

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
INSTITUTIONAL AND PROGRAMMATIC
ELIGIBILITY COMMITTEE
SESSION 2, DAY 1, MORNING
February 14, 2022

On the 14th day of February 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, and welcome back to session two, day one of the negotiated rulemaking. I hope that you all had some time to relax and find some spare time in between sessions. I am Commissioner Cindy Jeffries and for today's session, Commissioner Brady Roberts will be facilitating for you, and I will be your tech support person on this end. I've placed my email in the chat box. If you have any difficulties, please feel free to get a hold of me. With that, Brady?

MR. ROBERTS: Yes, ma'am, good morning and happy Valentine's Day, everyone. Just a few very, very brief housekeeping items and then we'll go into a roll call and then jump right into discussion of issue paper number one, Ability to Benefit. So first off, thank you everyone who took the time to suggest amended regulatory text for the Department's consideration in between weeks one and two. Just as a reminder and moving forward into week three, the Department has a fairly lengthy process of review and editing for these proposals, and we do need to distribute and publish those revised issue papers a week ahead of time. So as much as possible, we do ask that folks try to submit those proposed to regulatory text documents as early as possible to give time for the Department to give them fair consideration for review. Greg, is there anything that the Department wanted to add on that note or anything else you want to speak on on that item?

MR. MARTIN: No, not really. I would say, though, that if people have, you know, had raised issues or

submitted papers to us that we did not get to reference in this in these latest issue papers, you can feel free to bring those up those points up during our discussions.

MR. ROBERTS: Great. Thank you. And again, just moving forward into week three, it becomes very important just because obviously that's the last week that we have and we're going to move folks hopefully towards consensus in that third week. So as much as humanly possible, we do ask folks to be as proactive as they can with those with those papers. Just in terms of time. Oh wait, Johnson, I see your hand. Please go ahead.

MR. TYLER: I would like to ask a question to the committee and the Department of Education regarding transcript withholding. I don't know if now's the time to bring it up, but I had raised this issue in one of my my issue papers submission and I feel like it's worthy of discussion at the beginning of the week.

MR. ROBERTS: Sure. Greg, do you do you have a preference? Do you want to respond to that now or do you want to get back to the committee on that issue?

MR. MARTIN: Do we want to do the introductions first? Do you want to do the roll call first?

MR. ROBERTS: Yeah, I think that makes sense. Johnson, if it's okay, I'll go back to you. Two other brief reminders just on timing for this week. Again, each speaker will have three minutes to address the committee for each comment. We do ask that folks try to withhold their comments for new information and just as a timing reminder, just

because we do encourage and want to see the back and forth, but we don't want that to dominate the entire discussion. We do ask that these exchanges as a whole take about three minutes. And of course, you're always welcome to requeue if you have more to add. But just in terms of timely discussion and deliberation, we are going to be timing people to three minutes per remark and hand raise, if that makes sense. So, I just want to make a brief note on that. And then number three, just for smooth flow in terms of the live stream and primaries and alternates. We do ask the primaries remain on camera and at the table, so to speak, as much as possible. Alternates are, of course, welcome to come to the table, but just please try to let us know ahead of time if it's a planned absence or in the chat just before you come on. Just so we can see and announce that and make sure everyone's aware of who's speaking on behalf of which constituency. So, thank you very much. That is really all I have in terms of housekeeping. And let's move into a brief roll call. So, if folks just want to come off from mute and say good morning and hello. Starting with accrediting agencies, we have Jamie Studley, our primary.

MS. STUDLEY: Good morning, everyone.

MR. ROBERTS: Good morning. And she is joined by her alternate Dr. Laura Rasar King.

DR. KING: Good morning, everybody.

MR. ROBERTS: Morning. For consumer advocacy organizations, we have Carolyn Fast.

MS. FAST: Good morning.

MR. ROBERTS: Morning. And her alternate Mr. Jaylon Herbin.

MR. HERBIN: Good morning.

MR. ROBERTS: Good morning. Representing civil rights organizations, we are joined by Ms. Amanda Martinez.

MS. AMANDA MARTINEZ: Good morning. Happy Valentine's Day, everyone.

MR. ROBERTS: Good morning. Happy Valentine's Day. Representing financial aid administrators at postsecondary institutions, we have Ms. Samantha Veeder.

MS. VEEDER: Good morning, everyone.

MR. ROBERTS: And her alternate, Mr. David Peterson.

MR. PETERSON: Good morning.

MR. ROBERTS: Good morning. For four-year public institutions of higher education, we have our primary, Mr. Marvin Smith.

MR. SMITH: Morning.

MR. ROBERTS: And his alternate Dr. Deborah Stanley.

MS. STANLEY: Good morning. It's Deborah, not doctor.

MR. ROBERTS: Oh, sorry, my apologies. For legal assistance organizations, we have Mr. Johnson Tyler.

MR. TYLER: Good morning.

MR. ROBERTS: And his alternate Ms. Jessica Ranucci.

MS. RANUCCI: Hi everyone.

MR. ROBERTS: Good morning. For minority serving institutions, we are joined by our primary Dr. Beverly Hogan.

DR. HOGAN: Good morning.

MR. ROBERTS: And her alternate Ms. Ashley Schofield.

MS. SCHOFIELD: Good morning, everyone.

MR. ROBERTS: Morning. For private nonprofit institutions of higher education, we have our primary, Ms. Kelli Perry.

MS. PERRY: Good morning, everyone.

MR. ROBERTS: And we are joined by her alternate Mr. Emmanuel Guillory.

MR. GUILLORY: Good morning.

MR. ROBERTS: For proprietary institutions of higher education, we are joined by Mr. Bradley Adams.

MR. ADAMS: Good morning.

MR. ROBERTS: And his alternate, Mr. Michael Lanouette.

DR. LANOUILLE: Good morning.

MR. ROBERTS: Good morning. And just as a note, Michael will be joining us as the negotiator for our proprietary institutions this morning. For state attorneys general, we have Mr. Adam Welle.

MR. WELLE: Morning.

MR. ROBERTS: Morning, Adam. And his alternate, Ms. Yael Shavit. Not seeing Yael, but we will circle back.

MS. SHAVIT: I'm right here. Good morning.

MR. ROBERTS: Good morning. For state higher education executive officers, state authorizing agencies and state regulators of institutions of higher education, we have Ms. Debbie Cochrane.

MS. COCHRANE: Good morning.

MR. ROBERTS: And Mr. David Socolow.

MR. SOCOLOW: Good morning.

MR. ROBERTS: For students and student loan borrowers, we have Ernest Ezeugo.

MR. EZEUGO: Morning.

MR. ROBERTS: And Mr. Carney King.

MR. KING: Good morning.

MR. ROBERTS: Good morning. For two-year public institutions of higher education, we have Dr. Anne Kress.

DR. KRESS: Good morning. Happy Valentine's Day.

MR. ROBERTS: Happy Valentine's Day. And Mr. William Durden.

MR. DURDEN: Good morning.

MR. ROBERTS: In our final constituency group for U.S. military service members, veterans or groups representing them, we have Mr. Travis Horr. Not seeing Travis, but we are joined by his alternate, Mr. Barmak Nassirian.

MR. NASSIRIAN: Good morning. Travis will be out today and tomorrow.

MR. ROBERTS: Oh great, got it, thank you. Joining us from the Department of Education, we have several members of the Office of General Counsel. We have Mr. Steve Finley.

MR. FINLEY: Hi, good morning.

MR. ROBERTS: Morning, Steve. We are also joined by Ms. Donna Mangold. And we are joined by Mr. Ron Sann as well.

MR. SANN: Good morning.

MR. ROBERTS: Good morning. And last but certainly not least, we are joined by our federal negotiator, Mr. Gregory Martin.

MR. MARTIN: Morning, everyone.

MR. ROBERTS: Good morning. I don't believe I forgot anyone, but feel free to come off from mute if did neglect to announce you, and I apologize if I did.

MR. MCCLINTOCK: Good morning, good to see everybody again.

MR. ROBERTS: Great, David, and then I'm sorry. Dr. Adams Looney. I apologize.

DR. LOONEY: Morning.

MR. ROBERTS: Morning, apologies. So with that, if alternates wouldn't mind going off camera and then Johnson if it's okay, I'll turn it right back over to you just to readdress the issue. And then Greg, I'll ask if the Department would like to respond at this point.

MR. TYLER: Thanks, Brady. I hope you can hear me okay. My radiator is singing loudly in New Jersey. It's cold here. So, I put in the chat the memo I wrote in support of putting transcript withholding into this issue. It's an issue that I really feel passionately about because I deal with consumers every week on this issue, I would estimate that one out of six people who call me have this problem. And as a legal solution, their only solution is bankruptcy, which is a big deal. But, you know, besides the passion of seeing how this really cripples people because they can't go anywhere else, they can't go to another state to go to school, they can't go from a private school to a public school, they can't go from SUNY to CUNY, they can't go anywhere. They can't go to a proprietary school with the transcript being withheld. But the data actually shows this is not an effective tool and it affects people of color, which is really of no surprise. And we data mined a lot of information that was publicly available from SUNY. We did

FOIA requests to get information and I think one of the real key things is this does not help; 99.25 percent of SUNY students pay their tuition debts. They pay their debts to go to school, they want to go to school, they want to get educated, they want to stay with their friends, they want to reenroll. It's this small percentage who cannot and those who cannot, when you look at the size of the average debts, they're very low \$6000 for a four-year school and in the hundreds for a community college. And then when you look at the Federal Reserve data, which shows that people of color have no assets essentially compared to white families, you can understand when we looked at the zip codes where these people were being sued for the debts, that 9 out of 10 people are people of color. So, the Secretary has convened us all here to try to make the outcomes more equitable in the United States regarding student loans and this just seems like an important issue that needs to be addressed. The final thing is, you know, only 7 percent of the SUNY related lawsuits end up getting paid off. So these transcripts are held forever, 93 percent of the people never go back to school because of this, when this happened. So, it came up in some of these negotiating rule papers. And the other thing is, you know, a consumer on their own raised this issue at the public hearing in June and basically spoke eloquently about how his dream of becoming an architect has been completely stymied by this and over a relatively small debt for him too, I think, 6 or 7 thousand dollars related to his name. So that's my thought about this. I was wondering if other people had other thoughts and whether the Department had some thoughts about this. Thank you.

