

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
PRISON EDUCATION PROGRAMS SUBCOMMITTEE
SESSION 2, DAY 3, MORNING
November 10, 2021

On the 10th day of November, 2021, 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.

P R O C E E D I N G S

MR. WASHINGTON: Hello, everyone, and welcome back to our final day of the Prison Education Program subcommittee. My name is Aaron Washington and I will be the team lead today for walking the subcommittee through the recommendation that the amendatory language. And with that said, I really want to dive right in today because we have a pretty full agenda. So if we could do introductions of the subcommittee, that would be great. I see Marisa first on my screen.

MS. BRITTON-BOSTWICK: Good morning, everyone. I'm Marisa Bostwick. I am the director of education for the Montana Department of Corrections.

MR. WASHINGTON: I see Belinda Wheeler.

DR. WHEELER: Good day, everyone, Dr. Belinda Wheeler, please feel free to call me Belinda. I'm a senior program associate at the Vera Institute of Justice, and I'm here today representing consumer advocacy groups. Good morning.

MR. WASHINGTON: Dr. Paccione.

DR. PACCIONE: Dr. Angie Paccione, I am the executive director of the Colorado Department of Higher Education, representing the SHEEO organization of other higher ED executives across the country. And call me Angie. Call me Angie.

MR. WASHINGTON: Oh, thank you. Dr. McTier.

DR. MCTIER: Good morning, I am Dr. Terrence McTier, I am the director of the Prison Education Project at Washington University in St. Louis, representing directors of Prison Education Programs.

MR. WASHINGTON: Stan.

MS. WILSON: He hasn't logged in yet. I'm keeping an eye out for him.

MR. WASHINGTON: Terrell Blount.

MS. WILSON: He hasn't logged in yet, and I'm keeping an eye out for him as well.

MS. CARY: Stanley said that he would be he would miss the first hour of our meeting today.

MS. WILSON: Okay, you got that, Aaron?

MR. WASHINGTON: Okay. Alright, got that. Thank you. Kim, did I, I don't think I've asked you to introduce yourself yet, Kim.

MS. CARY: Oh, okay, thank you. Kim Cary. I'm the college director for financial aid at Ozarks Technical Community College, and I'm here representing all financial aid administrators. Glad to be back today.

MR. WASHINGTON: Happy to have you back. And last but not least, Anne Precythe. Amy, do we have Anne today?

MS. WILSON: I do not see her. I will double

check her availability and will send you a message.

MR. WASHINGTON: Okay, thank you. Well, let's go ahead and get started. Yesterday, we left off still discussing the best interests. Vanessa, would you mind pulling up the amendatory language that we'll be going through today? You will see you'll see it as Vanessa scrolls through, you'll see a little bit of green. Those are updates that we made last night and this morning, but we will come back to those, so do not be alarmed. So, oh, yeah, Vanessa, right there, so there's no scrolling necessary. So we left off we we ended our discussion on I think we ended our discussion on recidivism unless that was the final discussion of the day that we had. So I didn't want to. If anybody has anything else on recidivism, we can certainly take that into account, but I think we can move into the input indicators. Alright, so these include experience, credentials, and rates of turnover for instructors, transferability of credits and provisions on academic counseling, we made very few changes to the input indicators, mainly just technical clarity, grammatical updates, but we do have some comment bubbles in the document that we wanted the Department's feedback on. And also, Belinda had some recommendations that we wanted to hear expanded on more. So the first comment bubble we had

is that Vanessa has opened up is that for the subcommittee members, we invite feedback on whether the adjustments for geographic and other constraints of PEPs that we proposed in (5) through (7) are appropriate and whether other constraints should be further explained. I know Belinda had some points on the geographic. I believe you had some points on the geographic, the geographic constraints and other constraints issue. And then specifically, if we could just start on the experience, credentials, and teacher turnover rates. The Department has noted here that we believe that faculty credentials, experience, and turnover rates of instructors are important measures of educational quality to ensure that incarcerated individuals have comparable experience to on campus students. However, we propose to require that the oversight entity account for the unique constraints that present in Prison Education Programs to ensure that institutions are not unfairly judged, so I will pause there for comment.

MS. MCARDLE: Belinda.

DR. WHEELER: Thank you. I definitely appreciate how the Department is trying to be more inclusive of this space and the challenges, you know, even as someone who was a former director of a Prison Education Program, there are certainly challenges there.

The only thing that I would want to make sure is that the from the accreditation standpoint, like, I want to make sure that if we do allow a little bit of flexibility for those challenges that we're still keeping within the accreditation standards because it is, you know, currently expected that there would be that level of comparability. So I don't necessarily see any red flags there, but I just wanted to make sure that if indeed, that extra bit is submitted in there, that we're just keeping that accreditation accountability in mind because I do think that that still is important. Thank you.

MS. MCARDLE: Dr. McTier,

DR. MCTIER: So are we on E(5) or E(6), is that an E or F?

MR. WASHINGTON: E(5)? Yeah.

DR. MCTIER: Okay, so so it looks like there's some changes that have been made to this particular. Was there any reason as to why we were why this information was being collected? And the reason why I ask that is because typically faculty who teach in the PEP programs, this is an on load or offload. Excuse me. So this is not a part of their standard teaching load. And oftentimes they're unable to teach on a consistent basis with the the Prison Education Program. And so therefore you will probably see an influx of faculty

coming in and out of these programs. And so I'm wondering what was the reason for collecting this information and then two, knowing that information, is this going to make our programs look bad because we do have a high turnover rate because of that specific issue?

MR. WASHINGTON: Thank you, I think. Let me take that one, and then I'll go back to Belinda's question. So I think here we're oh, that looks like Elizabeth Daggett wants to I will allow you to jump in.

MS. DAGGETT: Good morning, everybody. Sorry about that. I just wanted to clarify what Belinda was asking about making sure that I was okay with accreditation or I wasn't quite sure what you meant by your comment of making sure that it's being reviewed for educational quality. I think that we had said that, other place that this would be reviewed by them. But, but so I guess I just need some clarification, maybe to understand your concern.

MR. WASHINGTON: And Beth, I was going to Belinda's point too, I was going to say that we did have B(4) under the 668.237. It says that the accrediting agency has to review and approve the methodology for how the determinations are made under 668.241 (5) through (7) to ensure that the Prison Education Program meets the same standards or essentially similar programs so that

that also we also have that language as well. Belinda, could you expand on what-

MS. DAGGETT: I saw thumbs up from Belinda, so I assume that we're all okay. I just wanted to make I thought that that's where she wanted to make sure that connection was made, but I wasn't sure. So I think she's now confirmed that. So I think we're good here. So thank you.

DR. WHEELER: Just so that you get it verbally on the transcript, yes. Yes. All in agreement. Yeah. We're all in agreement. It just again. Just wanting to make sure that accredited, you know, because that is so important. Thank you very much.

MR. WASHINGTON: You know what? I'm just really excited that I was able to answer the accreditation question. I know we have our accreditation expert here, and so I held Beth is proud of me. To Dr. McTier's point, you asked, why are we collecting this information? I think I've forgotten the second part of your question, but we're what we're the this is one of the best interest indicators that was outlined by Congress in the statute. So it's just a statutory provision. And what we've done in the yellow is try to provide further clarity on the statutory provision. So it is a requirement in statute. But we have said that the

oversight entity, which is currently defined as the Bureau of Prisons, State Department of Corrections or other oversight entity, will, you know, will be able to account for unique constraints present in Prison Education Programs. So when schools are submitting their applications to the Department for approval of the first program at the first two additional locations, they can certainly expand on any constraints that exist within their Prison Education Program with within their institutions that would affect teacher experience, credentials, or rates of turnover or departure. And you had another question as well. I forgot. I'm sorry.

MS. MCARDLE: Dr. McTier.

DR. MCTIER: I'm going to put a pin in that question. So with the Department of Corrections apparently being the oversight entity at this present time, they wouldn't know the inner workings of faculty teaching loads and all that of the stuff, unless we told them and they wouldn't necessarily know to ask those questions of the institution or what their turnover rates are going to look like. And so while I understand that it's a provision passed down from Congress, it doesn't make any sense. And this is where I this is why I'm saying that I don't think the Department of Corrections should be the sole entity making decisions on the best

interests of programs because there are so many nuances that exist between these two types of institutions, and that's the higher education institution in and of itself. And then the DOC. The DOC is not an educational facility, and so they wouldn't understand the inner workings, so I'm just a little bit confused about. So again, like I mentioned previously about some of these best interest bench markers.

MR. WASHINGTON: Vanessa, would you mind scrolling up just a bit like to where you see the first green? Uh, no, not the second second green keeps scrolling up, I'm sorry. There you go, please stop there. Thank you very much. So we say that, you know, we've added to the, I guess, the the introductory clause to all the best interest indicators that the oversight entity determination that a Prison Education Program is operating in the best interest of students must include an assessment with engagement from stakeholders who must include incarcerated students, organizations representing incarcerated students, and accrediting agencies, so we're saying here that it's not just the Bureau of Prisons, but their assessment must include engagement with relevant stakeholders. So hopefully that speaks to some of your concerns about the Bureau of Prisons solely being. Well, the statute says that the Bureau of Prisons and State

Department of Corrections make the determination. But we're here, we're here, we're here saying that they're also going to be required to engage with relevant stakeholders in order to make those determinations. Thank you.

MS. MCARDLE: Marisa.

MS. BRITTON-BOSTWICK: Good morning, everyone. I think my question has been answered, but I'm kind of on the same page as Dr. McTier. So we would partner, DOC would partner with an educational institution and then we would ask them if their teachers are accredited? That, did I get that right? Because that that wouldn't be something that DOC educational directors would ask a university or a college. We would, or would we do that with the whole stakeholders? I'm just I'm getting a little lost in all this this morning and I want to make sure that I have that correct.

