? Alright, I am showing Jamie Studley, as a thumbs up. I am showing, I'm doing it in order of my screen here Carolyn Fast as a thumbs up. Sam Veeder thumbs up. David Socolow thumbs up. Will Durden thumbs down. Kelli Perry thumbs up. Amanda Martinez thumbs up. Travis Horr thumbs up. Adam Welle thumbs up. Marvin Smith thumbs up. Mike Lanouette thumb up. Beverly Hogan thumb up. Ernest Ezeugo thumb up. Johnson Tyler thumbs up and Gregory Martin thumbs up. So you have not reached consensus, there is one dissent that is Will Durden. Will we post the two questions to you?

MR. DURDEN: Will you post them again?

MS. JEFFRIES: Yep, sure will. What is it that is such a serious reservation for you that the issue paper in its totality, as written, is not acceptable? And what do you propose that would make it at least a sideways thumb for you so that the committee reaches consensus?

MR. DURDEN: Thank you. It's down to the success rate, which is currently 95 percent with this plan that it could be 75 percent if people don't meet the ninety five percent, which for me is just a little bit of a logical [inaudible] why you wouldn't just start with the seventy five percent. When I analyzed the data that you sent out last week, which is really helpful and thanks so much for putting that out there. What we see is a really steep decline in the amount of public institutions offering Ability to Benefit and an increase in the proprietary institutions. At the state level, we're really invested in trying to encourage and incent our institutions to adopt ATB processes to use the state plan. In Washington state, our state plan incorporates all the best practices in the field it's an IET its I-BEST and High School Diploma program and one it's a fantastic plan, and I think that the success rate, which is I don't even know where that ninety five percent came from. I don't know that we ever got clarity on what research or what evidence that rate is grounded in. I'm not sure what the success rate is using for in the first place, considering this is brand new and untested. So in an attempt to try to get more public institutions to do this and for states to put high quality plans forward, we want states to feel confident and comfortable that they're not going to lose eligibility right out of the gate because they're not able to meet those success rates. And I think that if we're willing to go to seventy five percent, if we don't make the ninety five percent rate, then why don't we start there? So I



think in terms of what I would propose as a compromise, I think eighty five percent, I think, would go up to eighty five percent as a starting point. I think ninety five percent is not just as it's as much about perception as reality. Maybe ninety five percent isn't even a hard threshold for people to hit. I don't think we really know that, but I think ninety five percent is more likely to disincite and discourage states from doing this work rather than encourage them, which is what we would like to do. So I think a lower success rate for this calculation that exists nowhere else except for here with no other grounded in reality that I'm aware of. I think if we could lower that to encourage people to feel like they could give this a shot, I think that would be better for our efforts.

MS. JEFFRIES: Okay, thank you, Will. I see Johnson, your hand is up.

MR. TYLER: Yeah, thanks. I am by no means an expert on this, and I appreciate Will's comments and how hard he's thought about this, and I may also defer to David on this, but I'm just concerned about the students and if the proprietary schools are entering this field and I mean, this is a very vulnerable population, as you know, if they're not doing as well because people aren't putting enough resources to make sure they succeed, you know, that's a problem for my constituents. They can't invest time and get nowhere with this. So that's why ninety five percent has always resonated with me is, you know, a comparable goal that you're trying to achieve. I understand

this is a educationally deprived population. There's a lot of financial and time needs and all that sort of stuff. But I do want this to be a successful program for students who enroll so.

MS. JEFFRIES: Thank you, Johnson. David?

MR. SOCOLOW: I just want to say one mitigating point on this. Will, just to think about and I want to applaud the Department's clarification in this latest issue paper that it's a real apples to apples. It's not just how are all the students at the school doing who, you know, are regular students like all the students that are taking classes there. But it's how the students are doing in the specific program that's included in the career pathway program. And so it is more of an apples to apples. And so I do think that is that makes it better.

MS. JEFFRIES: Thank you, David. Greg.

