

THE ASSOCIATION FOR BIBLICAL HIGHER EDUCATION,
COMMISSION ON ACCREDITATION

CHAIRPERSON D'AMICO: We are going to proceed with the Association for Biblical Higher Education, Commission on Accreditation.

Mr. James, Good morning.

MR. JAMES: Good morning. Good morning, Madam Chair, members of the Committee. I'm back with you today to present the petition for continued recognition of the Commission on Accreditation of the Association for Biblical Higher Education, and you can find that at Tab F.

The agency's scope of recognition is for the accreditation and preaccreditation referred to by the agency as candidate for accreditation throughout the United States of biblical colleges and institutes offering undergraduate programs.

The agency is also requesting an expansion of scope of recognition to include undergraduate certificates as well as master and doctoral degrees and programs as well as programs offered through distance education.

The agency has accredited over 70 institutions, as well as six programs located in 34 States. Many of the agency's institutions use the agency's accreditation to participate in the Department's Title IV Student Financial Aid Program.

During the current review of the agency's petition, the staff observed an on-site evaluation accreditation visit to an institution. Based upon the observations, the staff observations of that visit and the analysis of the agency's petition and documentation, the staff found that the agency is in partial compliance with several sections of the criteria.

The staff found that the agency needed to develop several policies and demonstrate that it follows those policies in areas such as requiring institutions to receive prior approval if they intend to substantially increase the number of credit hours to complete a degree program; requiring institutions to receive prior approval before they open more than three additional

locations; notifying the Secretary and appropriate accrediting agencies within 30 days of receiving a notification that an institution has decided to withdraw its accreditation or let its accreditation lapse; and making available to the public the following information: the agency's accrediting documents, the institutions and programs that it accredits, and the names and qualifications of the agency staff and decision-making body.

In many cases, the practice was there, but there was no policy that followed through.

The staff also found that the agency was in partial compliance with several other sections of the criteria that will, in fact, take additional work. The staff wishes to point out that most of the remaining issues are linked to a decision that the agency made to not require what it terms as, quote-unquote, "essential elements" to be part of the standards.

The agency has developed broad standards and then stated several statements under each of those standards that would define what is necessary

for an institution to meet the standard.

These statements, again, are referred to by the agency as the "essential elements." However, recently, the agency revised all of their standards and after discussions with their institutions, they decided not to make the essential elements part of the standards.

While the essential elements are still listed under each standard, the agency's guidance to its institutions in their self-study guide states that the essential elements are not part of the standards, and only a guideline regarding what an institution can provide to demonstrate compliance with their standards.

Department staff concluded that without the essential elements, the standards were too broadly written to allow the agency to determine the minimum level of expectation of quality by which it evaluates the quality of education being offered in its institutions.

This issue resulted in the agency being cited in partial compliance with most of the

Department's ten standards and affected other sections of the criteria for recognition as well.

For example, without the essential elements, the agency cannot demonstrate that it consistently applies its standards as required by our criteria, and whether or not on-site evaluators are provided sufficient guidance to allow them to make standards compliance determinations during site visits.

In addition to the issues related to the essential elements, the staff also found that the agency did not fully comply with several other sections of the criteria. And these include: demonstrating that on-site evaluators receive comprehensive training on the agency's policies, standards and procedures.

While the staff acknowledges that the agency does, in fact, conduct training, it has not developed a standardized training program, but leaves the content of training that is presented to a cadre of training faculty. Therefore, the agency cannot demonstrate that all on-site evaluators

receive comprehensive training or that they receive the same training regarding what constitutes compliance with each standard.

The agency needs to demonstrate that it develops its own budget. The agency clearly demonstrated that it adopts the budget, but did not provide any information or documentation that demonstrates how it develops its budget or whether it levies and collects its own dues.

The agency needs to demonstrate that it pays for costs associated with joint use of the facilities and services and demonstrate that the joint use does not compromise the independence and confidentiality of the accreditation process.

The agency needs to adopt a modification of its policies regarding the definition of a public member that complies with the Department's definition and must demonstrate that public members on the agency's decision-making body comply with the agency's definition.

Department staff concluded that the agency's current definition did not meet the

Department's definition listed in its regulation and that one of the agency's current public members did not meet the agency's stated definition.

The staff notes that the agency has already taken action to address this concern.

The agency must demonstrate that it follows its own policy regarding the maximum time frame it allows for institutions to come into compliance with the standards.

The agency must modify its policy regarding teach-out agreements that requires institutions to submit agreements for approval by the agency regardless of the time of year it decides to close. The current policy only addresses institutions that decide to close in midterm.

Further, the agency must also state that the teach-out agreements must be between institutions that are accredited by a recognized agency.