MR. WASHINGTON: So as a part of program Prison Education Program eligibility, the Department of Corrections, if that is the oversight entity for like, let's say I and Marisa, you'll correct me because I want to get this right. It sounds like a state correctional facility would be overseen by the Department of Corrections. Is that correct?

MS. BRITTON-BOSTWICK: Yes.

MR. WASHINGTON: Alright, so the Department of Corrections, as per the statute, the Department of Corrections would have to make the determination that the Prison Education Program that the postsecondary institution wishes to provide is in the best interest of students based on these indicators, as outlined in statute. So all the indicators that we've been talking about yesterday and indicators we're talking about now, you the DOC, the state DOC would be required to for specifically for this one review. Analyze this review this in collaboration with the postsecondary institution, relevant stakeholders, formerly incarcerated students, to make the determination about, you know, whether whether the experience and credentials and rates of turnover are at a substantially similar to other programs offered by the postsecondary institution. And you can also account for unique geographic and other constraints for Prison Education Programs as well. So I think the Department is kind of acknowledging that there will be some unique circumstances that exist within correctional facilities that may not exist on main campuses at postsecondary institutions. So those all those things can be accounted for.

MS. BRITTON-BOSTWICK: Okay, so the the state DOC will determine if those Prison Education

Programs are the right fit for their incarcerated individuals? I mean, wouldn't that be something that the Prison Education Program and the university would also need to be part of?

MR. WASHINGTON: I mean, the Prison Education Program and the university are the the entity that's actually offering the Prison Education Program. So I mean, they're a main collaborator in this, you know, the accreditor is a collaborator. The state tangentially is a collaborator in the fact that they can't have any adverse actions or revocation for for state authorization in the last five years. So there are a lot of people that are involved in this. But you know, essentially the postsecondary institution postsecondary institution has to be involved in it because that is going to be the entity that's providing education to the students.

MS. BRITTON-BOSTWICK: Okay, thank you.

MR. WASHINGTON: Thank you.

MS. MCARDLE: Kim.

MS. CARY: Thank you. So I think to address some of that Marisa had and expanded what Aaron was saying is it's a very big collaborative effort and a lot of conversations happen ahead of applying to the program. So you're you're deciding what programs can we offer and then you're connecting with your correctional facilities

to see what are their, what's their availability to either have seated or virtual? What is their availability with virtual and what type of medium does the college will they need to interact with the students on what kind of platform. So there's a lot of that going on. So basically, these checklist letters is what I will call them is as an institution, we're going to be marking these off, making sure we have our ducks in a row and that we can talk with the correctional facilities and say, here's how we meet all of these best interest attributes. Also, when we apply for, to be a participant in these programs, we have to explain this out and then we have to prove this is what we're doing. We have to confirm that we are accredited, HLC, whoever it is, and then we work collaboratively with those prison education individuals to make sure that these programs will work for their students. And even in our instance, if educational entities have many campuses, and they would want to outline that so that if the individual is released, then they have, which campus would they most likely geographically be able to go to? So I do believe hopefully that explains some things for you, Marisa, that it is a very much a collaborative effort. And I think these are checklists that both individuals at those institutions in the correctional facility will have to

check off together. Now, Aaron, I do have a quick question on the, kind of following up with what Dr. McTier said. We have a lot of adjunct instructors because we do have so many campuses. So those, as you know, the by the nature of an adjunct, they kind of come and go depending on what, there are other things that they are doing. Would that be seen as a negative or would we need to write that into our narrative in the beginning so that that's part of something that we would address? The credentials are still there. The knowledge is still there. Stability is really still there. I think that's just something we would have to identify in our request, correct?

MR. WASHINGTON: Yeah. I mean, that's something we haven't specifically identified adjunct professors in the in the language here, but we have tried to identify in the language that we do realize there will be unique constraints for Prison Education Programs, so, you know, I think that because we have the because you do have application process for the first at the first two additional locations and all Prison Education Programs would be required to follow, you know, be required to be approved by the Bureau of Prisons, Department of Corrections regardless if you're submitting like that full application or not. I think you know that, you know,

if that could be explained in the narrative. You know, I I can't answer that question specifically because, you know, you have to or definitively, I guess, because the accreditor will be evaluating and approving this as well. So I wouldn't want to just, I guess, get ahead of the accreditor, the accrediting agencies either by saying, Yeah, you know, a program with all adjunct professors is it's substantially similar if you know, a similar program on campus has all you know. I don't know associate professors, so. So I think that, you know, we do have a accreditor approval and then we do have Department approval. So once the postsecondary institution submits the application, I think that's when the Department can be able to provide more feedback or their accreditor will be able to provide more feedback on specific examples of similarity determinations. I'm sorry that doesn't answer your question directly, but-

MS. CARY: No, it does, it's very helpful. I think we would just have to go through the motions of the steps, and then we would need to make sure we have a good narrative, like you said, for the stakeholders to understand where we are coming from and the stability I think is the most important thing of the college and the academic side to present to them. Thank you.

MR. WASHINGTON: Thank you.

MS. MCARDLE: Dr. McTier.

DR. MCTIER: Yes. So is it possible to get that statutory language? Because I want to make sure that this is 100% in the statutory language and if it's 100% a requirement. The other piece to that is so if you can send that to the group, that'd be great. The other piece of that is if we're starting the application process, this means that this is in the beginning or the start of the program, even before the program is offered at that institution we wouldn't know the turnover or departure of instructions from the Prison Education Program, so it doesn't make sense. We wouldn't know the rates of turnover because we haven't started the program. So that doesn't make any sense. The other piece is, again, we are really relying heavily on the DOC to do all of these things. And unfortunately, you know, the person that was invited for the DOC has not been here. So this is a clear indication that again, some of the things that we have been dealing with as directors trying to get, you know, just some of these things implemented working in collaboration with the DOC is not always peaches and cream. And so I caution against making the DOC the sole individual to make the decision on whether or not we can come into their agencies. But again, they're collecting all this data for what it doesn't make any sense.

MR. WASHINGTON: So the statutory, I'm going to I'm going to just read the statutory language, and I will also ask my, Steve, I think Soren is on. But but statutory language is the experience, credentials, and rates of turnover or departure of instructors. I can send that to you. I believe I did send it to you about two weeks ago.

DR. MCTIER: I have it. Okay, got it.

MR. WASHINGTON: Okay. Soren, did you want to add anything?

MR. LAGAARD: No, just that what you wrote and our intention here, Dr. McTier, is to really track that statutory language. And then to just also reemphasize to that, the opening paragraph for the best interest determination clearly says that who is doing the determination is the appropriate State Department of Corrections or the Bureau of Prisons at the federal level. If helpful here in thinking about what what we've tried to build out here a little bit more.

DR. MCTIER: So if I'm understanding correctly, you're saying, again, we're relying heavily on those two agencies to carry out all of these things for the best interest of the higher education and prison program in order for it to be offered. It hasn't been going very well. And so I just want to make sure or I

just want to make sure that my my voice is and my dissent is captured. I disagree with this. It just doesn't make any sense, especially at the onset of the application being submitted. How can you calculate turnover rates? We haven't even started the program.

MR. WASHINGTON: If I can answer Dr. McTier. So we will see, Vanessa, if you can scroll down just a little bit. Well, actually, let's not because I'm not exactly sure where the language is now that we restructured. But there is an initial two-year period that the Department of Correction, that the oversight entity can make the determination without the the robust set of data laid out here in the best and best in the best, best interest indicator in the best interest section. Now the bureau, the oversight entity still has to make that determination. So they're not. They still have to make the determination that the Prison Education Program can operate at that institution, and they still have to report to the Department and the postsecondary postsecondary institution how they made the determination. It still is a collaboration. However, there is a two year we know that we know that the that you'll need time to collect data or to, you know, to review, review or analyze these indicators. So the Department of Education has proposed, recommended to

provide the oversight and entities with two years of for an initial startup so that you won't have to you know, you'll still have to tell us about these things, but it'll be more of a narrative like what what are you going to be providing? What type of instructors do you anticipate that you'll be providing? What is your transfer credit transferability of credit policy? Do credits transfer to at least one postsecondary institution in the state or the state that most students are likely to return to? Are you planning? How are you planning to offer relevant career and counseling services? So, you know, I I also wanted to say that, you know, we as we dive more into this discussion, we do, I wanted to limit. I don't want to limit conversation, but I did want to try and limit the remainder of the best interest conversation to until 11:00. And that is because we do have to go back through and get temperature checks on some outstanding sections. And I did and the Department has revised language that you already saw some of it with the green text in the best interest lead-in. But we so I want to make sure that we are, you know, really keeping track of time today so that we can talk about some other areas that Department has moved on. Oh, and yeah, so I'll stop there and allow. I'll stop there. And we do have and Dr. McTier, we do have, you know,

Marisa, who is, you know, you know, Marisa, you know, spoken up today. And I think that, you know, like we we're so happy that we have you to provide the Department of Corrections perspective. And, you know, so if you had any concerns with this, you can you can you can let us know as well. But as the statute stands, and I defer to Soren for this as well. But as the statute stands, currently, the the the oversight entity, the Bureau of Prisons and Department of Corrections or other entities are the entities that will make the decision of best interest. Determination of best interest.

MS. MCARDLE: Soren.

MR. LAGAARD: And thank you. Yeah, and just to underscore Aaron's point, it's we don't have any legal authority to to change that. And so we we feel like that Congress has has specified these entities are the oversight entities and that that's not something that we have any legal flexibility to change, add, modify with regards to the statutory language and what we're trying to do here.

MS. MCARDLE: Kim.

MS. CARY: Thank you, Aaron. Basically, what I was going to indicate was what you said was we had talked yesterday morning about the two two-year implementation area, and I wanted to make sure that that

was involved with this as well. So what you said, thank you. That clarified a lot for me.

MS. MCARDLE: Dr. McTier.