MR. ROBERTS: Yeah, thanks, Johnson. I do see Adam; I do see your hand. Please go ahead.

MR. WELLE: Sure, I just wanted to lend support to Johnson's proposal. We did put as state AGs the certification issue paper and certification regulations proposal around transcript withholding. It's an agreement to the comments that Johnson made based on the information we've gotten here at the Minnesota AGs office. I know other AGs have faced this as well. This is a particularly harmful debt collection practice to take the leverage that a school has in that the student has made this educational investment one of the biggest investments they'll make in their life and to be able to kind of hold it hostage until they pay that institutional debt. And it's a particularly harmful practice and we've heard of one case here in Minnesota. Often these institutional loans can be and have high interest rates. We had a case here in Minnesota where it went to trial, and we had testimony from several students about the hardship and the difficulty and the kind of predatory nature of this debt collection practice for some of these high interest institutional loans. And then just from the Department standpoint, I think this is important because this is an investment that the Department of Education has made in the student. So to have an institution be able to basically withhold the transcript, withhold the proof that the student has received the education seems to undermine the goals of the Higher Education Act. And also, the practice will lead to defaults we saw in the testimony here in Minnesota and some of the complaints students have to face between repaying their federal loans or their other

personal expenses because they can't afford the payments and they have to make the payment on the institutional loan, which can lead to to default. So it seems like from the Department of Education's standpoint and the higher education goals that this is a practice that should be debated. I think it makes sense in the [inaudible] and then the certification procedures that I think it could be in other regulations for. Thanks.

MR. ROBERTS: Thank you, Adam. Carolyn, I see your hand next.

MS. FAST: I just wanted to add my support for the idea of including a prohibition on transcript withholding either in this administrative capabilities section or in the certification language. I agree that this is extremely important and will affect an enormous amount of people and there's really a growing recognition of this as an issue. There are a number of states in which there either has now have been laws prohibiting this or that such laws are under consideration, and I think that it would be really helpful for this to be included.

MR. ROBERTS: Thank you. Ernest, please go ahead.

MR. EZEUGO: Joining the line of negotiators to add my support to this really important consideration. Quickly, I would add some context to a little bit of what Johnson mentioned on some studies done on transcript withholding. Young Invincibles, the organization we're part of, did research with the Student Borrower Protection Center and the Community Service Society of New York and found significant

disparities and who had issues and holds related to transcript withholding as part of the SUNY system. Our research found that zip codes with the most densely Latino populations had on average 8 times more transcript withholding cases than zip codes with the least densely populated Latino populations. We found that the zip codes with most densely black populations had on average 10 times more transcript withholding cases than codes with the least densely black populations. So I add that context and hope that the committee would think about and consider this as a significant racial equity issue. And then finally, I would add a little bit of an anecdote. I know that sometimes in these things, we don't necessarily like to talk about anecdotes and include personal stories because they're not always representative. I would ask you to consider mine real quickly. When I finished school after my mom got sick, I had thousands of dollars in debt to the university that I attended. I honestly was one of, I think, the lucky ones. I got an internship at the Department of Education shortly after I graduated. That turned into a job that turned into another job in D.C., way off the course the positive direction of what I thought I'd be doing after [inaudible] out, working and stringing together multiple part time jobs to try to pay off, as as Adam mentioned, both federal student debt and institutional student debt. It still took me years to pay off my debt and consideration of living costs, costs that home and trying to support family. And again, I landed multiple full-time jobs after that, and quite frankly, kick started my career at Higher Education Act policy, which is to say I can't even begin to imagine

the impact that transcript withholding is a practice that we could address in this rulemaking has on people who don't get as lucky. People with more significant hurdles and obstacles pursuing their careers and finishing college. So I would offer that also as a consideration. Hope we can address it in this rulemaking.

MR. ROBERTS: Thank you. Jessica, I see your hand.

MS. RANUCCI: Thanks. Unless Johnson objects, I'm just going to sub in very quickly to make one comment. You know, I just want to echo what everybody said, and I think my experience largely tracks Johnson's in terms of we see this at legal aid organizations all the time where people just want to go back to school and they aren't able to. And just to make a couple of other points in my experience. One is that these are often extremely low dollar value. We're talking five hundred dollars, a thousand dollars and because of that, it disproportionately affects the people who don't have the cash. And then I think that relates to my second point, which is these often, in my experience, arise from a disconnect between the withdrawal policy and the R2T4 rules. So there are people who are never going to pay for the semester out of pocket, they don't have money in a bank account. They went to a school, often in the schools the people we see either there where sort of life circumstances that happened or the schools themselves were not what the student expected so that they withdraw, they then end up with, you know, the difference between R2T4 and the withdrawal rules means that they have a credit balance. They never have cash to do that. There was never going to be

money there, and that's what they're going after. And just as a quick anecdote, I represented a client who we were trying to help her with a \$2000 debt from 2004. This was 2 years ago, and it's someone who couldn't pay it. Even when we negotiated to have it with someone who was employed, who got money from their employer to be able to go back to school, and it just was not able to. It was just such a waste. It was a waste of the federal money. It was a waste of the city money that could be on the table. And it was just someone who was just completely stuck over this very small dollar amount from, you know, 15 years ago. So I just want to emphasize, I think it's really important for the small dollar and for the people who just aren't able to access the cash to negotiate or pay these off.

MR. ROBERTS: Thank you, Jessica. Gregory, does the Department have a response they'd like to share now?

MR. MARTIN: Sure. Well, obviously this is an area of great concern for four people at the table here and I think around the country. And you know, it is definitely an issue that we are aware of. Obviously, we had no proposed rules relative to that and these papers, but we can certainly consider it. Of course, you know, it's fine to hear these comments and that but I think we have a discussion of certification procedures scheduled for Wednesday and since any, if there were to be a regulation addressing this, that it would likely be in 668.14 Program participation agreement, it's best discussed within the context of certification procedures. So I will commit to having a discussion of that when we get to that topic, but I

would like to keep to the schedule that we have in front of us.

MR. ROBERTS: Okay, thank you. So with that guidance for the committee, Greg do you want to walk through the changes for issue paper number one, Ability to Benefit?

MR. MARTIN: Yeah, we can start with Ability to Benefit. We can bring up that paper and we will walk through the sections again. I think we'll do it by, we can do it by paragraph. Generally, I'll try to do it by paragraph. If it's a whole section that's relatively small, we can do it that way, too, so play that by ear, but I will try to go through, I will generally try to go through by paragraph as we look at Ability to Benefit. So we'll start with B, no real changes here. Just to review this is the definition of an Eligible Career Pathways Program and this is in the definition section 668.2. And you can see here that the program combines rigorous and high-quality education training of the services that aligns with the skill needs of industries in the economy of a state or regional economy involved; prepares an individual to be successful in any range of secondary or postsecondary education options, including apprenticeships. Includes counseling to support an individual and achieving individual's education and career goals. Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation; organizes education training and other services to meet the particular needs of an individual in a manner that accelerates the educational and career achievement of the individual to the extent practicable and engages an

individual to attain a secondary school diploma or its recognized equivalents ,and at least one recognized postsecondary credential ; and helps the individual enter or advance within a specific occupation or occupational cluster. So that's our definition. And remember that we, I, just want to reiterate that that's simply the definition, the definition part, and we will talk later in 157 about the ways in which the institution demonstrates to the Secretary that it is meant that definition of an Eligible Career Pathways Program. So I'll open it up to any discussion people have about the about the definition.

MR. ROBERTS: Alright, thank you. Just before we [inaudible] in, I do want to make two brief notes. David, is in on behalf of state agencies and Will is on behalf of two-year institutions. And conveniently, David, I see your hand first, so please go ahead.

MR. SOCOLOW: Thank you very much. And recognizing that this is the statutory definition and as you said, 157 has the standards that the Department will be applying. And when we get there, we can talk about it more, but I would want to kick this off by respectfully asking the Department to respond to the suggestion I sent on February 1st that the new rules should reinforce the transformational policy in the 2014 revisions to ATB, which support the career and academic success of adults without a high school diploma. By aligning with integrated education and training, IET, the best practices to help these adult students. The 2014 amendments to the Ability to Benefit provision of the Higher Education Act added a key requirement for students without a

high school diploma to participate in a career pathway program as a condition of receiving Title IV financial aid through all three ATB eligibility methods. And now 7 years plus after that law was enacted, commend the Department for proposing not just to put this statutory definition in the regs where it's pretty much identical to the law, but to actually verify the eligibility of career pathway programs that are going to offer Title IV aid to these students without high school diplomas. Why has the Department not taken the opportunity to align its standards for evaluating these career pathways to reinforce the curricular model that works best for adults without high school diplomas? Now, career pathways can have all kinds of forms. This general definition here can apply to lots of different career pathways, mostly for adults and others with high school diplomas. But for those who don't have high school diplomas, the ATB population, IET is the evidence based best practice that is noted in the Institute of Education Sciences, What Works Clearinghouse and in the Department's Office of Career Technical and Adult Education Toolkits. And finally, again, can the Department please clarify that it's going to apply the same standards in 157 A, 668.157 A, to all three methods for students to become eligible for ATB, whether it's passing a test, completing 6 credits of coursework or the equivalent through something paid for with other than Title IV or through a state process. Thank you.