MR. MARTIN: I just want to point out that, you know, as when we talk, the Department's being willing to let me see if I get the reference in (j)(1) romanette three, if 50 percent or more participating institutions across all states do not meet the success rate in a given year. We may lower that to 75, but we did that in response to negotiator concerns about the strict application of the 95 percent threshold. So we the Department feels that's moved as far in that direction as it can go.

MS. JEFFRIES: Okay, thank you Greg. Alright, so the consensus was not reached. So with that, we are going to move on to. Oh, it's 11:40 we can go ahead, and Greg, you want to go ahead and start administrative capability or?

MR. MARTIN: Yes, I would like to do that. We may take advantage of this time and begin with the administrative capability. We'll still break for lunch wherever we are. But yeah, I don't want to scare anybody about that. But. And great Rene has that up. So we are in again, moving on to issue paper two standards of administrative capability. And we're going to start in 668.16 and looking at (h) (1). So if you'll all go there with me, there we are. That's on your screen. So. This provides adequate financial counseling with clear accurate information to students who apply for Title IV HEA program assistance determining whether an institution provides adequate counseling. The Secretary considers whether its counseling includes information regarding in each one, the source and amount of each type of aid offered. The nature of the aid and whether it must be earned or repaid and instructions and deadlines for accepting, declining, or adjusting those amounts. We've added this language at the suggestion of negotiators to further clarify the baseline requirements institutions must meet in their financial aid and counseling of students. And then I like to go down to (h) (3) and no, I'm sorry, yes, (h) (3). No, I'm going to go to, let me get this correct, I'm going to go to (i) (4). Great. Right, that's correct, so starting there at (i) (4)

and where we say the presence of institutional partnerships with recruiters and institutions are regularly higher. No, I'm sorry, my mistake. I want to go to J. Every time I see a J for some reason it confuses me, so that's where I want to be. I want to be at 668.16 J. My error, I apologize for that. So this is provide students with acceptable clinical or externship opportunities related to and required for completion of the credential or licensure in a recognized occupation within 45 days of other required coursework. In response to negotiator's comments, we have added the word other before required coursework. This will help to ensure the institutions cannot evade the requirement that clinical that the clinical portion be provided within 45 days by treating it as part of the coursework, rather than as something that happens after the coursework. Instead, it will confirm that we mean students cannot be left sitting for more than forty five days. And let me oh, let me stop there, and we'll consider what we've just talked about so that we don't get too far before asking for comments.

MS. JEFFRIES: Okay, just a few announcements and changes of who's at the table. Greg while we move through this document Debbie Cochrane is back in for state higher education. Dr. Anne Kress is back at the table for two-year public institutions. Brad Adams is now at the table for proprietary institutions. Jessica Ranucci is in at the table for legal aid and Yael Shavit is in for state attorneys general. I don't think I missed anyone. Okay, just got a message that Barmak Nassirian will be in at the

table for service members and veterans. So with that, Sam, your hand is up first.

MS. VEEDER: Thank you. I'm curious about the addition of the deadlines in this section, each one and why that came about. It's worrisome to me because, you know, I'm a deadline person, but in this particular case, and for example, at our institution, we use passive award letter acceptance, so students only have to let us know if they're declining something and they really have as much time as they want to do that. As long as you know, it's within the time frame of the existing Title IV deadlines for us to be able to process or return Title IV aid. So I think this just adds an unnecessary hurdle. It adds opportunity for confusion and might discourage some students who might think they missed a deadline and not realize that that there could be some flexibility in the deadline. I'm just not sure what the purpose of this is.

MS. JEFFRIES: Okay.