DR. MCTIER: So I'm looking back at the statutory language, and I've been looking at this for a while as well. The language says may not must. So can you address that because if it says "may" and that's the language that Congress put in there, it's not a nail in the coffin final decision, so that may gives us a lot of flexibility. There's a lot of ambiguity with that "may". It does not say must at all. And so I'm going to push back on that because of that. And I want to make sure that we, we're clear on that.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Thank you for your question, well statement, Dr. McTier, I we will talk about the may not must, and I think this may be an appropriate time to just clarify that. But I was hoping to just really focus in on the indicators for now and go back through the other language. But the Department proposes to retain the must from the PEP from PEP from yesterday's session. So we're proposing to retain the must requiring the oversight entity to assess whether a Prison Education Program is operating in the best interest of students across all elements that are included in the statute. And

we do recognize that there are limitations to these data points, so some will be more relevant for certain types of programs and some will take years to collect and some will have less support from the community. But these are important measures of institutional success, and they were they were points that Congress outlined in statute. So we're really these points are to ensure that the programs can, are and continue to operate in the best interests of students. And the Department's position is that the Department recommends to retain the must.

DR. MCTIER: Okay, maybe I'm looking at it different cause I see "may" and I don't see "must", so that's that's the concern that I have.

MR. WASHINGTON: So if we can note that, Vanessa, oh sorry, let's let's let Soren speak first.

MR. LAGAARD: Yeah, yeah. And Dr. McTier, you're absolutely right. I just want to like bifurcate the two legal issues here. So the first one is, who is making the determination right? And that we don't feel we have any legal flexibility about about it being the oversight entity. The second issue is, we do have flexibility within regulations to to look at a "may" and to build out a "must". And so that's what we're proposing to do here.

DR. MCTIER: So I got that part. So and

that. Right.

MR. LAGAARD: OK, great.

DR. MCTIER: And that's a very important point that you make in terms of the "may". So I understand that we can't do anything because it's, you know, that's what the legislation has done with the Department of Corrections and the Federal Bureau of Prisons. Got that. But in terms of determining what's in the best interest and you know, the metrics of that, of what we're supposed to be collecting, that says "may" and because it says may, there are some of these things that I disagree with. And I'm going to push back, continue to push back because it says may, and so I want to make sure that we are not just passing these things and requiring higher education and prison programs to submit this information, one because it doesn't make any sense specifically on E(5). But two, you know, with recidivism rates and all those other, you know, there's so many factors that exist in, with that "may" we can make some changes here in these best interest pieces without making it a must. The word says may and with that "may" we have flexibility. And so what Aaron was stating is that the Department of Education is trying to retain a must. There's no must there, so if there is, point me to it because I don't see it.

MS. MCARDLE: Aaron.

MR. WASHINGTON: Soren, I don't I don't know if you want to follow up, I think I would just recommend to Vanessa to indicate that please, please, I'm asking, I'm not demanding. But Vanessa, would you please mind adding a comment bubble with Dr. McTier's concerns about. Well, was the concern here about this specific indicator, or was the concern just generally the the-

DR. MCTIER: So, so my concern here is with this specific indicator, if we're submitting an application at the forefront of starting a program, having rates of turnover or departure of the instructors, we we wouldn't know that. So how would we be able to submit that information? So essentially because of its because it says "may" early on, right before we get into these specific indicators, I would just do away with that or at least the turnover and departure part. I would do away with that, along with some of these other metrics that exist. Why are we recording recidivism rates that has nothing to do with higher education in prison or offering a college degree has nothing to do with it. And so I would remove that one, and I would add in some other metrics that would align better and showcase the good work that we're doing to provide educational resource or educational opportunities to the men and women on the

inside. And so that's what I'm saying. So if I have a specific issue with E(5), I have a specific issue with it's it's saying "may" and not "must". Because of that may we have flexibility to make some changes here. And I want you all to understand that, you know, it does not say must hear at all. It looks like the Department of Ed is trying to say they're trying to retain that word must. When must was from, my understanding was never in never in the document originally.

MR. WASHINGTON: Yeah, and so I think the whole goal was to get to, thank you for your comments, Dr. McTier. I think we've noted them here and the goal today was definitely to get to one recommendation to submit to the subcommittee. However, we did acknowledge in the beginning that there may be multiple recommendations submitted to the subcommittee. This is something that the "must" language is something that the Department feels comfortable supporting. However, if there is a alternate recommendation that a subcommittee member would like to make to the main committee, that is that is totally acceptable. This is your recommendation. I, my position here is to let to, I guess, kind of preemptively inform you on the, I guess, the the policy position in which the Department of Education would be comfortable with supporting what we try to do here is

build in flexibility, the regulation, you know, you know, accounting for unique constraints. I think I just want to reiterate that the initial two-year period. So you would so the rates of turnover, if you are applying for the first time to offer Prison Education Program and you don't have rates to turnover, that could be something that you are that you're explaining in your narrative. We don't have rates of turnover yet. You know, I remember when I submitted, well, I won't talk about my personal story, but you know, if you if you have if that's something that you don't have yet because it's your first program, then you can indicate that in your application to the Department, I assume that any Prison Education Program that will be submitting an application would have information about the experience of their instructors, the credentialing of their instructors, and also whether there is a plan to offer this essentially substantially similar instructors with substantially similar experience or credentials to students on the on the main campus or students that are not incarcerated to those that are incarcerated. So I think a school, I think a school would have that information, and I think that is something that the Department will want to see. So we've we've noted that the distinction and again, I think that this may just be a place where you know, the subcommittee or a

subcommittee member. I'm thinking back to the the previous subcommittees that we've had. There have been like, you know, one subcommittee member to make alternate proposal on one section. So we do have temperature check positive temperature checks on a lot of the sections. I think once we go back to the document, we will have more. And if there is one or two sections where there is multiple recommendations made to the main committee, that's fine because it's your recommendation. I just again, I just have to say one last time that this is the position that the Department is comfortable supporting the "must". And so. So I just wanted to let you know what the the Department's policy position is and what the Department would feel comfortable supporting at the main table because the Department, you know, we there as a the Department does have a vote on the on the main committee, and I think we've tried to take into account many of the subcommittee members' suggestions. And keep in mind, it's when it's not really a majority vote on the main committee. It's all or nothing. It's everybody has to agree to consensus on the main committee. So I want I just wanted to make those those points at the at the onset. We do have about 22 minutes until 11:00 a.m. and I think I definitely want to circle back to this after, you know, the best interest piece after we've had a chance to

go through the document in full to see the changes that we've made in other sections. But I think that hopefully we can continue talking about this until 11:00 and then and then transition. So I open it up back to Dr. McTier.

DR. MCTIER: Opening back up for me to.

MR. WASHINGTON: I didn't know if you wanted to respond, I wanted to make sure I didn't just cut off, cut off your points.

DR. MCTIER: No, no, I made my my points. I really would love to hear why the Department is so hung up on the "must" piece. I think, you know, we do know that they have a voting rights. I don't know why that needs to be reiterated several times. But other than that, I think my points have been made.

MS. MCARDLE: No other hands at this time.

MR. WASHINGTON: Thank you Sophia. Let's move to, Vanessa, if you could expand. So let's move to transferability of credit. Vanessa, if you could expand the yeah. So here we have just some statement from the Department that we believe that transfer of credit is important, an important measure of equitable educational experiences and a critical protection to ensure students are able to continue their education experiences after being released. However, we do propose to require that the oversight entity account for the unique constraints

present in Prison Education Programs to ensure that institutions are not unfairly judged, and I I want to pause there. I know Belinda had some comments as well.

MS. MCARDLE: Belinda.

DR. WHEELER: Great, thank you very much. Yes, my recommendation that I sent in the email to the subcommittee for consideration is just piggybacking off the words that the Department has here about students are able to continue their educational experiences after being released. I have some language that you see highlighted on the screen there in, I think it's teal blue, just basically trying to make sure that there is a guarantee like basically that students who continue their studies post-release can do so either on the institution's main campus if they choose to, with no barriers related to their formal carceral status. You know, wearing former prison director, educational director hat at an institution and then also with my hat at Vera, we've seen we've seen situations where educational institutions and I'm talking broadly here, no specifics where they're very happy to have a student in the online environment while that student's incarcerated. But then when the student is then released, if that student has expressed interest in wanting to actually have, you know, a more traditional experience on the main

campus that that student has been restricted and they're told, no, you can continue in that online space, but we don't want you on the on the main campus because of your carceral history and I think that that's highly problematic. I think if an institution you know, you know, wants to, you know, have a student, you know, as a student member in that carceral setting when they're doing the program, either face to face hybrid or online while they are incarcerated, that they should also have, you know, that there should be some understanding with that educational partner, whether it's the original one or that transferability to another campus, that the students have that right to enjoy whatever method of modality that they would like to continue once they are released. So I just submit to the subcommittee a recommendation that we put in a little, a few more kind of guardrails here to protect the students so that they have, you know, that they're not just told, look, you were an online student, you know, while you're incarcerated, we are going to make sure that you're 100% online once you're post post incarceration. I don't think that that's fair. We wouldn't do that to a quote unquote traditional student, and I don't think that we should. You know, I think we should protect the students so that they have that choice should they want to change their

method of modality post-release. Thank you very much.

MS. MCARDLE: Kim.

MR. WASHINGTON: Sophia, can I just hop in there really quick because I probably will forget all the questions if I, three hands up. Belinda, we did have a chance to chat about this recommendation this morning and we can we will have more for you after after lunch.

MS. MCARDLE: Back to Kim.

MS. CARY: Okay, so Aaron and Belinda, just a few other things to think about on this. I would change the language for "institution's main campus" to "institutions locations" to include virtual so that there is no chance that at any geographical location or virtual that they could be barred from participating in. However, there's one I don't know how we would do the language. But for instance, if you have a student or individual who has been released and they have particular requirements attached to their release, you know, child endangerment, whatever that might be, that they can't be near within so many, so much of an area of children. Some college campuses do have childhood educational programs, and they have childcare on site, so I know that that's been something that we've worked worked through with some of our students for this campus and made offers for them to attend other locations that don't have that specific

limitation. So the no barriers, though, I like that language, I think we need to add something there as a protection for schools to say unless there's specific barriers related to your post-release. Thank you.