MR. ROBERTS: Thank you, David. The Department might might need some time. Unless Greg, I'm happy to seed the floor to you, but if not, I can go to our next commenter.

MR. MARTIN: Yeah, I can. I'll address that we have considered the the position that David just advanced regarding IET. And I want to just say we, you know, we did consider that and as a response would say that, you know, we do not currently take the position that IET is the only way adult education services can be part of a career pathway. It's certainly one way the IET programs, for instance, like I-BEST, are important evidence-based models, but adult education can be part of a career pathway by offering other types of [inaudible] services as well. The recommendation here will be stricter, and we are concerned about participation in the overall participation in career pathways. So we're trying to tread a line between integrity here and also access to the programs and, you know, having a critical mass of of these programs in place to allow students to benefit from it. Career pathways are not required to use the IET as a sole implementation strategy for IET so this would not be consistent with the definition. Other adult education strategies are often used to provide adult education services within a career pathways program, so we definitely share the desire to to make this as useful for students as possible but again, we're trying to balance that off with being overly restrictive. So we will take back the comment, but that's our response to to that assertion. But I will open it up for discussion.

MR. ROBERTS: Great. Will, please.

MR. DURDEN: Thanks. Also, when we get into this definition a little bit more and how it gets applied, I'll have a comment on that. Just to something general as well to

open the session, I believe last month it was actually also David who made a data request to the Department of ED so we could get more of a handle on just how much Ability to Benefit is being used nationwide, where, and how, and I was curious about the status of that request?

MR. ROBERTS: Okay. And again, just as a reminder, I mean, we all know this has been mentioned before, but any questions and reminders about data requests just talking in the chat if there's not a response immediately available from the Department for the committee. Jessica is at the table on behalf of legal aid organizations. And Jessica, your hand is next.

MS. RANUCCI: Thank you. Brady, I asked Cindy to screen share a picture, I don't know if that's possible on the tech end, but if it is, that'd be great if you could share it with the negotiators and the public. But I'll start while you're working on that. I just want to emphasize because of this conversation how important this is again, from a legal aid perspective, and I don't want to beat a dead horse here, but I think sometimes we see what happens when things go wrong in a way that other people at the table just don't see. And so just two brief points on that. One is, you know, my office was involved in a lawsuit two years ago regarding ATB fraud that resulted in over 4000 people calling us for help, whose school closed at the latest in 1994. So these debts, like this is they hang out for 30 years like anyone who is going into an ATB program that is not good for them. It's not a problem now. It's a problem now. And you know, we're talking now into the, I would say,

the 2050's that these debts are going to be hanging around. And so it's really, really important to get this right. And then my second point, which is on the picture, if you can get it, if not, that's okay.

MR. ROBERTS: Jessica, so, Vanessa, if you wouldn't mind bringing down your screen share of the document very briefly. And Jessica, you should have screen share ability. So you have the image queued feel free.

MS. JEFFRIES: Brady, I have it for the sake of time.

MR. ROBERTS: Okay.

MS. RANUCCI: Thank you, Cindy. You know, this is not just a problem from the 80's. I just wanted to share with you. This is a picture of an ad campaign that went out in the last couple of weeks. My colleagues took this last week on the New York City subway. This is a full subway car with ads from the same school. And this is one that particularly sticks out. This same school was put on probation from its regional creditor in December. And that letter stated that it was at risk of losing its accreditation and that it had submitted a teach out plan. So I think this is exactly what we're trying to avoid is and I think the way to do that is as David and others have said, to really strengthen the definition of ECPP so that we're making sure that people who are in these programs are in fact benefiting from them and they're not going to be saddled with debts that they can't repay through 2030, 2040, 2050 and up.

MR. ROBERTS: Thank you, Jessica. And David, we'll go back to you.

MR. SOCOLOW: Thanks, and Greg, thank you so much for the for the response, so I want to clarify in rejoinder that I'm not suggesting that IET is the only way career pathway can work for adult education. I am suggesting that this Title IV regulation should have the most stringent possible. You said specifically, you're trying to balance integrity well, in light of what Jessica has just shown in light of the the original rescinding of ATB, you know, in 2011 because of abuses and then the partial restoration of it for Title IV aid access. We have to air on the side of being very clear about what works and what makes sense. This is an exception to the general rule. Adults without high school diplomas, you know, probably aren't going to be able to succeed in college, but they can if we do it right and we know what doing it right looks like. And rather than investing this Title IV money in things that don't work or that are less likely to work, why not? Please, use this opportunity to make clear what all the science and all of the research on these dual enrollment partnerships between higher ed and adult ed have shown over the last two decades is what we know works. And so you can, yes, there are other places in the general adult ed landscape in which there's other modes for adult ed for individuals without high school diplomas. But this is the part about individuals that have high school diplomas getting this investment of financial aid and getting possibly student loans. And before we allow that to happen, let's cabinet closely with the IET definition, please. That's my fervent request.

MR. ROBERTS: Thank you, David, and I just wanted to welcome back Johnson to the table on behalf of legal aid and Johnson, please.

MR. TYLER: Yeah, just a different a different issue relates related to it's just paragraphs subsection six about the secondary enabling the person to obtain a secondary school diploma. So in this memo that I've thrown in here, there's a person in California, Mr. Alvarez, who went to a for-profit school and basically their idea of getting your high school diploma was signing up to an online course where there's no assistance in helping. Mr. Alvarez try to understand the classes he's taking and the entity that they sign up with is a for-profit. He got passing grades from them, but he couldn't pass, he didn't learn anything. And so there's sort of this, there's a whole industry that's potentially out there to be abused to take advantage of this Title IV money by purporting to say that people are going to get a high school diploma. And you know, we saw this a lot prior to the amendments of ATB. I'm sorry, when it was banned in 2012, we would see these things all the time, but these mills are cropping up again. One beauty school created their own high school diploma mill. That was in 2015, there was a lot of litigation about that. The Department of Education is familiar with that. And just as recently as 2021, Florida closed down a high school diploma mill. So, you know, I think we've proposed language here in paragraph section six here about how to how to define what a useful education is or a useful way of trying to pursue your high school education should be I think it's way too vague here.

It's going to lead to a lot more of these subway ads in New York City and other states.

MR. ROBERTS: Thank you. Greg, I'm not seeing any new hands on this first section. Do you want to go through the next section?

MR. MARTIN: Yes, we'll move on to student eligibility. Okay, we're going to go to 668.32, this is the discussion of student eligibility, and this is talking about the ways to establish eligibility here. Under (e)(1) has a high school diploma; has obtained a passing score specified by the Secretary on an independently administered test in accordance with subpart J, and either was enrolled in an eligible program before July 1, 2012; or is enrolled in the Eligible Career Pathways Program as defined in 668.2, which we just went over. And then before July 1, 2012, just references the grandfathering that was present in the statute when ATB was taken away. Is enrolled in an eligible institution that participates in a state process approved by the Secretary of the subpart J. And again, we referenced either being enrolled before July 1, 2012, or enrolled in a career in a career pathways program. The other ways in which students establish eligibility was home schooled. We're not discussing that today. Has been determined by the institutions who have the ability to benefit from the education or training offered by the institution based on the satisfactory completion of 6 semester hours, 6 trimester hours, 6 quarter hours or 225 clock hours that are applicable toward a degree or certificate offered by the institution again wasn't enrolled before July 1, 2012, or as

in Eligible Career Pathways Program. So I don't think there's that much there that we haven't seen before, but I do want to give the opportunity to anybody who would like to comment on that particular source. So [inaudible], but I do want to make give the opportunity.

MR. ROBERTS: Thank you. Vanessa, if you wouldn't mind bringing down the document just so we can see everyone's bright smiling faces. Any comments or new material for the Department to consider on what was just presented? Alright, Vanessa, sorry, I'm going to put you right back to work. Would you mind re sharing the document and then Greg, would you mind walking us through the next section?

MR. MARTIN: Sure. Let's move on to 668.156, and we're looking at the improved state process and some changes here. And we'll start with A, under approved state process. I'll wait for the document, come up. Okay, there we go. So the state that wishes the Secretary to consider its state process as an alternative to achieving the passing score an approved, independently administered test or satisfactory completion of at least 6 credit hours or it's recognized equivalent coursework for the purpose of determining a student's eligibility for title IV HEA funds must apply to the Secretary for approval of that process. And here we've stricken some language there, deleted this text, and instead it's been incorporated into paragraph (a)(2) romanette i. So the state's application, oh, here we've also updated paragraphs 2 romanette 3 to include across reference to the documentation requirements in the Eligible Career Pathways

Program, as suggested by the negotiators. So we have made some some changes here. A state's application for approval of its state process must include the institution is located in the state included in the proposed process, which need not be all of the institutions located in the state; the requirements that participating institutions must meet in order to offer Eligible Career Pathways Programs through the State process; a certification that, as of the date of the application, each process is proposed career pathways program intended for use through the State process constitutes an Eligible Career Pathways Program as defined in 668.2 and as documented through the standards outlined in 34 CFR 668.157 at this part. And this was David's suggestion, we added a reference to the documentation requirements in 668.157 and for clarity sake we've also maintained the reference to the actual definition in 668.2. So we're trying to pull the two of those together. The criteria used to determine the student eligibility determine student eligibility for participation in the State process. And before approving the state process, the Secretary will verify that a sample of the proposed Eligible Career Pathways Programs comply with the definition of an Eligible Career Pathways Program as defined in 668.2 and documented through the standards and 668.157. Again, we see the reference to 157 there. Participating, in this, I want to move on to (b) (1) where we have added an accountability metric and again, just to put this into perspective, we're talking about career pathways programs coming in for which we don't have any data, any track record, in which to evaluate the outcomes of that program. So, during that

initial period impose some sort of an accountability standard here. So we do seek feedback as to whether this should be at the institutional level as is proposed here or only for fields of study that will be an Eligible Career Pathways Program. And we seek feedback on whether all new participating institutions should be required to meet the standard. So let's take a look at this standard and then we'll pause to discuss this, since this is new. So if a participating institution does not have more than 33 percent of its undergraduate regular students withdraw from the institution during the institution's latest completed award year, the institution must count all regular students who are 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 100 percent refund of their tuition and fees. So I want to stop there and open the floor for discussion on this and just to say that this incorporates the withdrawal standard that is present in 668.16, that's administrative capability and that is currently applied to new institutions. So with that, I'll open for discussion.