MR. MARTIN: Yeah. This is Greg, I'll come back, I'll address that. Remember, here we're talking about standards of administrative capability. So what, you know, what you required in this case to provide students with respect to their financial aid, that would mean that you are administratively capable. It's we're not imposing any, well, I'll read that again in (h)(1), the source of the amount of each type of aid offered the nature of the aid and whether it must be earned or repaid. Instructions for a deadlines for accepting, declining, or adjusting award

amounts. These elements are included, actually included in other areas of the regulations. But we're just referencing back to that as an indication of administrative capability. So I don't think that what is required here is will be different than what most institutions are already doing. You're already required to in 668.165 under notices inform students of the aid they're going to receive, when they can expect to receive it, whether it's loans or grants. So I think a lot of this is sort of redundant of that, but it pulls it over into a measure of the institution's administrative capability. We're just asking here for instructions and the deadlines, whatever institutional deadlines are in place for accepting or declining or adjusting award amounts such as those such as those exist at your institution. We're not requiring you to impose anything, anything additional, but we simply are saying here that students must be made aware of what those are. As and that will be looked at as part of an examination of whether an institution is administratively capable, so we're not really adding anything here, so much as making it clear that these elements, which are in other areas of the regulations, have to be adhered to in again, as part of our looking at whether the institution is administratively capable clarifies it somewhat. But we're not imposing any deadlines here or requiring the school to impose deadlines.

MS. JEFFRIES: Thank you, Greg. Amanda?

MS. AMANDA MARTINEZ: I just wanted to show my support and applaud the Department for taking the step in

the right direction and clarifying this in each one. I think it's a reasonable expansion here and it should be in institutions' administrative capability to extend and address the additional lines here, especially making distinctions between the nature of the aid versus grants and loans, whether it should be earned or repaid, right? So I think I think it's a great improvement. I think it will help and directly addresses it shows the education Department's hearing of understanding that First-Generation students, black, Latino, Indigenous students who tend to be high recipients of Pell Grants have issues here, and this is a step in the right direction. I do have a question, but I'll step back in line once this after the others speak.

MS. JEFFRIES: Okay, thank you. Brad?

MR. ADAMS: Good morning. I'm going to go in order, I've got a few comments here, so I'm going to start with I and just really just in general all four romanettes. But adequate career services, you know, I'm still disappointed that the Department has not defined what this means, and this proposal still continues to be so vague. I don't know how any institution knows whether or not we're actually meeting the objectives here to be administratively capable. And at this point in time, I would like to Department to describe to us especially institutions at this table, what the definition of adequate career services really means to the Department. I proposed some language that I could drop back in the chat I proposed to two straight weeks, so I know the Department has considered it already. But it

basically says that institutions will make available career services to eligible students who receive Title IV HEA program assistance, consistent with how the institution has publicized its career services. So basically taking romanette three up into the main I sub point and then ending it at that. Because at least then we know what we publicize and how we follow it. But can the Department explain to me as an institution whether or not I'm providing adequate career services based on how this currently reads?

MR. MARTIN: I will say that we don't in this, in this provision give a strict definition of what adequate career services are. We do appreciate the concerns that we heard from negotiators, but we do continue to believe that institutions need some discretion in being able to identify what those services should be or and what is adequate. We also want to point out that we only would use this provision in instances where the school's provision of or schools providing of career services was a lack of that was in great was particularly egregious. So it's not something we want to put a formula in place for it. I don't think we can do that. With respect to it being linked to those services that this institution advertises, there is, I think, the possibility that in some cases those could be relatively thin. So I don't think that just linking that to what an institution advertises it provides gives the Department enough latitude to enforce in situations where there is very little, if any, career service. There are



very little, if any, career services being offered to students. I'll leave it at that.

MR. ADAMS: Can I just ask one other on sub point four under I a specific question and Greg, I'll refer to the folks in the chat that again, we've got to define this better, but on four, I just wanted to clarify is having one institutional partner with the recruiter and of someone who employs are graduates acceptable under this way this is currently written?

MR. MARTIN: So this is in?

MR. ADAMS: I romanette four so same section.

MR. MARTIN: Okay, I see it provides that the the Secretary considers the difference of institutional partnerships with recruiters and employers who regularly hire the graduates of the institution. So your question is would one with the presence of one such arrangement, be adequate, is that is that what you're asking?

MR. ADAMS: Yes, sir.