MR. WASHINGTON: Vanessa. Can you add that to the comment bubble first, Kim, I think you said instead of main campus, all locations, right?

MS. CARY: All locations to include virtual.

MR. WASHINGTON: Okay, to include virtual and then also your second point Kim was about, if they're, I guess, if they are taking take into account if there are any barriers to a student attending in person. Correct?

MS. CARY: (Inaudible)

MR. WASHINGTON: Correctional facility or their or their conditions of the release or.

MS. CARY: Yes.

MR. WASHINGTON: Okay. Alright. Belinda, is that something is that something is that something that if you know that you that you're comfortable with by adding or just?

DR. WHEELER: Yes. Thank you very much, yes. Kim, I just sent you an email. I did note your your comments earlier in another edition, but this one was the one that the Department had taken the cut and paste. So

yes, I am in agreement with what you said about the the different locations, obviously. And I thank you for pointing out if there are certain conditions on someone's release, certainly that would potentially need to be in consideration with that. You gave a perfect example there. So I would definitely, I think the case that Kim has presented here makes a, I could see why the Department would be would be like, yes, in certain circumstances. So I definitely just want to make sure that there's not that blanket. You know, you were online in the carceral space once you're released, you know, you must be online again. And I do appreciate Kim kind of providing some certain clarity there as we move forward. If there are restrictions on someone's release than I think educators and I think the student, I think the student would understand that too. But we're just seeing some blanket. You were online there. You must be online on the outside. So thank you.

MS. MCARDLE: Marisa.

MS. BRITTON-BOSTWICK: So I think this is very crucial, however it's written, but I think one main thing is that a lot of times when incarcerated individuals move from the correctional facility into the same program in the community with this Prison Education Program, we don't always know the screening committee

guidelines for them to go on campus. And so I think up front, that is very important. The other thing is, too, is that sometimes when incarcerated individuals leave the correctional facility, they have computer restrictions and it's hard for them to even be online when they leave, so I think all of that needs to be discussed upfront. And Belinda and Kim, you're exactly right. This has to be very clear and it needs to protect the university. But it also needs to protect the incarcerated individual that we're not dressing them up with no place to go. This has to be realistic. And I think the other one, I mean, we have to keep a lot of people safe in this process, but we have to have those screening guidelines before they leave. And we also need to know if they can even continue with online education when they leave. And it's just really important for me, and I know a lot of people on this committee that they can continue their education when they leave. And so that's something I really want to bring up, and I appreciate this Belinda and Kim, but this is crucial. So thank you very much.

MS. MCARDLE: Angie.

DR. PACCIONE: Yeah, thank you, I want to echo the comments that have been made, I don't know if you've seen me shaking my head, but I agree with the comments that have recently been made there. And I know

that there are some institutions that do have restrictions based on the nature of the offense for which the person was incarcerated, not just what barriers might be after they are released. And so I'm just I just don't want to tie the institutions hands to say you must be able to come on campus. I think there are some screening that questions perhaps, we do in Colorado, we did ban the box and so. So there's a lot of, I think, maybe conflicting initiatives. And I just want to make sure that the institution is not bound to do something that they have already stated for for all students that if they have a particular offense and they would not be able to be on campus. So it's it's hard to find the precise nuance and the language, but I think it's worth the try. Thank you.

MS. MCARDLE: Belinda.

DR. WHEELER: Yeah, thank you, everyone for that, I think this is important because I know a lot of us, we definitely want to ban that box. We want inclusivity. We want equity, perhaps. And I know that again, there isn't language here that we could potentially put in this space. But I think, you know, by trying to capture part of it here, the Department, you know, as as we make a recommendation to the main committee, I think, you know, this is certainly something

that I know Kim and others have mentioned about the onboarding process to, you know, hopefully in a utopian society where we have multiple, at least one really good, if not one or two different educational programs at each prison facility, you know, in the future that students will have that choice and they will understand if they want to choose University X or if they want to choose University Y. You know, there's this understanding with onboarding that you know, a student knows if they go to this institution, you know, these are the you know this this institution perhaps has banned the box. And you know, there's this kind of like further disclosures for students so that they can make this informed decision about, you know, which institution that they want to, you know, that they want to work with. And there's one other thing I was going to mention, and it slipped my mind, so I'll end there. Sorry.

MS. MCARDLE: No other hands at this point. Wait, Marisa.

MS. BRITTON-BOSTWICK: Is it possible to have the screening guidelines or the disclosures up front? Could that be a recommendation that the correctional facilities will be provided those before they go into a partnership with a Prison Education Program,

MS. MCARDLE: Kim. Or Aaron, do you want to respond first?

MR. WASHINGTON: Oh, I can't. I don't. I don't know if I can answer. So can you? Can you explain that a little more? I'm sorry.

MS. BRITTON-BOSTWICK: Okay, so like I said before, and this could be like Belinda said the utopian society. But if a Department of Corrections goes into a partnership with the university and they say, oh yeah, when your guys or women are done, they're more than welcome to come. And these are, you know, we're happy to have them. But when they are, when these incarcerated individuals do leave the correctional facility, the brakes go on, you know, that we would have something up front that said, these are our screening guidelines. These are our disclosures. And when they leave, these are what we expect when they come on campus or these are the offenses that we don't allow? Because that's important, that's important for incarcerated individuals when they leave to know if they're going to be able to go onto a main campus or to finish their degree or move forward. And sometimes correctional facilities aren't always provided with a very clear and concise screening guidelines.

MR. WASHINGTON: Understood. So it sounds

like you're proposing a disclosure to students?

MS. BRITTON-BOSTWICK: Right.

MR. WASHINGTON: Okay. Vanessa, can you add underneath Kim's, Marisa potentially added disclosure for-

MS. BRITTON-BOSTWICK: And to add, oh, I'm sorry.

MR. WASHINGTON: No, go ahead. Go ahead, no, go ahead. It's your it's your idea.

MS. BRITTON-BOSTWICK: And to add something also, I mean, the Department of Corrections would know if they had computer restrictions, we would. You know, the State Department of Corrections would know that. But we don't always have the clear guidelines from universities and colleges and Kim, this might be something for you that you would know more about if they can go on to the campus and we want everyone to be safe wherever they are. But I think it's important to have those disclosures and screening guidelines up front because a lot of times we hear they have to go before a committee and then they'll make a decision. Well, that's pretty far down the road by the time they see a committee.

MR. WASHINGTON: Okay.

MS. BRITTON-BOSTWICK: So something very black and white.

MR. WASHINGTON: So (inaudible) prison would. So the correctional facility would provide the-

MS. BRITTON-BOSTWICK: No, the university would provide the correctional facility with disclosures.

MR. WASHINGTON: About what they would allow. Okay. Alright. Okay, thank you very much for the clarification.

MS. BRITTON-BOSTWICK: Thank you, Aaron.

MS. MCARDLE: Kim.

MS. CARY: Thank you. Marisa, that's a good point, so again, back to the utopian society of everything up front and it comes back to the partnership with the institution and the correctional facility. To know before we even get down that road of enrolling students or talking to students is to know what the institution you're partnering with, restrictions, what they have, and then once the students are identified within a questionnaire or whatever, like, for instance, we we have, we will go in and say, here's a questionnaire for the potential student to fill out so we can know if there's any barriers up front that they might run into that we could assist with. At that point, we would be talking with the correctional facility and finding out additional concerns upon post release of that individual that we could address at that time. And it may be that

they're not a fit for that partnership just by virtue of what those restrictions might be and what the institution has put into place and maybe another institution need to be partnered with it that was different. So I think it's up front. I think it's part of the participation partnership that you get, comes together, I don't know where we could put that into the language. But again, that might be part of the oversight committee to make sure that those kinds of questions are addressed. Thank you.

MS. MCARDLE: Belinda.

DR. WHEELER: Great, thank you. I'll be really brief because I know about time. I just wanted to, I picked up that last thread. This, I think, also potentially speaks to provide support to educational entities, corrections, stakeholders. If an educational institution wants to seek a waiver, for example, to go beyond their 25 and, you know, say they're wanting to go to 49, 100%, 1000%, you know, with students this this provides, I think, another level of, hey, if you want to go from 500 traditional on campus students to 50,000, you know, online students who are incarcerated, you know, again, it gets to those disclosures of, you know, are you seeing these students as a member of your student body with all the rights and privileges of a student member,

you know? Or is it you're Pell dollars? You know, we want you for the online courses and you know, once you once you're released, you know, we, you know, stay in that online thing. So I think that this provides an extra level of clarity for everyone, especially the students, when they're making this choice as to which educational institution that they may wish to partner with because it does provide those kind of disclosures of, you know, this is, you know, this is how we're seeing you as a as a member of our student body while you're currently incarcerated and this is how we're planning on, you know, serving you as a member of our student body post-release and what that kind of looks looks like. And I think that provides students with a little bit more choice and full disclosures up front that really lets them know that the true value that that educational partner sees in them because we are seeing a lot of educational institutions that do a fabulous job in this space, whether they're Second Chance Pell or not Second Chance Pell. And it's clear that they see those students as a true member of their community in all sorts of ways, whether they're traditionally on on campus afterwards or not. But it's that relationship that the educational institution, you know, builds with that student, kind of protects the student, lets them know up front. And I think that's

really important because in the in the couple of examples where we're seeing some bad actors in this space in general, we're seeing that it's like, yes, we're happy to, you know, have you as a student while you're, you know, distanced from us here, but post-release? Not so much. And that really, it's devastating for the students, and that's a problem. So I appreciate the Department kind of thinking through this. Thank you.

MS. MCARDLE: Marisa.

MS. BRITTON-BOSTWICK: Okay, one another quick aspect I like added to the bubble if possible, Aaron. Could we put at the end of that bubble prior to the incarcerated individuals starting the Prison Education Program? Because this would need to be done before they started with a program.