MR. ROBERTS: Great. David, I see your hand first. And Vanessa, if you wouldn't mind bringing down the document just very briefly.

MR. SOLOW: Super thanks. First, I want to thank the Department, I think it's great to the way you've delineated this, that 668.2 is the definition ties back to the statute and then 157 is where the standards are for

evaluating a career pathway. I think that was well done and I appreciate that incorporation in both 2 and 3 here. As far as (b) (1), that you suggested, I think you're right and I agree with this language that it has to be at the institutional level because again, we're talking about the two year initial renewal of, excuse me, the two year initial approval of a state process for which the career pathways may be new and innovative ideas that the state is including that career pathway may not have a 33 percent withdrawal standard or any withdrawal standard. It may not yet exist. And so making it at the institution level and making sure that a quality institution is the only one that's allowed to be doing those career pathways strikes me as the right choice. So I applaud this language.

MR. ROBERTS: Great, thank you. And I just want to make a note that Emmanuel is coming to the table on behalf of private nonprofits, but first, Will I see your hand.

MR. DURDEN: Thank you. I have questions about the standard and where it came from and what it's trying to accomplish. A state public education workforce development system is invested in getting its residents into good career pathway programs that are Title IV eligible that lead to high demand living wage work in the region that brings racial and economic justice to our residents, and it helps us meet workforce needs. This is about the state process and the state plan. So to my knowledge, I don't believe for-profit institutions are part of that. So this is something that gets coordinated by a state agency in concert with the colleges working out how to make sure that we have high

quality programs using all of our state's checks and balances that we do to accomplish that. When I look back at that advertisement, I think it's a great advertising and I think we should be encouraging students who don't have a high school credential to save time and money by enrolling in a career pathway program that allows them to do both at the same time. I think the problem with that advertisement for some folks was the institution behind it, not necessarily the message. And I think this is something that we're trying desperately to get more of our residents to do and for our colleges to feel comfortable doing, so implementation is key there. So from where I sit seeing this new standard, this 33 percent, that metric wasn't familiar to me. I'm not sure. I feel like that's one more thing that's going to make institutions say, maybe we don't want to offer this. There's too many requirements that are going to make us nervous about doing it. So I'm not in favor of what I'm seeing there.

MR. ROBERTS: Thank you, Will. Emmanuel, please.

MR. GUILLORY: So I had just two quick questions. The first one was actually on page two; it was in subparagraph (e) in paragraph 5. So 225 clock hours is still stated here and on May 25th, 2021, the Department did release an update with the clock to credit conversion, and it went into effect July 1st of last year. And basically, that changes in 37.5 clock hours equaling one semester trimester hour or 25 clock hours equaling one quarter. It's now 30 clock hours will equal one semester hour. So, with that being said, I think the 225 here should be 180. But I

just wanted to ask and see if the Department intentionally kept that in there. I just wouldn't want to make this more, I guess, not burdensome, not the best word, but I just want to make sure that it all aligns properly. So that's my first question. My second, I guess I have three, my second is later on in section 668.56, the approved state process, the term 6 credit hours is used, which is totally fine but I didn't know if the Department wanted to keep that language consistent and use the 6 semester, 6 trimester hours, 6th quarter hour language or just keep it with 6 credit hours. And then the very last thing that I have is in paragraph 3, where it says before approving the state process, the Secretary will verify that a sample of the proposed Eligible Career Pathways Programs comply, I was curious why it's just a sample and why you just wouldn't want to know that all of them apply? Thank you.

MR. MARTIN: I can address a couple of those. I don't, let me have our people check the math on the two 25 clock hours. I believe that was done as a percentage of the academic year but let me just check on that. I don't want to make a commitment to that until I have someone check that for me. I don't want to do any math on the fly. Not a smart thing to do, but I believe 225 is correct because it is there as a percentage of the academic of the way the academic year is defined, the way the 6 is taking that statute only mention 6 credits. And it just was confirmed to me that that is correct. So these six credits as a percentage of the academic year as defined in statute. And since statute didn't address clock hours, we just did the similar percentage for for for clock hours as a percentage

of the academic year for for clocktower programs. As far as the, so no, we don't have any plans to change that from what it is as it's currently stated here. With respect to sometimes saying semester, trimester, or quarter hours or just credit hours, we'll make sure that we're consistent with that. I'm not sure which one we would use, but I think, well, credit hours are either it can only be quarter semester or trimester, so we'll take a look at that. As far as the sample goes, I think there is a workload issue that we'll look at looking at a sample of those as opposed to every single one of them. So just to align our capacity with wanting to take a look at what these programs, what these programs are, we decided to go with a sample as opposed to looking at everyone.

MR. ROBERTS: Thank you, Greg. And Emmanuel, anything that the Department notes, just feel free to pop in the chat so we don't lose track of it. And Greg, I'm not seeing any new hands or any additional feedback for the Department. So do you want to? Oh, Amanda, sorry, I spoke too soon.

MS. AMANDA MARTINEZ: Greg, can you repeat for me what the why there's no explanation or a kind of a bubble for the section B paragraph 1 or B paragraph 1, the the withdrawal rates. Can you repeat for me the the policy goal here, you said it was for accountability?

MR. MARTIN: So, the policy goal here, again, we have this two-year period before the general standards are applied. And, you know, there is the Department's needs that need to have something in place to account for those two

years as opposed to just saying, well, you know, you come in for the two year, you can have the program for the two year period and there's no accountability established for that period of time. We don't have any outcomes during that two-year period where we can assess the program. So this is sort of [inaudible] understand that this is not measuring the outcome of the program, which we cannot do at that point. So it's introducing a standard to apply so that there are no standards. And you know, and it is, I disagree with an assertion that it doesn't have any applicability because we're looking at this with withdrawal rate and I think that it does extent to which students have withdrawn from those institutions generally just tell a story of sorts about tuition and does and does indicate sort of an upfront measure of what types of success the school is or the programs that the institution are or are seeing.

MS. AMANDA MARTINEZ: Okay, thank you. And then I have a follow up, or Will; Brady, I don't know if I should ask.

MR. ROBERTS: Is it okay if I jump to Will and then I'll just come right back to you?

MS. AMANDA MARTINEZ: Yeah, that's good.

MR. ROBERTS: Will, please go ahead.

MR. DURDEN: Just a quick clarification because I think it'll help. Gregory, can you say again, I think you did say where that 33 percent came from and I just kind of missed it because I wasn't aware of it before we started

this morning. Can you say again where that number comes from?

MR. MARTIN: Yes. Sure. It comes from the administrative capability provisions in 668.16. And I think it's in, let me just yes, it's applicable, it's been there for a while, it's applicable, it's been applicable to newly participating institutions.

MR. DURDEN: Thank you. That's the part that I needed. That's really helpful. Appreciate it.

MR. MARTIN: My pleasure.

MR. ROBERTS: Thank you. And then, Amanda, please pick it right back up.

MS. AMANDA MARTINEZ: Well, my follow up question was the reasoning behind the 33 percent. But this is a new question because you already answered my first question. Did the Department in deciding this 33 percent floor [phonetic], did it find utility that this would, you know, yes, while it's cross-referenced in other regulations is their utility in using this specific number, and was there a new analysis made about whether this would actually be helpful?

MR. MARTIN: Well, the utility of it is for this purpose is, I think, how I phrase this at this point sort of a philosophical determination that this would be a useful standard. It's never been applied this way before, so I don't know that I can address utility in terms of looking at what's occurred in the past because we we haven't done that. We find it that there's utility in it as as as it's applied

currently in the administrative capability standards for new institutions. It is a regulatory standard that we have in place, which which which means it's not arbitrary. We haven't just, you know, which, of course, we're not allowed to do without some sort of backup for why we're using it, either research as to why we're doing something or we're looking at another regulation that we have we have used. And the standard is one that we think will, you know, say something about the programs, about the institution in terms of what types of, it's certainly not a complete measure of an institution's success, but it is a measure when you're looking at with the withdrawal rates of of students. So we do feel that it will be a useful measure here. And again, there's no perfect way to to look at these first two years that we're going to permit participation before we have data and because there's nothing to gauge outcomes by, so we're stuck with having to introduce some some accountability standard. This isn't accountability standard; it just comes from administrative capability and is yet to be applied here. So I think that it would be disingenuous to say that we've applied it in this way before because we haven't and obviously it's a new thing, but we do believe it will be useful and will set put some parameters around this for those first.

MR. ROBERTS: Okay. David.