Finally, the agency was cited for two issues related to its appeals process. First, the

agency must modify its appeal process to request that the body that makes the final appeal decision be recognized as a decision-making body or only allow the appeal body to remand decisions back to the agency. Currently, the body making the final appeal is binding on the agency and the institution.

The second issue concerned the agency's first of three levels of appeal that are allowed by the agency's policies. The staff was concerned that requiring an institution to pay for the first level of an appeal may discourage the agency to carry that appeal to the next level.

The staff's concerns are based on the fact that the first level of appeal is heard by the body that made the original decision and therefore this body may not allow the institution to receive a fair and unbiased hearing since that body had already ruled on the original decision, and the requirement that the institution pay for this level of appeal and therefore place a financial burden on the institution to an extent that it would not

pursue the appeal to the next level that would be heard by a body that had no previous knowledge about the original decision.

In responding to the staff analysis, the agency has already drafted revisions to its policies to address all of the staff's concerns and has stated that it will take all necessary actions to come into compliance with the criteria.

In reviewing the drafted policies, Department staff is convinced that if they are adopted as proposed, and if they can demonstrate implementation, that the agency will satisfy most of the issues raised in the analysis.

Regarding the essential elements, the agency responded to the staff analysis by stating that it revised its self-study guide to state the essential elements are part of the standards and now considers those elements to be part of the standards.

However, Department staff believe that changing the agency's stance on the essential elements constituted a major change to its

standards and, therefore, as required by our criteria, the agency needed to submit that change to its constituencies for comment prior to formally adopting the essential elements as part of their standards.

The agency just told me that, in fact, they have submitted those out to their constituencies. Their constituencies have overwhelmingly approved the essential elements as being part of the standards, and the agency will adopt or has adopted the essential elements as now part of the standards.

So they have, in fact, addressed that, and in fact addressed most of those issues with an expeditious manner and with, I believe, a complete intent of satisfying all of the staff's concerns.

Regarding the agency's request to expand their scope of recognition, Department staff concludes that the agency's standards and processes do not sufficiently meet the Secretary's criteria to grant their request.

There was one third-party comment that

opposed the agency's recognition. The commenter believed that the agency's biblically based accreditation does not meet the higher education standards and therefore does not merit recognition. Further, it believes that approval of the agency's accreditation activities violates the Constitution of the United States because it is the equivalent to the establishment of a religion.

Department staff found that the Secretary's recognition does not address the existence, nonexistence, validity or lack of validity of any of the agency's religious beliefs or practices of those of its members. You know recognition is expressly limited to what we state in our regulation, and therefore we found that the commenter's comments were really outside the scope of our recognition.

Therefore, the staff recommends that the agency's recognition be renewed for five years, and that the agency be required to submit an interim report by December 6, 2007 on the issues identified in the staff analysis.

Further, the staff recommends that the Committee defer decision on the agency's request to expand their scope of recognition until such time as the agency has and can demonstrate that it applies clear and comprehensive written policies, procedures and standards.

That concludes my remarks and I am, of course, now available for questions.

CHAIRPERSON D'AMICO: Thank you. Dr. Bowyer and Dr. Keiser.

DR. BOWYER: Thank you for that comprehensive review there. I think you did a good job with all the issues. So from what you're saying, since they have accepted the essential elements as their standards now, that would take care of at least seven of these 22 items; is that your count?

MR. JAMES: Could be more than that. I think that, well, you have the standards, but then you also have the other issues that were related to the essential elements, the consistency in applying the standards because--and those other issues that

were related to the essential elements, and that would impact perhaps compliance with those. I'd have to check and look and see how that would work.

DR. BOWYER: And some are policies, questions on policies that are under development--

MR. JAMES: Correct.

DR. BOWYER: --like you were saying--

MR. JAMES: Correct.

DR. BOWYER: --and the public member to expand their definition of--

MR. JAMES: Yes.

DR. BOWYER: --public member to--

MR. JAMES: Correct.

DR. BOWYER: And then the issue of training the evaluators and having a prescribed training package, that's under development, I guess, from your understanding--is that--

MR. JAMES: Well, I think, yeah, I'm sure the agency is addressing that. I think what the agency needed to do is to, you know, they needed to have ownership for the training that's provided to their on-site evaluators. So they need to take

ownership over that training, and so they can ensure that wherever the training is being delivered through their, as with their faculty-- what they call their training faculty, that that training would, in fact, be consistent so that all their on-site evaluators and the commissioners can receive the same training, and ensure that then they take that and apply that consistently in their evaluations as well.

It's not that they don't do training. I don't want that to be--

DR. BOWYER: Right. It's just that we're just not sure it's consistent.