MR. WASHINGTON: Yeah. Thank you, Vanessa.

MS. BRITTON-BOSTWICK: Thank you, everyone.

MR. WASHINGTON: Yeah, we have Vanessa doing our real-time edits. Huge thank you to Vanessa for all of the work she's done over the last six days.

MS. MCARDLE: Kim.

MS. CARY: Really quick. Just a note to add to it. If the subcommittee agrees, I think because we have to show we're partnering with at least one other institution for transferability, I think we need to show

their disclosures for their institution as well. It could make a difference in which program the student decides that they're eligible to finish if they're not able to transfer out.

MR. WASHINGTON: Kim, that's a disclosure to made directly to the student on which institution credits transfer to?

MS. CARY: That is correct and any limitations they may have for attending their institution.

MR. WASHINGTON: Okay. Vanessa, can you add another? Kim recommends a disclosure to students on which institutions their credits can. Now do we want to keep, so it's so, so is it just the state? If it's for the Federal Correctional Facility, it would be the state that students are most likely to return to, right? Or do you want it? And then it would be for the for any other correctional facility, it would be for the state that the facility is located. And is that is is that something that you had in mind or or would institutions be required to determine across, you know?

MS. CARY: I didn't think that through really, did I?

MR. WASHINGTON: Neighboring states or-

MS. CARY: Maybe within their community, the

closest, maybe transferability within the community that they plan to like if they're in my city, then there's probably going to be another institution. There is another institution within my proximity that most of our students transfer or that we would provide. Make them aware that they would need to think about where they're transferring and what institutions we could probably help them with in the onboarding process on transferring, I'm not sure how we would do that, but we'll have to think through that.

MR. WASHINGTON: Yeah, we do have a provision in the statute and Soren can correct me if I'm wrong. But I think we have a provision in the statute that says that it has to offer transferability of credits at least one institution in the state or if it's a federal facility in the state that most students will reside upon release. So with that, I think we can just take that recommendation and talk about it more over lunch and get back to you. Soren, did you have anything you want to say?

MR. LAGAARD: I didn't. That's exactly right, Aaron. Thank you.

MS. MCARDLE: Dr. McTier.

DR. MCTIER: Yes, I have to jump off for a little bit, but I wanted to make this comment before I

did. I'll be back at session two, but we're getting in the weeds here. We're trying to add and make this even more difficult than it needs to be. We're trying again. We've got to keep in mind that the DOC and the Federal Bureau of Prisons are going to be the ones handling this because of that's what Congress has passed. And so we're stuck with the recommendations that have been made just now. It's making this even more confusing and unnecessary, I think based off of what we need to work with, what we have here. Any screening requirements from a specific institution that's just going to get into the weeds. And I disagree with those recommendations that are being made.

MR. WASHINGTON: Thank you, Dr. McTier. Vanessa, can you note that in another another, oh, you can just even put it all in the same kind of bubble. So I just I don't want to misinterpret your words. So I think I would just summarize it as Dr. McTier disagrees with the-

DR. MCTIER: Yeah, I don't think we need to add those additions to, for my colleague. So I I do disagree here.

MR. WASHINGTON: Thank you for that, Dr. McTier. We'll see you in the afternoon. Alright. If the subcommittee wouldn't mind, let's move on to now, I will

say it's going to be a little difficult to vote, not vote. I shouldn't say vote. I'm not saying vote temperature should still be a little difficult to take temperature checks because I think we are missing Anne, Stan, Terrell. Has Terrell joined, Amy? Amy, has Terrell joined?

MS. WILSON: Yes, I thought he had.

MR. WASHINGTON: Oh, Terrell, are you there?

MS. WILSON: I don't see him now, though.

MR. WASHINGTON: Okay. Alright. I think we're missing Anne, Stan, Terrell, and Dr. McTier. The subcommittee will let me know if I've missed anybody, so we'll still do our temperature checks. But of course, you know, we'll have to work with what we have. Okay, so let's move. Move to the academic counseling. Vanessa, if you could open up that comment bubble. So we believe that high quality academic and career counseling are advising our important services that institutions must provide to their incarcerated students comparable to their campus-based students. However, we proposed to require that the oversight entity account for the unique constraints present in the Prison Education Programs to ensure that institutions are not unfairly judged. And then I'm going to pause there for Belinda. And if you could open up Belinda's comment, Vanessa, that'd be helpful. Thank you

very much.

DR. WHEELER: Thank you very much. Yes, this just got back to a previous comment that was made in October when we were together just about who is able to provide those additions that some of my colleagues were concerned about those reentry services. So in my language that I'd proposed to the subcommittee to consider was that whoever is determined to be that reentry services, whether it's a community support, community based agency, whether it's, you know, corrections, whether it's a combination of the two, whatever that was, that. Because right now I think the language was perhaps kind of put more on the educational program itself. And while I certainly would hope that as an educational institution kind of wants to work more with community-based partners and others to kind of really understand reentry services that we need to make sure that there's that space there where community support, you know, can be can be placed there. So I just kind of put that in as a caveat to kind of, well not as a caveat, as a as a recommendation for the subcommittee to just make sure that, you know, we are keeping community-based partners in mind here when it comes to reentry, to be working in collaboration, you know, with corrections, with, you know, educational partners. Now I know that since I wrote this on Monday

and emailed it to colleagues, or maybe it was late Sunday, I forget, apologies, that we have talked about that definition of that entity, and I know community based partners are now there. So I just wanted to make sure that it was kind of stipulated. And I do see that the Department has since put in that unique geographic and other constraints. But I just really wanted to make sure that when it came to reentry services, that no students are falling through the cracks here, that there is a partnership kind of created that makes sure that students best interests are taken care of. Thank you.

MR. WASHINGTON: So the proposal is to include your recommended blue language, I just want to make sure that we're capturing your proposal right.

DR. WHEELER: Yes, sir, that's correct. Thank you just for consideration. Yes, thank you.

MS. MCARDLE: I see no hands.

MR. WASHINGTON: Thank you, Sophia. Vanessa, can we go to the next indicator and open the comment bubble? This is about completion rates. The Department is currently exploring the feasibility of ensuring that we can calculate completion rates. One challenge would be actually, we have a solution for this. So let's so we. So yesterday we discussed The Bureau of Prisons, the State Department of Corrections reporting to reporting the

release date, and that's what that comment bubble is regarding, so we will see some information. We will see some green highlighted text as we go back to the sections about how we're going to require the Bureau of Prisons or Department of Corrections or other entities to report that to the Department. And so unless we have any questions here about this specific indicator, we will see. And if I don't, I'll go over it. But if I for some reason don't, you know, check me on it, we can move to the next one, Vanessa. And I think we just have a recommendation from Belinda for the last one, and this the last indicator is any other indicator, any other indicators pertinent to program success. So we're looking at number (9) as determined by the oversight entity. So, so the Bureau Prison Department of Corrections would have the authority to evaluate other indicators of program success outside of the eight listed above. I'll I'll turn it over to Belinda.

DR. WHEELER: Yep. Great, thank you. Yes, and I understand that. Thank you. I understand that the Department wants that level of flexibility. I also just wanted to make sure the protections guardrails are in place for everyone in this space. So one of the things that I'd potentially propose for my colleagues to consider is that if there were going to be some new,

potential indicators put in there that there's a time period allowed that kind of gives everyone a heads up. So, you know, if applicable, an advance notification, for example, of at least six months so that all parties are involved. You know, I definitely understand the need for kind of a catchall, but I also want to make sure that the, you know, the programs, the students are protected and no one is just kind of throwing something at the last minute and says, aha, you've got 24 hours to give us this data because that's not going to help any of us. So I just ask that if any other indicators, as we move forward in this space are proposed that there is a fair timeline and a fair heads up given to all the entities so that they understand. Thank you very much.

MR. WASHINGTON: And so the Bureau of Prisons, so in this case, the Bureau of Prisons would be providing those indicators to the postsecondary institution that would like to offer a program there, I mean, because these indicators are not defined by we're not the Department is not proposing to define more indicators. It's the Bureau of Prisons and State Department corrections that could evaluate more things. So.

DR. WHEELER: Yeah, and I and I do think that gets back to that, you know, potentially new

variation of who that entity is with community-based partners and whatever. And again, it's just making sure that if corrections et al. you know, perhaps can, including community-based partners, that again, if any new kind of mandates come down or a new kind of data tracking or anything comes down that there is this timeframe advance notice given to people, you know, so that it's just fair, you know, just want to make sure everyone is protected as we move forward.

MR. WASHINGTON: Okay, yeah. And I think we'll see later what the Department's proposal for for the for the well, we'll see later that we're proposing to maintain the definition of oversight entity. So essentially, this would end up being the Bureau of Prison's authority unique authority to add more indicators. So I guess they would be giving in that in that example, they would be giving. I just I just I just don't know who they will be giving the advance notice to. If it's just the Bureau Prisons, State Department of Corrections providing the advance notice, and I'm sorry that I'm sorry, I'm asking you questions that probably aren't clear, but.

DR. WHEELER: Well, I guess I just want to be clear, because, you know, again, the this all of these indicators are under that banner that says, you know, if

an educational institution wants to kind of be in this space that, you know, we've got to make sure that we're tracking this, we're tracking this and tracking this. And then at the very end, we've got this. There could also be other things, and I definitely understand that there can be other things. But you know, I just want to make sure that everyone, because any educational institution that wants to come into this space, they will be looking at A through. I forget what the alphabet is, you know, and they will prepare for that as they get ready for their two year or however long, you know. But I just wanted to make sure that if that one does come into play as another indicator as things are moving forward, that there's just given that notice that there can't be this whole, you know? Yeah, I just I hope that makes sense. Aaron, I'm sorry. I just really want to make sure-

MR. WASHINGTON: (Inaudible) I didn't mean to talk over you. I mean, there are a lot of people listening in and, you know, from the Department perspective. And so I think you've provided really, you know, significant explanation. So is this it was just my misunderstanding, but I think that somebody at the Department of Education got it and we will get back to you after lunch on that as well.