MR. SOLOW: So not to belabor this, but I mean, I do appreciate the idea of a two year initial thing because, you know, it's been very hard for states to try innovative career pathway initiatives to foster this particular

population of adults without a high school diploma to get something that really will help them with their career and academic success. And so this two-year initial thing, followed by a five-year renewal, the initial approval is a terrific change that the Department is proposing to make here. And you know, what the law says is you've got to take into account, the Secretary shall take into account the effectiveness of this state process in enabling students without high school diploma or equivalent to benefit from the instructions offered by the institutions that participate in the state process. So I mean, that's, you know, effectiveness is, you know, I mean, its outcomes data, which was the prior rule was impossible. It's a new program. How can there be outcomes data? So, effectiveness? I think this is a good proxy for effectiveness.

MR. ROBERTS: Great. Greg, I'm not seeing any new hands if you want to pick us back up with walking through modifications on issue paper number 1.

MR. MARTIN: And I just want to say before we move on, you know that I think that it's important to point out here that we're not, you know, we've put in this protocol for the first two years. Absent that, we would have to hold every institution to the 95 percent success rate, which would be impossible for anybody to demonstrate. So I think we need to view this in that context. Okay, let's move on then, we're looking at B and we just looked at B 1. And now I'd like to move to B 2 and and I'm sorry, I want to move on to B 3, rather. The state agrees that the total number of students that enroll in the initial period will total no

more than 1 percent of enrollment at each institution participating in the state.

MR. ROBERTS: Just to briefly pause, Greg, Vanessa will you just bring up the document just so we can keep track of where we are?

MR. MARTIN: Oh, sorry about that.

MR. ROBERTS: That's okay.

MR. MARTIN: I'll pause for that.

MR. ROBERTS: She might be having technical difficulties. Alright, there we go. Thank you, Renee.

MR. MARTIN: Okay. Thanks. Okay, there we are. Alright. Excellent. So here you see it on the screen again that the state agrees the total number of students that enroll in the initial period will total no more than 1 percent of the enrollment at each institution participating in the state process. You can see here at each institution, the Department proposed the number of students that can enroll in the state process at each participating institution during this period be capped, the cap is not after the initial period, so I want to make that clear. The cap is only intended to apply to the students' number of students that are enrolled under the state process and has no impact on total enrollment at the institution. Do point out again that as written, this cap is only applying to institutions who participate in the two year trial period, and we do entertain any comment where we would like to solicit any comments regarding whether or not this should

only apply during the two year period or whether it should extend beyond that indefinitely. So you see it as written, but we will take suggestions or comment on that or other ways people might see it.

MR. ROBERTS: Alright, thank you. Renee, if you wouldn't mind bringing down the document and then Will we'll turn it over to you.

MR. DURDEN: Thanks. So approve of the 1 percent cap, but I think that it should apply at the state level and not at the institutional level. I can imagine a small technical college with a really strong adult education program, they've got a lot of students enrolled, they hit 1.1 percent, 1.2 percent. I would hate to say stop serving students in this effective process, whereas you might have a large, transfer oriented community college down the road that serves almost nobody in this process and it gets nowhere near 1 percent. So I would rather see the 1 percent applied at the state level for the state process as opposed to the institutional.

MR. MARTIN: Thank you.

MR. ROBERTS: Thank you. Anyone else on this section, otherwise I'll ask that we continue walking through the document. Okay. Greg and Renee, if you wouldn't mind picking us back up.

MR. MARTIN: Thank you. Wait for the document to come back up. Okay. Here we have just the addition of allowing only the participation of those students eligible under 668.32 (e) (3), that's the student eligibility and does

reference to state process that we mistakenly showed this text as current during the session one, but we've corrected to show its red line text here. So and it also we have some renumbering as a result, but this was just shown as being current previously, but it was an addition we should have shown at that time. And here under under 4, we have terminated 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. And this is just to reference the the limitation that was imposed in B 3 that we just discussed. We move down to F and G. You see those as stricken. Now this language now appears in paragraph I so we will be looking at that. And then the language below that we've revised this language that now appears in J 1. So all the stricken language here moving down appears in paragraph J 2. Let's move down to to E. And here, okay, 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 the process have a success rate as determined under paragraph F of this section that is within 95 percent of the success rate of students with high school diplomas. Demonstrate that the state's process continues to satisfy the requirements of paragraphs A, C and D of the section. Report information to the Department on the enrollment and success of participating students by program, race, gender, age and educational attainment to the extent that that is possible. And the state must also calculate the success rates as referenced in paragraph

(e) (1) of the section by determining number of students with high school diplomas who during the applicable award year described in (g) (1) of this section enrolled in participating institutions as successfully completed their education or training, enrolled in education or training programs at the end of the award year, or successfully transferred and remained enrolled in another institution at the end of that enrolled year. So just some comments on this. We have corrected the cross-reference that mistakenly set paragraph G and that was appropriately identified as F. We've retained the requirement that a state demonstrate a success rate for its ATB students that is within 95 percent of the success rate of students with high school diplomas. And we do seek feedback as to whether or not this is an appropriate threshold. It's in current regulation. It's been there for a while, but we do ask the negotiators to consider whether or not this is the right threshold for success. And we note here that, we welcome, I'm sorry, David proposed adding Eligible Career Pathways Program before this before program, reasoning that the success rate metrics should be disregarded by ECPP. This will allow calculations on whether some Eligible Career Pathways Programs included in the state do achieve success of the success rate standard in (e) (1), even if other pathway programs do not meet the standard. And I will continue with these standards here under 2. And then we'll have a discussion over that when we get to the end of the paragraph. Determining the number of students with high school diplomas who enrolled in education or training programs in participating institutions during the award year. Determining the number of students calculated in

paragraph (f) (2) of the section who remained enrolled after subtracting the number of students who subsequently withdrew or expelled from the institution and received 100 percent of their tuition refund of their tuition under the institutions refund policy, then dividing the number of students determined the paragraph (f) (1) of this section by the number of students in (f) (3) of this section and making the calculations described in paragraph (f) (1) through (f) (4) for students without a high school diploma or its recognized equivalent who enrolled in participating institutions. So that's the calculation of the 95 percent rate. And we also seek feedback on whether the comparison population should include all other students that enrolled at participating institutions. So with that, I'll open it up for discussion before we move on to paragraph G.

MR. ROBERTS: Thank you. If we could bring down the document. Any questions, comments, or feedback for the Department? David.

MR. SOCOLOW: Okay, thanks. So you mentioned the idea of just clarifying on the success rate that we're talking about disaggregating it by program because now we're doing the 5 year renewal approval after the 2 year initial trial period. And it's very possible that some of the experiments that the state's proposed worked and some didn't. And it would seem like an ability for the Secretary to say you can have a 5 year renewal, but only with respect to those that worked would be an appropriate use of the Secretary's authority. The other point here is that the sample that was discussed back in (a) (3) with regard to the

initial trial period is essentially seemingly just repeated here, right? Because they've just got to continue to satisfy the requirements in paragraph A, which includes the sample. And so I guess the question for the Department is why not at this point for the more long term approval require the state to document that it has eligible career pathways for all of the programs in its state process going forward now that the two year trial is over? So those are just my first two comments.

MR. MARTIN: Thank you.

MR. ROBERTS: Thank you, David. Will.

MR. DURDEN: Thanks. I'm still a little unclear on I think the standard's been around for a while, but I don't mean, it's not clear to me where it really where it came from and why that 95 percent metric was settled on is meaningful. And as we're sitting here looking at this and thinking about this 1 percent statewide cap, remember that this is a state plan. This is something that's put together through a lot of collaboration between a coordinating entity and the colleges that would participate in it. It goes through an approval process. I think there's a lot of checks and balances, and I wonder if that 1 percent cap actually isn't a better way to have some controls over it while we implement it research to see how well it works. And I'm curious about actually just removing the success rate entirely and falling back on that 1 percent cap as a way to keep this in check as we implement it and study it. So I'm not sure I support the success rate at all.

MR. MARTIN: Thank you, we'll take that back. There are some statutory considerations with the success rate, so measuring success. So you would be suggesting applying the 1 percent cap even after the two year period like indefinitely?

MR. DURDEN: I'd have to think about that, but I think I want to fine tune that a little bit more. But yeah, I do think that that's a possibility.

MR. ROBERTS: Okay. Greg, anything else to ask or else I'll turn it over to Johnson? Okay, Johnson, go ahead.

MR. TYLER: You know, I appreciate that states have the mission of educating people within their states and that it is a public service mission that they have. But I would be worried that students might be beyond trajectories where there's not enough self-analysis going on, and I think this provision here is useful for that. With all due respect to Will's comment. Thanks.

MR. ROBERTS: Any other questions or comments for the Department otherwise Greg, I'll turn it back over to you. Great. Alright. If we could re share the document. Greg, I think we're on section G, correct? Yeah.

MR. MARTIN: That's correct, section G. So I'll wait for her to pull that back up. And there it is very quickly. Okay, one second, please, oh, there we go. Okay, soG, let's take a look at that. For purposes of the paragraph F in this section, the applicable award year is the latest complete award year for which information is available that immediately precedes the date on which the state requests

the Secretary approve its state process except that the award year selected must be one of the latest two completed award years preceding the application date. If no students are enrolled in an Eligible Career Pathway Program through a state process, then the success rate reporting will not be required in the subsequent application as described in paragraph F of this section. The state must submit reports on its State process in accordance with deadlines and procedures established and published by the Secretary in the Federal Register, with such information as a Secretary requires. And the Secretary approves the State process as described in paragraph E of this section for a period not to exceed 5 years. The Secretary withdraws approval of the State process if the Secretary determines the State process violated any terms of this section or that the information the state submitted as a basis for approval was inaccurate. And the Secretary provides the state with the opportunity to contest the finding that the state process violated any terms of this section or that the information that the state submitted as a basis for approval of the state process was inaccurate. A couple of notes here. We ask again a couple of questions here. Should institutions who cannot report success rates remain subject to the cap until they can report? Should new institutions remain subjected to all new institutions remain subjected to the withdrawal rate beyond the two year period? Should states remain in the trial period with extensions until the success rate can be reported? When should the Department withdraw approval of a state program? For example, if a State process does not remove repeat ineffective institutions after 3 years, the

State process loses approval and cannot reapply for 3 years. That's just a suggestion. We welcome feedback on how many years to allow a failing institution to come back into compliance. So with that, I'll open it up for comment on paragraph G.