MR. MARTIN: I'm not going to say that, you know, if there is one that you've met that. We are looking at the presence of any partnership. These are things that in making this and determining whether these services are adequate, we will consider. There's a number of things here. None of these are defined, for instance, to the number of distribution of career services staff, we don't define the number, we don't give a ratio of students to

staff. It's just a consideration of what's there. The same is true for the partnership. I don't think if there is only one that that means that the services being provided are inadequate. And it might not be the case that if there were more than one that would necessarily mean that the service is being provided are adequate would depend on the nature of those agreements or how robust they are. It's just one element that the Department would consider in making this determination as to whether their services are adequate. So I don't, to answer straight out would the existence of only one necessarily mean that you were not providing adequate services? No, that would not be an automatic conclusion that your services were inadequate if only one such partnership with recruiters existed.

MS. JEFFRIES: Thank you, Greg. Kelli?

MS. PERRY: A couple different points on different sections, so we had talked about (h)(1), with the additional language, and I put this in the chat. I'd asked the Department to consider to remove the and deadline so where it says the nature of aid and whether it must be earned or repaid, and instructions take out and deadlines for accepting, declining and adjusting other award amounts because I think having and instructions will typically include deadlines. So I don't know that you need to call off the deadlines specifically. And I think that that would get some of the folks around the table feel more comfortable with this because deadlines is it's a very definitive word, and not all schools have deadlines. So I

would propose to just strike and deadlines. As it relates to career services I have I have the same concerns as Brad as it relates to the fact that this is very vague. I mean. I don't necessarily have an issue with the whole concept of an institution providing adequate career services because **up in age**, we're saying that the institution is going to provide adequate financial aid counseling services. But when we do that **up in age**, we say the fact that those services include where down below in the career services section we're talking about, you know, the number of staff and, you know, different things as it relates to specifics. So I think there's I think there's a lot of concern around this section, because it is so vague, so I think we need to we need to tighten this up somehow.

MS. JEFFRIES: Okay. Thank you, Kelli. It is, Greg, did you have a quick response? I saw your.

MR. MARTIN: If I can mention, I don't with all, with all respect, I understand where everybody's coming from here. With when we talk about the first of all, was in (h) (1) the source of the amount of each type of aid offered and we're talking about deadlines. I want to reiterate that nothing here requires a school to develop new deadlines or to impose any additional deadlines. What this is talking about is that if those deadlines exist at an institution, for example, I know where my daughter attends that there are deadlines for getting in application materials if you want to be considered for institutional aid. Those are institutional those are those are imposed by the

institution and they do exist. So I think it should, you know, it should be it should be incumbent upon the institution to let students know what those are. And that's all we're doing here. It's a matter of simply disclosing what the institution has decided on, not anything with the Department imposing anything additional. Remember that in these standards, we're not imposing anything here. We're simply saying that these things have to exist as a measure of the institution's admin capability. And with respect to going down to the provision of adequate career counseling, I would point out that it just may not assuage and may or may not assuage anybody but current admin capability rules say, for instance, this is not, for instance, this is exactly what we say, that the institution uses an adequate number of qualified persons to administer Title IV HEA programs in which the institution participates. And then we have a number of factors that we use to determine whether an institution uses an adequate number of qualified persons, but it's very similar to the language here. We don't indicate what that number is. And, you know, I mean, if somebody could ask, well, what if I have this many people, would that mean the Department what if we only have one financial aid professional? Does that mean we would be found not in compliance? And the answer that would be no, not necessarily. We have to look at each situation, and it's not a provision we normally use, but it is there an important tool in the unlikely event that the institution really did not have enough financial professionals to administer the programs properly. And I think that this

provision about career services needs to be looked at in the same in the same vein. And with that, I'll let Cynthia dismiss for lunch.

MS. JEFFRIES: Okay. Thank you, Greg. I have in speaking order after lunch. Amanda, you will be first, Jamie next, Barmak and followed by Debbie Cochrane and then Brad. So with that, we are going to adjourn for lunch and reconvene at 1:00 p.m. Eastern Time. Have a great lunch.

MR. MARTIN: Thank you.