MS. MCARDLE: Kim.

MS. CARY: Thank you. Could this be an area where the language we put in there so that if that entity sees something that's going wrong or questionable, where they would be able to address it? It's different than the ones above, the best interest pieces, and they just see something that's odd and maybe can catch something that an institution is doing that they were not aware of, is that maybe a piece where they could kind of ask for clarification on it on something. Is that why that may be in there?

MR. WASHINGTON: Well, we will see just momentarily that we are. I think we provided authority and regulation. Vanessa, if you could scroll down a little bit. I don't want to misspeak. We are, we say in the green here, Kim let's see. So we're saying that they have to make the subsequent determinations prior to the expiration of the institution's PPA, except that the oversight entity, the Bureau of Prisons, State Department of Corrections can make the determination between subsequent evaluations so they can go back in and look to see if anything is not going well, you know? And so they can make those determinations more frequently than between the PPA between the expiration of the PPA. Does that answer your question?

MS. CARY: Yes, so. So there's not real

clear reasons, what would what kind of things would fall in that space? On the one above.

MR. WASHINGTON: Okay, Vanessa, can you go back up a little bit?

MS. CARY: It seems to be a catchall, is it a catchall for something else?

MR. WASHINGTON: Yeah, it's just it's really anything else that the, you know, the Bureau of Prisons and the State Department of Corrections are, you know, they were provided the (inaudible) determination and they are in a unique position to understand their populations the best. And of course, the Department here and this regulation is trying to provide some some guidelines or clarification around what Congress has laid out in statute. But we also didn't want to prohibit the the oversight entity from being able to, you know, take into account other other areas that are relevant to their unique population, that unique correctional facility that may impact the best interests of their students that will be attending these Prison Education Programs and so.

MS. CARY: That makes sense to me, Aaron.
Thank you.

MR. WASHINGTON: Thank you. So I think we're I think we should mute their. Vanessa, can you scroll, well, yeah, scroll down just a little bit. So we have all

the green on the screen. Yep. So, so all the green highlights is text that has been added. The only reason I'm talking about this green highlight right now because it's still in the same section is as best interest. But here we had to make a technical correction by removing the "two years following this determination" because we already have language for the initial determination that is that is that remains two years. But we're just clarifying the Department is proposed to revise the language and now allows for the two-year initial approval, followed by the determination by the oversight entity and reevaluation just prior to the expiration of the school's PPA. And we hope that this will better align with subsequent evaluations to give institutions more certainty about their prison education, Prison Education Program. And like, like I just discussed with you, Kim, we're also we're also providing the opportunity for the Bureau of Prisons to reevaluate more often within that, I think a PPA, David just came off of a off of he just came on screen, so I think a PPA lasts for about six years, David. Correct me if I'm wrong for most institutions. And so between that six years, the institution would be able to the oversight entity would be able to reevaluate.

MS. MCARDLE: Dave.

MR. MUSSER: Yeah, I just wanted to clarify,

Aaron Aaron is correct that most institutions, if they are fully certified, have a program participation agreement that lasts approximately six years. They are required to apply for recertification shortly before the expiration of that timeframe, and that's that roughly the same timeframe that's been set here. We're essentially asking for information to be provided to the Department shortly before they need to reapply for recertification so that the Department can include that information when it looks at the institution as a whole as part of that application. But as Aaron mentioned, in the meantime, the oversight entities can make a determination based on their own monitoring of program outcomes.

MR. WASHINGTON: And we've also updated the thank you, David, we've also updated the 90 calendar days prior to one hundred and twenty days. And David, did you want to speak to that? We've just we've just modified it, and I think that was because we are requiring that information to be submitted to the Secretary 30 days prior to the sorry, 30 days, no later than 30 days following the completion of the evaluation. And it has to be done prior to the expiration of the PPA. So we wanted to make sure that there was ample amount of time that the Bureau of Prisons was doing these evaluations are starting to do these evaluations way before, an ample

amount of time before the end of the program participation agreement.

MR. MUSSER: That's all correct, Aaron.

Thank you.

MR. WASHINGTON: Thank you, David.

MS. MCARDLE: Belinda.

DR. WHEELER: Thank you. Just a quick question here with the oversight entity, with the renewal processes and things of that nature, I just wanted to clarify. Will there be a appeals process, for example, if a educational institution is is denied? And I guess it depends on that definition of the oversight entity. But I just wanted to make sure just similar again to what educational institutions are familiar with. For example, accreditation. If an educational institution gets into some kind of hot water with their accreditation agency, they're normally, you know, mandated something, and there is that appeals process kind of built in. I was just curious, was the Department considering and a potential appeals process for an educational entity if it was deemed not to be working in the best interests of students? I certainly don't want to allow predators in this space, but I also wanted to make sure that there's a kind of process of which educational spaces are familiar with, not unlike accreditation, but obviously in this

circumstance, very removed from accreditation. I just wanted to check that.

MR. WASHINGTON: Soren or David will correct me if I'm wrong, we had I don't believe that we have considered that in these regulations. I'll stop there before I continue. I don't the the I'm not seeing hands raised by David or Soren, so I'll continue. This this decision is made by the Bureau of Prisons, Department of Corrections. I am maybe you can provide more information, Belinda, on what you would see as an appeals process. I guess I'm I just I'm not seeing how the Department of Education how if a school appeal to the Bureau of Prisons and Department of Corrections or the Department of Education itself, I'm not seeing a path forward for either entity being able to require that the Bureau of Prisons allow the postsecondary institution to provide education in that in that correctional facility that they oversee.

DR. WHEELER: Yeah, I'll I'll think about that, and if I have a recommendation, I'll certainly let the subcommittee know during that lunch break. Thank you very much.

MR. WASHINGTON: And Soren, did you want to add anything? I, I did I interpret what you, first of all, Belinda, did I interpret that correctly? Like an

appeals process for the Bureau of Prison, Department of Corrections determination? I probably didn't inter- I yes.

DR. WHEELER: Yeah, so I just want to clarification that if an educational institution is denied access because they're deemed as not working in the best interests, that there would potentially be an appeals process for consideration now it does deter, does depend on what that entity as defined is and if there is that community-based partners and others beyond corrections. But just that fair kind of situation of what we see similar to, you know, accreditation. But I see your colleague has his hand up.

MS. MCARDLE: Soren.

MR. LAGAARD: Thank you, Belinda. Thank you, Aaron. I think, well this is an interesting idea. I don't know if that we've considered it, and we'll we'll take it back. So really appreciate your comments.

MR. WASHINGTON: I think Vanessa is adding that, so, Vanessa, could you add a comment bubble to an appeals process if if BOP, DOC denies access of a Prison Education Program. Yep. Thank you, Vanessa. Any other comments on that, I think we're almost done and then we can actually kind of circle back to some of the updates that we've made. Well, we've already seen a couple of

them. But Vanessa, if you could scroll down, I. I almost think that might be it. Let's see. So here in Paragraph (d), we've said we've let's see, we said. We've said the institution must mean so we've changed that, that we changed the reference to oversight entity and we've changed some cross references, and we've also added the length of time an institution must maintain documentation. So we specifically stated that the institution must maintain documentation on the the best interest determination on the on the methodology behind which that the oversight entity made the best initial determination for as long as the Prison Education Program is active or if the Prison Education Program is discontinued three years following the date of discontinuance. So we've added that to make it clear how long records have to be maintained. Do we have any comments on that? Alright.

MS. MCARDLE: Not seeing any.

MR. WASHINGTON: Great, so I'm not going to do a temperature check there because I know we do have some things that we have to follow up. A lot of comments by Belinda, Kim, and Marisa, and Dr. McTier, you know, and also Dr. Paccione. So. So I don't think it's the best idea to take a temperature check until after we circle back after lunch to respond to all those comments. So,

Vanessa, if we could go to 600.2 all the way at the top and scroll down to confined or incarcerated individuals right there. Alright. Well, unfortunately I don't. I don't know if Stan has joined us yet, if he if he has, say hello, but if he has not, I would like to turn it over to Soren to provide more information on individuals who are subject or subject to or serving involuntary civil commitment commitments.

MS. WILSON: Aaron, this is Amy. I don't see Stanley yet.

MR. WASHINGTON: Thank you, Amy.

MR. LAGAARD: Yes. Thank you, Aaron. I'll just take a quick moment here to address the subcommittee about this, this really important issue that was raised earlier. First off, we just wanted to say thank you to the members of the subcommittee who raised this issue. And, you know, really thank you again for your patience as we, you know, reviewed it internally and wanted to make sure that any answer we were giving you, it was fully vetted by our by our legal office so that we have confirmed that the law that Congress passed in December 2020 struck the prior ban on Pell Grant access for incarcerated students and replaced it. The new statutory definition of a confined or incarcerated individual does not include students subject to or serving in involuntary

civil commitment for any reason. Therefore, such students are eligible for Pell Grants outside of this new Prison Education Program framework. This is not a policy, to reemphasize, this is not a policy choice for this subcommittee to consider. It is simply the implementation of the law, as is written, and we believe that our language here that we've proposed reflects this, this reality and this this accurately.

MS. MCARDLE: Kim.

MS. CARY: Thank you. I was just curious if Anne has been able to join us this morning from Missouri Corrections.

MR. WASHINGTON: Oh, you know what, I apologize for not giving you an update, I got an email that Anne, Anne would not be able to join due to some urgent matters that arose, so she will not be able to join today.

MS. CARY: Okay, thank you.

MS. MCARDLE: Kim, did you have any other comments or? That's it for comments.