MR. ROBERTS: Anything new for the Department to consider on section G? David, please.

MR. SOCOLOW: Well, just that list of things that you suggested we consider is that something the Department could provide in writing because that was a whole lot of things that I didn't take notes quickly enough. Those were not included in issue paper 1, revision.

MR. MARTIN: No, these are just questions that we ask, just directed questions, so I'll go over those again. Should all new institutions remain subject to the withdrawal rate? Should states remain in the trial period with extensions until a success rate can be reported? And when should the Department withdrawal approval of a state process? And that was just an example. It was not anything we were proposing. It was just, you know, for example, if a state, if a State process did not repeat, did not remove ineffective institutions after 3 years, would the state lose approval and cannot reapply? We currently don't have that stipulation here. We just throw that out and ask if there should be more of a definition of that process. And we are welcoming feedback as to how a failing institution could come back into compliance. So there's nothing in here that we've proposed that you don't see. These are just just directed questions.

MR. ROBERTS: David, did you have a follow up?

MR. SOCOLOW: Yeah, I mean, I just either take that under advisement and not respond right in the moment or maybe have a caucus or something, but you know, don't have an immediate response to those interesting questions. Thank you, Greg.

MR. ROBERTS: Sounds good. Anyone else on section G?

MR. MARTIN: Yeah, and you may not, that's fine if you want to consider how to respond to that. That's fine. We, you know, obviously this is something people might want to think about and come up with.

MR. ROBERTS: And this is maybe relevant, but once we're done with issue paper number 1, we're going to take another consensus check section by section sort of in keeping with the pattern of week one. No, this is not an official consensus check because obviously there's still some unanswered questions. But that would be the time to raise potential responses or other issues you might have with the reg text as it currently stands, knowing that we have another another week to discuss Ability to Benefit, bt anything else on what's been outlined so far. Alright, Greg, do you want to walk us through the remainder of the document? I know we have section 668, what is it, 157.

MR. MARTIN: I'm sorry, I was on mute. Before we go on there, I just also want to say that when we, I don't know if in F, we're talking about the 95 percent, wanted to clarify that we do seek feedback on whether the comparison population should include all other students enrolled at

participating institutions. As opposed to what we currently have, those with high school diplomas enrolled in education or training programs and participating institutions, so we just throw it open for that, I want to reiterate that. So we're moving on to 668.157, the Eligible Career Pathways Program and here are the standards. So we'll look at these. An institution demonstrates the Secretary that a student is enrolled in an Eligible Career Pathways Program, as required in 668.156 (a)(3) of this part, by documenting that the student has enrolled in or is receiving both an eligible postsecondary program as defined in 668.8 and coursework training or other supportive services that enable an individual to attain secondary school, a secondary school diploma or its equivalent. Program aligns with the skill needs of industries in the State or regional labor market in which the institution is located based on research the institution has conducted, including government reports identifying occupations with the greatest hiring demands in the State or regional regional labor market, and surveys, interviews, meetings or other information obtained by the institution regarding hiring needs of employers in the state or regional labor market. And we have revised this requirement so that institutions must evaluate both the government reports and other surveys, or research obtained by the institution regarding the state or regional labor market. We seek feedback from negotiators on how this language should be strengthened to ensure career pathways aligned with the labor market. Ideas to consider include requirement of direct engagement with industry, curriculum development with industry partners, or employment partners

for recruitment. And here we also ask whether it would be appropriate where we say that they must look at government reports, this is in 2 romanette 1, government reports identifying occupations with the greatest hiring demand. Would it be more appropriate to say in demand as opposed to the greatest hiring need? So we point that out as well, and that's a question for the committee to consider. And we did make a correction here in 4 a technical correction to say identifies instead of identifying. Okay, and so I'll move on here to 3. The skill needs described (a)(2) of this section align with specific coursework and postsecondary credential provided by the postsecondary program or other required training. The program provides career counseling services that assist students in obtaining jobs aligned with skill needs described in paragraph (a)(2) of this section. And as we've said before, we changed identifying to identifies individuals providing the career counseling services. The education is offered concurrently with and in the same context as workforce preparation activities and training for specific occupational cluster. And the program is designed to lead to a valid of high school diploma as defined in 668.16 (v) of this part or its recognized equivalent. And the Eligible Career Pathways Programs that do not enroll students through a state process as defined in 668.156, rather, for those programs, the Department will verify the eligibility of career pathways programs for Title IV HEA purposes, and the Secretary provides an institution with the opportunity to appeal any any adverse decision. We do ask, well, we do ask here for comments on whether the notion that it's better to synchronize HEA career pathways with WIOA

career pathways. However, under WIOA, we do not currently take the position that again, IET is the only way to to to do that. We mentioned that before. We do want to say though, we agree it is an important way. And that is it for the comments on G, I'm sorry, 157 rather. So we'll take that section in its entirety and open up for comments.

MR. ROBERTS: Alright, David, please.

MR. SOCOLOW: Yeah, so not to beat the dead horse. I appreciate your response that it is an important way, and I guess I would just suggest that, you know, the language of (a)(1) in general seems to sort of miss the particular idea of the career pathway not being something the postsecondary institution does on its own. Career pathways are, by definition, partnerships among multiple institutions and the sort of the idea that the higher ED institution is on its own running the career pathway that the student can just also be enrolled in something else isn't coordinated. I know that's possible now under ATB, but it shouldn't be. And the career pathways language makes it now possible for you to restrict that. That was the intention of Congress in doing so. And again, these are the standards by which you're going to evaluate not just any old career pathway, but whether a career pathways eligible for the specific purpose built idea of allowing individuals without a high school diploma to receive Title IV aid. And so you've got a chance here to add that they're not just documenting that the student has enrolled or is receiving both, you know, could be completely not even talking to one another. No, you could document that there was a true partnership here in one, a true partnership

between WIOA Title II adult education and services and the postsecondary institution to do it together. And so that's again, what I would urge that you do as it relates to the in-demand occupations. One of the reasons for, I mean, you mentioned government reports identifying occupations within demand. I think that's right. And I think that even better would be to specifically say, go talk to your partners, make a partnership real. This could be a way to have that partnership reified through the higher ed institution having to prove it's an eligible career pathway again for Title IV financial aid purposes. That it's done that in partnership with those government reports that were done as part of a WIOA State Plan or Perkin State Plan showing what industry is demanding in terms of skills and occupations. And then finally.

MR. WAGNER: You have 30seconds.

MR. SOCOLOW: Well, 30 seconds. So, on B if you could just please clarify, is it the Department's intent to apply these standards in subsection A to all of the other, to the other two methods of ATB eligibility, passing a test or completing the 6 credits or clock our equivalent?

MR. MARTIN: Oh, okay, I apologize my connection, I think, is not as good as it might be so some of that broke up. Yeah, and I thank you for your comments, David. I want to ask anybody else on the committee to comment on what you heard there or any of the other directed comments we have. We are interested in whether or not we should be looking at institutions documenting fields with the greatest demand or those that are in demand. And we welcome any comments

related to the IET requirements, whether or not we should be stricter about that. And these Eligible Career Pathways Program requirements here do apply to any way in which a student has demonstrated the ability to benefit because currently under current statute, the Eligible Career Pathways Program is the only Title IV aid. Ability to Benefit, so it's applicable, whether it's demonstrated, via test, the credits or the the state process. So I'll open it up for other comments.

MR. SOCOLOW: So just to follow up, though, on that response to my immediate question. In B, where it says that for things that are not a state process, the Department will verify the eligibility of career pathways. Can't you just say pursuant to the standards in A, 157 A, so that's crystal clear? Because without that, there are no standards for that Department verification.

MR. MARTIN: So okay, so we're saying for Eligible Career Pathways Programs that did not enroll students to a state process defined in 156, the Department will verify the eligibility of Eligible Career Pathways Programs for Title IV purposes. The Secretary provides an institution with the ability to appeal. I mean, so are you saying you want it noted specifically noted what the other means?

MR. SOCOLOW: No, I want you to say.

MR. MARTIN: That Ability to Benefit are?

MR. SOCOLOW: No, that those others there said others so we know what they are. There are the other two. If you could just say they're to make it 100 percent clear.

What I think you just said is the Department's intent is that you will use the standards immediately above in 157 A, to make those evaluations.

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

MR. ROBERTS: Great, thank you. Will.