MR. JAMES: But they need to accept ownership of that training module.

DR. BOWYER: And the first two items concern one on the budget and collecting its dues as well as developing its budget and adopting it, and then the one on the audits, on the cost for the joint use of facilities, you think those are--

MR. JAMES: The issue was that they couldn't demonstrate to me--

DR. BOWYER: Right.

MR. JAMES: --that they do it. There was no written guidance in their bylaws or policy to explain how the budget is developed, who developed it. They just say that they do it, and I would like to have some assurance in terms of how the budget is developed. They did say that they do pay for their fair share of the facilities that they jointly use. I had nothing that demonstrated that they do that.

And, of course, we're into demonstration. They have to demonstrate that and then they have gone back to their accounting agency, CPA, and asked them now to split that out so that they could then show that they, in fact, do cover those costs and that they do share and pay for their fair share of the facilities that they jointly use.

DR. BOWYER: And the same concern about the joint use compromising the independence and confidentiality of--

MR. JAMES: It's not that I don't think that necessarily that that has occurred, but again

they have to demonstrate that it's not occurring. That was the issue. You know they say it's not occurring, and they say their policies and procedures ensure that, but they didn't elaborate, nor did they demonstrate exactly how that occurs.

So I think the issue is not that I have a concern necessarily that they are being compromised in that area. It's just that they couldn't demonstrate it to me satisfactorily.

DR. KEISER: I wonder if I could follow on that. Why would you have concern when they share the same staff, they share the same facility, they share the same audit, I think they share the same budget. It looks like a duck; it sounds like a duck to me.

MR. JAMES: Well, it's not that they--they develop their own budget and they, you know, they collect some fees and they collect dues and so forth, but the key is whether they can demonstrate that that is an independent pipeline? They say it is. It's just that they couldn't demonstrate it. So I have no evidence--well, let's put it this way--

-there was no evidence that I could see that would show that their accreditation processes were compromised by the Association.

I couldn't see evidence--they don't appoint anybody. Their accrediting bodies are not appointed by the Association. They have that differentiation and split in that regard. I couldn't find anything that would cause me to fear that that was, in fact, happening.

DR. KEISER: Does the trade association collect the dues for the accrediting commission?

MR. JAMES: No, I think that the accrediting commission, the dues are sent in and then they are split out and they have full control over those dues, I believe. That is what I discovered anyway.

DR. KEISER: Well, who owns the accrediting commission?

MR. JAMES: Well, I don't know that anybody owns it in terms of--what do you mean by owns, I guess?

DR. KEISER: Well, is the accrediting

commission separately incorporated?

MR. JAMES: No, they are not, but then many agencies' accrediting commissions, where they have joint use of facilities, are not separately incorporated. But that doesn't mean that the agency--

DR. KEISER: Well, then, who owns the corporation? The board of directors of the accrediting commission or the board of directors of the trade association?

MR. JAMES: I believe the Association is the one that's incorporated. But the Accrediting Committee is not separately incorporated, but that's not true for all of the--you can still have money coming in that's earmarked for a specific area and put it into a separate budget.

DR. KEISER: Let me ask you this. When a bill is sent out to a member school--

MR. JAMES: And it's sent out by the Accreditation Committee. They send it out. And then it's sent back. I'm sure that they have their own account--

DR. KEISER: Whom is the check written to?

MR. JAMES: I couldn't tell you exactly who the check is written to. You'd have to ask the agency, but what I saw is that the bills are sent out by the agency, the money comes in, and I believe it's sent to a separate account or split out at least and is used, and they have a full accounting in terms of how much money they receive and they account for that amount of money.

DR. KEISER: But they don't have a separate budget.

MR. JAMES: They have a separate budget.

DR. KEISER: They don't have a separate audit?

MR. JAMES: No, they do not have a separate audit. But many agencies are not incorporated separately from their association. But that doesn't necessarily compromise their separate and independence.

DR. KEISER: Well--

CHAIRPERSON D'AMICO: What exactly--maybe I can get some clarification on this--is the

standard for the independent, separate and independent? What constitutes that?

DR. KEISER: It sounds like it does.

MS. WANNER: There is no requirement that they be separately incorporated. There is a requirement that if there is joint use of facilities that the agency pays fair market for them, and that it not compromise the independence of the agency. The agency's dues are supposed to be separately paid.

MR. JAMES: And as far as I could tell, that was happening. But to be separately incorporated was not, again, there are many small agencies that don't happen.

DR. KEISER: But I'm asking--I don't know why I have in my notes "does not collect its own dues," which send up all flags because that was one of the areas, which determined separate and independence.

MR. JAMES: Right.

DR. KEISER: So that's why I'm trying to figure out how this money--how is it sent out?