MR. WASHINGTON: Oh, thank you, Sophia. With that, I am going to move us to a temperature check on 600.2. So do we have any I think we can actually see everybody on the screen. Maybe not. But if I would like to move everybody to a temperature check. So if you have

if you disagree, please raise your hand. Okay, so I'm going to. Alright, Vanessa, if we could move to 600.7 and again, if anybody is not on mute, make sure you're muted if you're not speaking. This is about the, 600.7 is about the waiver. Vanessa, if you could scroll down just a little bit. Alright. You keep scrolling. Keep scrolling scrolling. I think you could leave it. Leave it there for now. Let's see. So we agree with the interest in providing a scaffolding to ensure schools are expanding in ways that allow them to continually serve students well. We have incorporated a suggestion for this from subcommittee members to require programs that want to increase the beyond the 25% cap to have a probationary time period before being able to expand too rapidly. And we also include so if you could scroll down just well because I know you all don't have this, so actually you can go back. I'm sorry, Vanessa, you can go back up a little bit to give folks a chance to read it. And then when everybody's read it, maybe we can get a thumbs up or I can't see Dr. Paccione on my screen, but maybe Sophia can.

MS. MCARDLE: I don't see Dr. Paccione.

MR. WASHINGTON: I think I should read it for the public as well. This is a waiver on limitations. "For five years after the Secretary grants the waiver,

the institution may enroll more than 50% of the institution's regularly enroll students as incarcerated students; and for five years following the period described in subsection (A), the institution may not enroll more than 75% of those of the institution's regular enrolled students as incarcerated students and then two, romanette two, we've added that "the limitation in subsection (i) do not apply at the institution as a public institution chartered for the explicit purpose of educating incarcerated students as determined by the Secretary, and all students enrolled in a Prison Education Program for the institution are located in the state in which that institution is chartered to serve." I there is currently a school, I believe, a postsecondary institution that has that charter. If David knows, maybe he can speak to that. But that's that's kind of we wanted to include that exception for public schools that are set up by the state specifically to serve incarcerated individuals. So we have tried there. I think, David (inaudible) something.

MR. MUSSER: No, again, just clarifying that that's accurate. There is one institution in the Second Chance Pell Experiment that that is essentially chartered by the state for that exact reason. And they and they currently have a waiver of the limitation on enrollment

of incarcerated individuals.

MS. MCARDLE: Aaron, you're on mute.

MR. WASHINGTON: With that said, if any of the subcommittee members have not had a chance to fully read or digest this information, or if if you wanted to accept my high level overview of it and the intent behind it, of course with all of this, there may be like numbering that we have to fix very minor technical issues if it just doesn't make sense at all. You know, it's supposed to be a five instead of a four. That might change, but generally the overall idea was to accept the subcommittee's recommendation here, and I would like to move to a temperature check on this. But I also want to acknowledge that, you know, this is your first time seeing it. So if if you wanted to wait a while, right, it looks like. Alright. So let's let's do a temperature check.

MS. WILSON: Aaron, this is Amy. I'm sorry to interrupt. Angie had to step away and she'll be back after lunch.

MR. WASHINGTON: Thank you, Amy. So it'll be a temperature check with Kim, Belinda, and Marisa on adding the scaffolding approach that was recommended by the subcommittee for the waiver on exceeding 25% of your enrolled students as confined, incarcerated individuals.

If you if you don't agree or have any dissension, then you just raise your hand. Actually, I don't think you have to raise your hand at this point, but you know, we can all see you, but just speak up, please. Sophia?

MS. MCARDLE: No hands and no thumbs.

MR. WASHINGTON: Alright. Vanessa, if you can move down to 668.32, that would be student's eligibility. Oh, wait, no. Yeah, yes. Okay, yeah. So I'm sorry. So one second. One second. So 600.10 we got we we had a temperature check. We had general agreement there, so we don't have to go back through that. Scroll down. You stop there, Vanessa. Scroll back up to 600.21 for a second, please. Please thank you. We had general agreement there yesterday, so we're not going to take another temperature check on that. You can scroll down to 668.8. We had general agreement there, so we're not going to take a temperature check there. So our next section would be 668.32. Thank you, Vanessa. I know I'm asking you to jump around a lot. I just want to, I guess, for anybody, any of the public joining in today. I wanted them to hear why we were just kind of passing over certain sections. So here. There was a lot of discussion, if you could scroll down a little bit, Vanessa to the yeah so there was a lot of discussion about this section, this is the section that essentially in where we, the

Department views this as a technical change. A confined or incarcerated individual is it would be required to enroll in a Prison Education Program to access Pell. And there was some dissent on the main committee. But this is this is this is a statute. We view this as a statutory requirement that we are required to enforce, and we did take into account subcommittee members' recommendations to combine clauses. So I'd like to take a temperature check there.

MS. MCARDLE: And no hands.

MR. WASHINGTON: I guess it's kind of difficult to take a temperature check on something that we would consider statutory, but still we still want to know if there was any, any dissent. Alright. Can we go down to 668? We're really moving now. Can we go on to 668.43, Vanessa? Actually, scroll back up for a second. I don't know if there was a green. Oh, Okay, that's that's a part of this. So we have some comment bubbles in there. And so we have proposed to make some changes to the disclosure piece that that first comment in green, that language just wasn't there. So that's the lead in language to what the disclosure is so that we just added (a) so you can all see it. That's not anything that we are proposing to amend. And it's just, you know, this is institutional information that an institution must make

readily available to enrolled prospective students under the subpart. And so let's go down to the text, Vanessa, and then let's go back up to the comment bubble so you can see here we we've we've created one. We already had existing disclosure requirements around licensure, and so we thought they would any any further disclosure requirements around licensure would be best situated under what we already had as opposed to making an entirely new paragraph. And so right here, what we're proposing is if Prison Education Program as defined in 668.236, is designed to meet educational requirements for specific professional licensure or certification that is required for employment and occupation, as described in (g) and (h). And those are the clauses and the definition of a Prison Education Program that speak to educational requirements and prohibitions on licensure employment. Information your they have to provide information upon request regarding whether, in fact, Vanessa, can you take out "upon request", please? From where in that? Information regarding whether the occupation typically involves state or federal prohibitions of licensure or employment of formerly incarcerated individuals and any other state for which the institution has made a determination about state prohibitions on licensure or certification of formerly incarcerated individuals. And

we do have a comment bubble for that, and I will just read it for the sake of the public and I see we have a hand raised. If that is somebody from the Department, maybe we should, maybe I should wait. If it's not somebody from the Department, I'll read it. Is that somebody from the Department, Sophia? I can't see who it is.

MS. MCARDLE: It's Stan. He's in. Let me let him in.

MR. WASHINGTON: Alright. Okay, so the Department has proposed to rework the disclosure requirements to be more streamlined and effective. The previous disclosure language required institutions to make disclosures about whether their programs designed to lead to licensure, do not meet licensing requirements in the state where this facility is located, or where half of the individuals will reside upon release for the federal facility for a federal facility, however, proposed 66 68 68.236 (g) and (h) already explicitly required programs to meet licensure requirements. So these disclosures would be relatively meaningless. Instead, we have aligned the language better with the current regulatory text and required disclosures upon request for from students as to whether the required disclosures take out upon request for students as to

whether the programs need licensure requirements in another state. If such an institution has made a determination about licensure requirements in that state. This will provide more useful, actionable and actionable information for incarcerated students who may be considering moving away from a state after release. We have nested this requirement under existing regulatory the existing regulatory framework and eliminated our proposed regulations that you saw previously. I did see David came on camera. David, would you like to add something to that?

MR. MUSSER: No, you covered it.

MR. WASHINGTON: Okay, thank you.

MR. MUSSER: Open to any questions, if anyone has any.

MR. WASHINGTON: Oh, sure. Yeah. And and so I guess, Vanessa, I don't, I think that's the end. Yeah. So I wanted to make sure the entire green regulatory text that we're proposing was in the frame so that the subcommittee could read it, digest it and ask any questions before we move to a temperature check.

MS. MCARDLE: Kim.

MS. CARY: Can you scroll up just a little bit of that showing all of it there on the left? Okay, so where it talks about "from any other state", formerly

incarcerated individuals in any other state, I guess what I want to make sure is that at the student that the incarcerated individual has indicated where they will reside. Is that something we want to put in there? Or is this just leaving it pretty open, I mean, I think you could you could possibly have institutions say, well, we're in this state, and that's where we believe that most students will reside because we get to make that determination. And we don't want to mess with asking them where they think you're going to go and getting that information. Is that something we want to put in here as a protection that we actually ask the individual?

MS. MCARDLE: Dave, did you want to speak to that?

MR. MUSSER: So to respond to the specific question about whether that's included here. No, it's not something that's included in this in what we've proposed here. We've we've proposed essentially to ensure that all any information that the institution has obtained is provided to students and that they have that information at the outset, essentially to be sure that they understand everything that the at the institution understands about, about the states, that it's where it has information. I'd have to think about a requirement that the school ask the student where they plan to

reside, because really the school is in most cases, the school is going to have information about obviously the state and where it's where it's located, if it's if it's a state, if it's providing education in a state prison facility and it will have information about the state where it's determined that most students reside if they were in a federal facility. And in all likelihood, the institution will have information about other states and the surrounding area, but may have to perform research on other states that the student might be might be going to. So. I'm not sure whether we want to include a requirement about where a student intends to reside, because effectively we would be saying that the school would would have to perform research essentially for any state that that they were asked about. And at this point, that's not what this is assuming. This is assuming that the institution has a certain amount of information and provides it to the student. And if they do, if they decide to expand the information that they are collecting about other states, that they also provide that information to the student.

MS. MCARDLE: Kim.

MS. CARY: Thank you for that clarification.

MS. MCARDLE: I see no other hands.

MR. WASHINGTON: Okay, we'd like to welcome

Stan. Hi, Stan. Um, so, Stan, just you know, we are we finished our discussion on on the remainder of the best interest piece that the remainder of the discussion we had to finish from yesterday. And we have moved to temperature checks at this point. So we have temperature checked on 600.2, 600.7, and 668.32. I think it'll be just a little difficult today to keep everybody up to date and informed because we do have folks coming in and out throughout the day. But I just want to give you a high level overview on where we are. Did you have any questions before we took the temperature check, Stan?