MR. DURDEN: Thanks. We do think that this Eligible Career Pathways Program section is a great place to really fine tune what it means to do Ability to Benefit well and to give institutions the guidance and the structure that they need to feel confident that they're meeting those requirements and to help states monitor this appropriately. So zeroing in on that counseling requirement, which I believe is mostly, I think according to the definition is career and education counseling, we are interested in a proposal. This is language we could send in later, interested in a proposal to really expand that to include information on financial assistance, specifically other public benefit programs that can help meet any component of the student's cost of attendance. So I think that as colleges have looked at implementing, you know, they don't think of themselves as offering Eligible Career Pathways Programs because that's a unique term. So when we work on Ability to Benefit, we're thinking about, okay, what do you already have and how do those components come together to create an Eligible Career Pathways Program? And the counseling requirement can feel ambiguous to some. How do we know that we're offering appropriate counseling? How do we know that that meets definition? And at the state level to make sure that we're counseling students not just on the

federal assistance that's available to them, but the whole range of public benefit programs that the student could draw from to support themselves. Staying enrolled and completing the program would be really beneficial, so we'd be interested in opening this up and clarifying it a little bit more to include that piece.

MR. MARTIN: Thank you for that. And, you know, we certainly would welcome any suggestions you have related to those counseling requirements, if you would provide those to us. Going back before I just wanted to clarify again for purposes of the previous discussion we had about about B, that just reiterate that we absolutely will apply all standards of A to where we say career pathway program is not participating through a state process, we will verify the eligibility of that for Title IV HEA program purposes by applying A. So we can take that back and see if we can reword that a little to make that more clear. But I just want to clarify that for our purposes here. Brady, do we have any other comments?

MR. ROBERTS: We do. Amanda, I see your hand next.

MS. AMANDA MARTINEZ: I just have a clarifying question. For programs that are approved through this process as outlined here in this paper going to the question of financial aid counseling, wouldn't the next issue paper, which deals with administrative capability, where outlines financial aid counseling, do those regulations not apply to those who go to the Ability to Benefit process?

MR. MARTIN: No. Those regulations absolutely apply to any institution that participates because admin capability requirements are ubiquitous unless it's specifically clarified that it's a certain group. There are some things that have been apply to, you know gainful employment programs, but you're the answer to your question is yes, across the board. And I think what was being discussed here is what requirements might be made in context with career pathways programs in particular. So I think if I don't want to speak for that individual, but I think that's what we're talking about here. So, but yes, to clarify what is an admin capability is broadly applicable.

MS. AMANDA MARTINEZ: Okay. Just clarifying, I do think it brings into question, right, I think Will's bringing up a problem is that clearly our current status quo, just financial aid counseling and what is required of the Department or what the Department often tries to give guidelines for when it comes to financial aid or understanding clear and adequate information of the difference between different age and how it's applicable to different programs or what students are eligible for is clearly the status quo is not really working and I think will bring up a problem. Even in this specific instance, when students are deciding on this specific pathway for additional education is still not really clear. So I think there are different ways to improve what is the clear guidance provided to institutions. I think if there's a way to improve that in Ability to Benefit great, but I think there's also clearly still a gap that is needed and a problem that's still needed in the next issue paper. But I

just wanted to bring that attention up to the education department. Clearly, there's a problem in multiple areas when it comes related to financial aid counseling. That's all.

MR. MARTIN: We appreciate that. I think you're right, certainly that oh, I'm sorry, there's a yeah, there we do recognize the need for, you know, for robust financial aid counseling [phonetic] and I don't want to downplay that at all. I do want to point out in the context of what is here that we're talking about, so we go back to 4, the program provides career counseling service that assist students in obtaining jobs aligned with the skills described in paragraph 2 of this section and identifies individuals providing the counseling. So what we have here, which is not to say that there couldn't be other requirements, but this is specific to career counseling. So we're very concerned about students in these programs. These are, what's the very definition of these programs, a career pathway program. So this is specifically a pathway to a specific career. Which is not to say that employment counseling isn't a very necessary part of any college or university or postsecondary education, but especially here where it's a career pathway. So we want to make certain that their students are really being assisted to obtain jobs that these institutions have basically attested that their educations provide. So I think that's a very direct tie in here, which is not in any way to downplay the need for other types of financial or specifically financial aid counseling. But I want to be clear that that was our intention here, to specifically focus on the career aspect of this and when this program is

complete, which is what we want students to successfully complete, that they go out and obtain a job and that the institution assists with that and more than just a cursory way of saying, you know, well, we provide, we provide counseling, and at least here we are requiring that they identify the individuals, you know, who actually are providing that counseling so that we can hold an institution to it being a tangible thing.

MR. ROBERTS: Great, thank you. And Johnson, I see your hand.

MR. TYLER: Yeah, I'm actually going to put my hand down, I can't articulate my question.

MR. ROBERTS: Thank you. Appreciate it. Greg, let me ask you this before I turn it back over to you to walk us through a sort of section by section temperature check to see where our committee is on issue paper 1, is there anything else the Department needs or would like more feedback on in the Ability to Benefit issue paper?

MR. MARTIN: Well, we had those directed questions, I mean, I think that if people have other opinions about, you know, I'm trying to, I don't want to go back and reiterate all of them. Certainly the cap. Do we want to apply that, you know, for institutions other than those or in the first two years of participation? We also asked about the success rate calculation of the 95 percent success rate calculation. Is that something that is I mean, somebody we did have one, we did have one individual ask, one negotiator asked about that rate. So I opened it up to people and said,

is there another rate that might be applicable that we can tie to or find a support for? So those are two areas that that we certainly seek feedback in. And obviously any other area of this that the negotiators want to address before we take the pulse of the committee.

MR. ROBERTS: Good, Johnson, your hands back up. Go for it.

MR. TYLER: Thanks. And now I can try to articulate this question. So looking at (a)(6) Greg, I'm just looking at the citation at the end, it says, the program is designed to lead to a valid high school diploma as defined and 668.16 V, as in Victor. I'm not sure what that is, I think, but it doesn't exist now. And even in the proposal we didn't get as far as V in the news thing. So I'm just trying to understand what you're [inaudible]. Because a lot of that is designed to detect bogus high school diplomas when you're entering, trying to get into school, it seems to me. And this is all related to the trajectory you're trying to put the student on so that they will actually get a meaningful diploma. So, do you understand my question?

MR. MARTIN: I think so. You're not, you didn't characterize what that is incorrectly, but I would say this when we reference a valid high school diploma as defined 668.16, and we're going in I don't want to address that now because we'll be looking at that a little later. But we have attempted to clarify what a legitimate diploma is. And I think that by putting this reference in here in 6, that we're tying that back to here and we are making it clear that the, you know, the Department is aware of instances

where some unscrupulous institutions have made arrangements with what we would refer to as diploma mills, not real high schools to provide a bogus high school diploma and that certainly happened, we have documented instances of that. And I think this acknowledges that we are aware of that and that this needs to be a legitimate high school diploma as defined in in 668.16. So I feel that it's not obviously, it's not a silver bullet of any sort. But it does tie back to what we believe to be a legitimate diploma. And so a school that didn't do that would have problems with administrative capability, and they would have issues with their with eligible career pathways. We're very concerned. What we're trying to do here, I think you've seen that throughout this proposal is to make this something other than what I think I've heard it described as currently some school, it's possible to say, yeah, we have a career pathways program, sure we do. You know, it's we've talked to a couple of employers, you know, we've in a cursory way. We're trying to make sure that it's real and a real part of a career pathways program is that tie in between the the postsecondary education aspect of it and a student and making it, well we don't require that the student have obtained a high school diploma for the program to be eligible, that pathway has to be there for the student to get that. It has to be real and that credential has to be a real credential. So I think that's what we're getting at here.

MR. TYLER: Thank you.

MR. ROBERTS: Great. So just as we move into the temperature check, just two very brief notes. First is a very sincere thank you to the folks who've been utilizing the chat for us wanting comments they agree with, adding new proposals, asking questions of the Department for them to get back to you on. And then second, just to mean it bears repeating this is not an official final check on anything. This is just to see where the committee is on the document as it currently stands. And as always, anyone expressing serious reservations with the document will be invited to share their reservations for the benefit of the committee and the Department. So with that, Greg, do you want to, we can re share the document and then run through section by section and we'll use your discretion as to when you want to pause the run through to take a quick check?

MR. MARTIN: Well, we've pretty much run through each each one, I will go back and I can just, you know, we can do it by section and just ask people, I'm not going to read through them again. I think we've done that. I can go back through. We can give people one last opportunity to comment and then we can take the temperature check on each, on each, on each section as a whole. How's that sound?

MR. ROBERTS: Sounds good to me.

MR. MARTIN: Okay. So we'll just start, the first one we did was the the definitions we walked through those so as I said, we had a pretty exhaustive conversation about that, so I would say two things. Just briefly open it back up if anybody has any final thing they want to say. If not,

we can, take a temperature check on 668.2, general definitions definition of an eligible.

MR. ROBERTS: Alright, not seeing anything new, we could bring down the document, and then I know it's been a few weeks, but if you have those thumbs right in the center of the screen. And again, thumbs up, love it, sideways, you can live with it, thumbs down, serious reservation. If we could get all constituency groups voting.

MR. TYLER: I'm sorry, could you repeat what we're thumbing up for?

MR. ROBERTS: I think we're looking at 668.2, but only the Eligible Career Pathways Program, so 1 through 7. So on page 1 up until the section break. Okay. Thank you. I do see a thumb down. Johnson anything new you'd like to add for the committee's consideration in terms of your severe reservation?

MR. TYLER: No, I'll just say we've added in our comments what we think should be in subsection 6 on high school diplomas so that we can make sure it's meaningful.

MR. ROBERTS: Alright, much appreciated. Thank you. Greg, ready to go to the next section?

MR. MARTIN: Yes. So we'll move on to the next section would be 668.32. That's student eligibility general. And if nobody has any final comments on that, we can [inaudible] time.

MR. ROBERTS: So you'd like the committee to look at the entirety of 668.32 down to the section break for 156?

MR. MARTIN: Correct. Right. As we discussed under student eligibility.