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

2 I will be at the table for State agencies for Issue Paper  
3 #1, ATB

4 From Jamiene Studley Accrediting Agencies (P) she/her to  
5 Everyone:

6 I wondered if the term "regular students" in  
7 668.15(a)(1)(v) is defined anywhere?

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

9 +1 Jamie

10 From Mike Lanouette (A) Proprietary Institutions to Everyone:

11 What you consider "the higher of 1% or 25 students?"

12 From Jamiene Studley Accrediting Agencies (P) she/her to  
13 Everyone:

14 + Mike and David re 1% or #

15 From Emmanuel Guillory (A)-PNPs to Everyone:

16 Should the reference in (c)5) be (b)(2)?

17 From Ernest Ezeugo (P) Students and Student Loan Borrowers to  
18 Everyone:

19 +1 David on the addition of adult education and literacy  
20 language in (1)

21 From Carolyn Fast (P) Consumer/Civil Rights organizations to  
22 Everyone:

1 +1 to David

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

3 I'll be coming to the table for 2 Year Colleges.

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

5 I will be coming back to the table

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

7 I'm back at the table as well.

8 From Johnson (P) Legal Aid to Everyone:

9 Jessica is switching in for legal aid thx

10 From Adam Welle, State AGs (P) to Everyone:

11 Yael is coming to the table for state AGs thanks.

12 From Travis Horr (P) Servicemembers & vets to Everyone:

13 Barmak will be coming to the table for servicemembers and  
14 vets

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

16 +1 Sam

17 From Kelli Perry - (P) Private Non-Profits to Everyone:

18 +1 Sam

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

20 +1 Sam



1 From Beverly Hogan Primary/MSI to Everyone:

2 + 1 to Sam's comment

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

4 What if it said, "instructions and applicable deadlines"?

5 From Sam Veeder (P) Fin Aid Administrators to Everyone:

6 +1 Jessica. That would be acceptable.

7 From Jamiene Studley Accrediting Agencies (P) she/her to  
8 Everyone:

9 "applicable" per Jessica and Sam, or perhaps "any  
10 deadlines for.."

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

12 +1 Jessica

13 From Kelli Perry - (P) Private Non-Profits to Everyone:

14 What if "and deadlines" was removed because the  
15 instruction would in essence include the deadlines, if any

16 From Sam Veeder (P) Fin Aid Administrators to Everyone:

17 +1 Kelli, that solution works as well.

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

19 What if it said "and instructions for accepting,  
20 declining, and adjusting award amounts"

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

1 same as Kelli suggestion

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

3 I echo Amanda's support for (h) (1).

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

5 +1 to Brad concerns on career services regulation

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

7 I generally support Brad's point here: most of the  
8 language is too vague to be actionable, and holding  
9 institutions to what they have advertised would take care of  
10 actual abuses

11 From Jamiene Studley Accrediting Agencies (P) she/her to  
12 Everyone:

13 agree with Barmak and Brad.

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

15 +1 to Brad, et al. on career services

16 From Kelli Perry - (P) Private Non-Profits to Everyone:

17 +1 Brad and Barmack

18 From Emmanuel Guillory (A)-PNPs to Everyone:

19 +1 Barmak and Brad

20 From Sam Veeder (P) Fin Aid Administrators to Everyone:

21 +1 Kelli

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

2 Deadlines hurt low income students.

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

4 Most accreditors (not a expert outside of SACS) already  
5 require and define that we provide adequate career services.

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

7 Add "deadlines, if any, . . . "

8 From Sam Veeder (P) Fin Aid Administrators to Everyone:

9 application deadlines are more definitive that  
10 accepting/declining awards

11 From Jamiene Studley Accrediting Agencies (P) she/her to  
12 Everyone:

13 How about "any deadlines"?

14 From Sam Veeder (P) Fin Aid Administrators to Everyone:

15 \*than

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

17 +1 Brad on accreditation and career services

18 From Emmanuel Guillory (A)-PNPs to Everyone:

19 Perhaps you can say, "instructions, to include any  
20 deadlines if applicable, for accepting, declining, or  
21 adjusting award amounts."