DR. ANDRISSE: So what I was going to suggest is, you know, my apologies for missing this morning. I had another commitment that I couldn't move around. Is that over the lunch break, I can, if you can pass along what we took temperature checks on and what was decided. I can just review it and then provide a comment on it once we return. And essentially, I can provide my thumbs up. And if it's a thumbs down, I will provide why I decided on the thumbs down, for the record.

MS. MCARDLE: Aaron, you're on mute.

MR. WASHINGTON: I can also talk to Department staff about how this will go because we do have an additional subcommittee member that will be joining in the afternoon as well. I I just want to make

sure that we're not going back through each section.

DR. ANDRISSE: Well, I'm not suggesting that we have additional discussion on it. I can just have my reasoning for my thumbs down on the record. And you know, again, I think it was decided that if there wasn't, if there was a thumbs down on any given point, Belinda and I, when we report it out, we would report out the reasoning for the thumbs down on a particular point.

MR. WASHINGTON: Okay. Thank you, Stan.

MS. MCARDLE: Kim.

MS. CARY: Just a quick update for Aaron and Vanessa in the green comment bubble, make sure you remove the "upon request" it was removed from the other. I just wanna make sure that Stan doesn't see that and wonder about that one. So.

MR. WASHINGTON: Yeah, thank you. Oh, Okay, so. How about a temperature check on this on this new disclosure language?

MS. MCARDLE: Kim, did you want to say something more?

MR. WASHINGTON: You know what, I didn't, Kim, so I guess I should ask to your to your suggestion about is, is that something that would you would be a thumbs down on without without without the addition of asking each student which state they're most likely to

return to and then providing them information on that. Without that clause, would you be a thumbs-down?

MS. CARY: No, I would not. I think we captured in another section that would point us in the direction of making sure, I just want to make sure that students are not left out, without information if they need it for where they might choose to go. But at the same time, I don't want schools to have to find out 50 states of information either. If there's not a database for us to go to to gather information like that. So until that is out there, if it is someone, let me know. But I think this is all-encompassing and it's really part of the onboarding process that we talked about earlier. Thank you for asking.

MR. WASHINGTON: Thank you. So I will take a temperature check for that. And I think I don't know if I think you all saw you. All may have had a chance to see like on the main committee, how the temperature checks went. It was like it was like, you know, if it was a sideways, it wasn't that, you know, you were like, head over heels in love with the language. It was that you could you could just really live with the language based on the totality of the regulation and based on the totality of everything that we're putting together. So a sideways thumbs doesn't mean that you totally are in

agreement with everything that's written. But if anybody is in disagreement, please raise your hand and let us know why.

MS. MCARDLE: I see no hands.

MR. WASHINGTON: Okay. Let us go.

MS. MCARDLE: Nevermind, Stan has raised his hand,

DR. ANDRISSE: So I I would like to abstain until I, you know, so as I mentioned, if you can send me the document up to the point of where we are at lunch in 10 minutes and indicate, you know, all the thumbs up, thumbs down or and I can provide my thumbs up or thumbs down on the topics discussed at that point when we get back. So I am abstaining. It's not that I'm thumbs up or thumbs down on this. I wasn't here for the whole conversation.

MR. WASHINGTON: Okay, I will send the document around during lunch and I will indicate to the entire subcommittee and I will indicate the sections that we have already already gone through and what the overall consensus check temperature check led to. We have 10 minutes before lunch. So Vanessa, can we go to 668.235? We won't do 234 because we got we got consensus on that language. And so here in the def, you can scroll down a little bit, Vanessa. Here we are. I think that's the end.

Yeah, I think that's good right there. Oversight entity. So here we are not proposing to amend the definition of oversight entity. This is probably going to be a conversation, so I can just provide you all with some information. So we do appreciate and share the subcommittee's interest in establishing a way to get stakeholder input. However, we have unresolved questions about how a formal federal formal advisory committee would be operationalized. We have learned that it would be required that it would require the Bureau of Prisons to be subject to the Federal Advisory Committee Act, which creates a separate, separate set of operational considerations. And we have questions about how the fees, how feasible it is to stand up such a formal committee in every single state so quickly until we have an opportunity to fully explore those specific issues, it's not something that the Department could commit to in supporting at the main table, and then we have proposed instead to require a stakeholder engagement by oversight entities included, including mandated engagement with incarcerated incarcerated individuals and their representatives, which does not create the same legal or operational hurdles that establishing a formal advisory committee would create. And we do appreciate the work of the subcommittee

that the subcommittee has done to encourage us to expand the role of stakeholders in the process, and we hope we can move forward with the language along these lines. I wanted to show the subcommittee we've already seen it, but I wanted to show the subcommittee what we had tried to do so, Vanessa, if you could scroll down just a little bit so people can see. Keep scrolling. It's probably in the best and it's probably in the best interest section. So I think it's I think it's 238 or 240, 241. Yeah, they're right there. Thank you, Vanessa. And so this is what we've tried to do to ensure that stakeholders would always be represented in in in the discussion, so thanks for scrolling down, Vanessa, if you could scroll back up to the oversight entity definition, that would be great and-

DR. ANDRISSE: I have my hand up.

MR. WASHINGTON: Yeah, no, I was just scrolling back up so we can begin conversation on on this on this piece.

MS. MCARDLE: Go ahead, Stan.

DR. ANDRISSE: So I need clarity on what you just mentioned, this is again the same, the same thing that I the conflict of interest, of having you as our facilitator for this. I mean, we we as a subcommittee are making recommendations and instead of incorporating them,

the Department of Education is just deciding to do what they please with it. I mean, I don't who what are we here for? Why am I here? Did why did you need to get any of us to the table if you're just going to use the language that you wish to use?

MS. MCARDLE: Aaron.

MR. WASHINGTON: Yeah, so I so, Stan, before you hopped on, I had had a similar conversation with Dr. McTier and I had I. I kind of just highlighted the fact that I was I am my role here was to first, just kind of present the language to you all and and just explain that I hope I've done a decent job with that. And just to provide you a little bit of background in the Department's rationale that you've seen a lot of the comment bubbles and also to let you know what the Department could support or would be likely to support at the main table. So while this is your recommendation, I just wanted to let you all know what the Department would likely support and what Department would likely not support at the main table when the actual main committee the primary-

DR. ANDRISSE: What you just explained is a conflict. You just explained why it's a conflict.

MR. WASHINGTON: I just I would just I just (inaudible).

DR. ANDRISSE: Your last part of what you said is said that you're here to help give us the indication of what the Department may or may not like, we don't need that. That's not what we're here for. We are here to present what we feel is the recommendation and bring that to the main committee and let the main committee, which has a Department of Ed representative on it as one of the voting negotiators to express their feelings of what you're doing. We don't need that at this point. It should not be, and it should not be the Department's opinions and perspectives should not be a part of this part of the process. This should just be our voices and you've silenced that. I don't know. I mean, why are we here? Is this just some circus act to put us up and try to say that you really reached out to experts, but then you're not taking our expert opinions?

MR. WASHINGTON: Yeah, Stan, I I think like when I when I'm trying to what I'm trying to give a response and I totally I hear you. Thank you for your comments. I and I am trying to give a response like I I would like to just get the entire thought out, and I sometimes maybe I'll run on and say the same thing over and over again. I do apologize if I do that, but I really would like to just get the entire thought out and then allow you the space to respond to it. So what I'm about

to say it may take 30 seconds or a minute, but I just want to be able to get what I what I what I would like to say out and then open up the floor for you to respond. And I would absolutely do the same for you. You can present a different recommendation. And that's what I told Dr. McTier this morning. So you have a disagreement here you have, it is clear to me and the public and the Department of Education staff listening in that you have disagreement here. We have your proposed definition definition noted in the comment bubble that will not I won't remove it, and I'm in fact going to email this to you during lunch. And when you and Belinda are presenting to the main committee. And so when you and Belinda present this to the main committee, please present your recommendation. If you present your recommendation to the main committee on how you would like to see the definition of oversight entity in the regulation.

MS. MCARDLE: Stan.

DR. ANDRISSE: I appreciate that, and, you know, I I respect that, you know what you what you've just said. And it still doesn't address the fact that you here is a conflict of interest, you not having, you know, consistently having our recommendations changed is a conflict of interest. It should be simply our voice. I understand that I am also on the main committee and a

voting member of the main committee, and I can express that it is in a bubble. But I don't want it to be in a bubble. I want it to be in the main text and I want my subcommittee members to decide whether it is included or not included. It should not be you that decides whether it is included. It should not be the Department that decides whether it's included or not included. It should be myself and my subcommittee members that decide that.

MR. WASHINGTON: I think we're going to have a a member of our general counsel in the afternoon speak more to my role on the subcommittee. I don't want to put Soren on the spot right now because we only have one minute until lunch. So I think we will have further discussion because that has been brought up several times. And so I think we have, and Stan, again. I want to circle back to your comments because we have one minute until lunch time. I think I've tried to cover your concerns as much as I can. And again, we will. We will have a member of our general counsel describe my role and say, I repeat myself a lot, so I apologize.

MS. MCARDLE: Stan, did you have another comment?

DR. ANDRISSE: Yes, and Aaron, believe me, like I respect you to the highest, you know, I mean, I think we had a conversation off the record. And you know,

I think I expressed that it's not you, it's the people that placed you here that that really that that really upsets me, that really frustrates me. I should say more than upsets me. It's not you. And I hope that you're not taking it as if I'm directing this at you. I'm saying the Department should not have placed you, whoever. If there was another person inside for you, I would have said the same thing that they shouldn't be in that role. And that's that's a conflict, and it's showing itself continuously how the Department is trying to place itself to do what the subcommittees were brought what the subcommittee was brought here to do.

MR. WASHINGTON: Thank you, Stan. I don't take it personally at all. Let's let's let's move to lunch and we'll come back at 1:00 p.m. and I will send everybody the document right now. Thank you all.

MS. BRITTON-BOSTWICK: Thank you.