MR. ROBERTS: Alright, thank you. Renee, if you could just bring down the document briefly. Committee's temperature on section 668.32, student eligibility general. Much appreciated, I'm not seeing any thumbs down. Thank you very much. And Greg and Renee, if you could re share the document for the approved state process.

MR. MARTIN: Thank you. The next one we're looking at is the approved state process, that's 668.156. And I'll open it up for anybody who has any final comments on 156.

MR. ROBERTS: If you could you bring that document up again. David, please.

MR. SOCOLOW: We did have this discussion about whether the success rate applies to programs or to, you know, to specifically to each disaggregated by each eligible program and whether the approval of the 5 year renewal could be partial based on which programs actually succeeded and which did not.

MR. MARTIN: Could you phrase that a little bit more, I didn't quite get all that. Some of it broke up in transmissions. I'm sort of having a few problems here. So you were suggesting that the renewal be partial?

MR. SOCOLOW: Yeah, you took notice of the question with the data right about the 95 percent. And that essentially the state process at that point considered for approval of renewal on a 5 year basis. And if you disaggregated those reports on the basis of each eligible career pathway program, which is not what it says now, it just says, the students, it admits under the process of a success rate, rather than splitting that out so that you could say to a state that has 10 career pathway programs in its state process and you're looking at renewal and 5 of them are terrific with great results and 5 or not to give partial approval. So that's a recommendation that I just would renew.

MR. MARTIN: Okay, thank you.

MR. ROBERTS: Okay, great. With that if we could bring down the document and just see the committee's thumbs on section 668.156, approved state process. Correct me if I'm wrong, but I'm not seeing any thumbs down. Much appreciated. And then moving right along, if you would like to briefly tee up the next section that we will be taking a temperature check on.

MR. MARTIN: The next and final section for this issue paper would be 668.157, the Eligible Career Pathways Program. And this is demonstrating to the Secretary that the student is enrolled in the career pathways program as required in 156. So this is the standard. So we'll take a check on 668.157.

MR. ROBERTS: Great. Once we're done scrolling through that.

MR. MARTIN: Oh, I'm sorry. Before we do that, I should have asked if anybody had any final comments. I wanted to do that before we move on.

MR. ROBERTS: Sure. If we could bring down the document. Any final feedback or comments for the Department? Not seeing anything, Greg, if I could, for the last time on issue paper 1 this week, see everyone's thumbs front and center? Alright, seeing a few thumbs down, so if folks want to just come off of mute and raise their hands for anything new for the Department to consider with regards to their opposition in the current state of section 668.157. Kelli, please.

MS. PERRY: And I put this in the chat, so I'm just kind of reiterating it, but my understanding of this section is that it applies to all Eligible Career Pathways Programs, not just state approved process. So the reference to 668.156 (a) (3) is specifically in that state of group process. So I think that needs to come out of that section. Because this in my mind should be more generic to all of the requirements, not just specifically to the states, specifically.

MR. ROBERTS: Okay. Anyone else? I know there were several thumbs down, but I know we did have a robust discussion on this earlier. So anyone else have anything new for the Department to consider? Ok, great. Thank you so much for a productive early morning session. I didn't get any one

hearts for the holiday, but I did get you something better, which is about three minutes extra of lunch. Is there anything else the Department or my team would like to share before we transition into a lunch period? We'll pick right back up at one with issue paper number 2: admin capability. Excuse me. But Cindy, Greg, anything that you wanted to add before we head to lunch?

MS. JEFFRIES: No, but I just I want to thank Greg for and the Department for the hour worth of lunch this week. I'm sure the negotiators appreciate it and can use it.

MR. ROBERTS: Excellent. We will see everyone at 1:00. And again, thank you very much for the morning discussion.

MR. MARTIN: Thank you.

Department of Education, Office of Postsecondary Education
Zoom Chat Transcript
Institutional and Programmatic Eligibility Committee
Session 2, Day 1, Morning, February 14, 2022

From Cindy-FMCS Facilitator to Everyone:

I will be doing tech today. cjeffries@fmcs.gov if you need assistance

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

Michael Lanouette will be on camera for me negotiating on ATB this morning.

From Debbie Cochrane to Everyone:

David Socolow will be the negotiator for state agencies for ability-to-benefit.

From Beverly Hogan Primary/MSI to Everyone:

I will leave the table at 12:30 at which time Ashley will come to the table. I will return at approximately 2:00 pm.

From Anne Kress (P) Comm Colleges to Everyone:

As noted previously, Will Durden will be at the "virtual" table for the discussions on ATB for community colleges.

From Barmak Nassirian (Alt - Servicemembers & Vets) to Everyone:

I also strongly endorse Johnson's argument: withholding transcripts is not an appropriate debt collection tactic.

From Jamiene Studley (P) (Accrediting agencies) to Everyone:

+ agree with Johnson & others about adding these prohibitions on transcript withholding

From Debbie Cochrane to Everyone:

I too strongly support including a clear prohibition on transcript withholding in the rules under discussion. As mentioned, such a prohibition could be included in multiple places.

From David Socolow (A) State agencies to Everyone:

+1 to all the comments on prohibiting transcript withholding to collect students' institutional debt

From Beverly Hogan Primary/MSI to Everyone:

+1 to the comments of transcripts

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

+1 to all the comments in the chat and in this meeting on transcript withholdings

From Johnson (P) Legal Aid to Everyone:

Jessica is going to sub in to comment

From Will Durden (A) Comm Colleges to Everyone:

+1 to David -- I would like to hear the Department's response to David's proposal as well

From Mike Lanouette (A) Proprietary Institutions to Everyone:

+1 to David's Socolow's comments with respect to addition of IETs as a standard for an ECPP

From Barmak Nassirian (Alt - Servicemembers & Vets) to Everyone:

+1 on David Socolow's comments

From Will Durden (A) Comm Colleges to Everyone:

I would like a status update on the request for data on ATB use nationally.

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

Johnson will be subbing back in for this morning. Thanks.

From Mike Lanouette (A) Proprietary Institutions to Everyone:

+1 on Will Durden's data request for the Department to publish outcome data for all ATB Career Pathway programs.

From Beverly Hogan Primary/MSI to Everyone:

+1 to Jessica's comments. The intent is clarifying language that improves accountability, integrity and fairness for participating students. +1 also to David's comments.

From Cindy-FMCS Facilitator to Everyone:

For those of you that cannot find the issue papers that were sent out to all of you last Monday please look for an email from Brady with those as I was unavailable to send them.

From David Socolow (A) State agencies to Everyone:

+1 on request that the Department respond to our data request about ATB

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

+1 to Johnson, David, and Jessica's comments

From Cindy-FMCS Facilitator to Everyone:

A question was raised on the schedule this week. We are on the 10:00am-4:00pm schedule this week with public comment from 3:30-4:00 daily

From Kelli Perry - (P) Private Non-Profit Institutions to Everyone:

Emmanual will be coming to the table for a question.

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

I would like to hear ED respond to Will Durden questions

From David Socolow (A) State agencies to Everyone:

agree that the 1% cap should only apply during the 2-year trial period

From Johnson (P) Legal Aid to Everyone:

I agree with Will too on 1% state wide

From Mike Lanouette (A) Proprietary Institutions to Everyone:

+1 to Will's comment about 1% referenced to the "State."

From David Socolow (A) State agencies to Everyone:

+1 to Will's comment about applying the 1% cap to the State level

From Emmanuel Guillory (A-PNPs) to Everyone:

I appreciate the Department's response regarding the question I raised about the new clock-to-credit conversion. I would like to suggest that the Department use consistent language in on page 2 of this issue paper so that there will be no confusion regarding the clock-to-credit conversion changes. as of now, 30 clock hours = 1 credit hour, which would mean that 180 clock hours = 6 credit hours.

From Mike Lanouette (A) Proprietary Institutions to Everyone:

+1 David's comments about "partnerships"

From Barmak Nassirian (Alt - Servicemembers & Vets) to Everyone:

I strongly endorse David's argument

From Barmak Nassirian (Alt - Servicemembers & Vets) to Everyone:

I also endorse the use of the term "reification" in the discussion of these regs

From Jamiene Studley (P) (Accrediting agencies) to Everyone:

Detail: the language "program aligns with the skill needs of industries.." seems ok. The phrase "greatest hiring demand" as written only describes the govt reports, not the state test for alignment.

From Beverly Hogan Primary/MSI to Everyone:

I also agree that the Depart needs to use clear and consistent language to avoid confusion in interpretation.

From Beverly Hogan Primary/MSI to Everyone:

I lean toward the use of "in demand" but not sure of the significant difference from "in greatest hiring demand".

From Jamiene Studley (P) (Accrediting agencies) to Everyone:

+1 to Beverly preferring in demand to greatest hiring demand

From Kelli Perry - (P) Private Non-Profit Institutions to Everyone:

I think this point was already made but I believe the reference to 668.156(a)(3) needs to be removed from 668.157(a). My understanding is that 668.157 applies to all ECPP

From Kelli Perry - (P) Private Non-Profit Institutions to Everyone:

not just those approved by the states

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

I agree with Kelli's reading and that the cross-reference needs to be removed.

From David Socolow (A) State agencies to Everyone:

Agree with Kelli's point, given that the Department has agreed that the standards in 157(a) apply to all 3 ATB eligibility methods. The Department should add clarifying language to 157(b) that the Department will use the standards in 157(a) to verify the eligibility of career pathways programs that do NOT enroll students through a State process, too.

From Mike Lanouette (A) Proprietary Institutions to Everyone:

+1 David comments

From Beverly Hogan Primary/MSI to Everyone:

+1 to Keli's comments