Because this is a very significant violation of our requirements.

CHAIRPERSON D'AMICO: Sounds like that's a question for the agency.

DR. KEISER: Yeah.

MR. JAMES: In fact, the agency was cited and they're going to have come back with that as well. They're going to have to provide more information on this whole issue, but my point is, is that when I looked at the agency, I didn't see anything in terms of that the Association was unduly influencing the agency regarding their accrediting decisions or their policies or procedures, which they adopt and they handle themselves.

And that's the whole point of the separate and independent, whether there was any undue influence, I couldn't see that anywhere.

CHAIRPERSON D'AMICO: But there's also the other standards that counsel mentioned.

MR. JAMES: Yes, that's correct.

DR. KEISER: You stated in section 602.17,

which was a very interesting, and I've never heard it before, where mature institutions were given a free ride or kind of didn't have to meet all the standards, and that is real troubling to me. Maybe you can explain how that worked and how they came to that decision.

MR. JAMES: Yes, and that was troubling to us. It's not that they were given a free ride. They were given an opportunity to go through an alternative accrediting process where it focused on, rather than in compliance with the standards, it focused more on a set of issues. These are mature institutions that had a long-standing history of compliance with the agency standards. These are just not any institutions that could request to go under this alternative accreditation process.

They had to have a long history of compliance with the standards. Instead of focusing on the standards, they would focus on a set of issues or problems, such as program improvement. These are issues that we have, so we're going to--

instead of going against the standards, we're going to provide you what we think are areas that we need to improve as an institution - - that will help our programs. Then we're going to demonstrate that we've developed objectives to address these issues and how we implemented these objectives, to show you that we've done this program improvement.

And we said, that would be an inconsistent application because we would require--we don't mind that you do program improvement. I think that's a wonderful objective, but we require that everyone follows the same standards and procedures that you would apply to every school so you could be consistent in how you reach your accrediting decisions.

CHAIRPERSON D'AMICO: Other questions for staff? Thank you. At this time, then, we would like to welcome members of the agency. Good morning. Yeah, it's still good morning.

DR. ENLOW: Good morning, Madam Chairwoman. I'm Ralph Enlow, interim Executive Director of the Association for Biblical Higher

Education. On my left is Dr. Randall Bell, Associate Director of ABHE, and on my right Dr. Charles Dyer, who is the chair of our Commission on Accreditation.

Let me just make a few remarks, and then if my colleagues wish to add anything, we'll do that briefly with respect to the Committee's time, and then respond to your questions.

First of all, let me express appreciation for the work of the staff in reviewing our petition. We found it be highly professional, extremely rigorous. As you know, we've had recognition by NACIQI for as long as it's existed in any form, and we found this to be the most rigorous review that we've undergone and we appreciate the rigor of it. We're committed to excellence, and as I told the staff in a teleconference call a month or so ago, we believe that feedback is the breakfast of champions. We have every intention to comply fully with the wishes and requirements of NACIQI, and we've been very, very vigorous in our response, which I'll

outline briefly.

Since receiving the analysis of our petition, we've been very, very hard at work. We received the petition in mid-October and we had until November 8 to provide an interim response, and so we had very little time to fully implement everything that is a corrective measure regarding compliance, but thanks to current technology, we've completed most of the work necessary to address the issues and we have actually enacted the corrective measures, and I'll give you some examples of exceptions to that where the possibility to enact a corrective measure involves the adoption of a criterion or something that requires broader comment and longer discourse in terms of our membership and so on.

The ABHE membership has overwhelmingly approved all of the proposed clarification to the effect that the essential elements are standards. Let me just take a respectful exception, if I may, to a statement made by the staff regarding the essential elements.

The Association underwent a comprehensive review of its standards and a complete reinvention of its standards about three years ago, and that was for the purpose of wanting to increase our excellence but also in view of the potential scope changes that we were involved in.

The staff suggested that we made a decision at the time we adopted our standards that the essential elements were not part of the standards. It would be our contention that no such decision was made.

In fact, what happened was that a subsequent production of a guide to institutional self-study left some fairly significant ambiguity regarding the extent to which the essential elements are to be construed as standards.

Our intent was to say, to get away from the notion that the whole of the standard is the same as the sum of the parts. We don't want accreditation to be an arithmetic game. We want to suggest that compliance with the standard means more than just ticking off all of the essential

elements. It means something more than that, and that institutions have the opportunity to engage what we describe as essential elements and to demonstrate their compliance or their deviation from those essential elements in ways that make the accreditation process meaningful and qualitative.

And so I would say that we would not agree that we made no such decision to include the essential elements as part of our standards. In any case, we immediately changed our guide to institutional self-study to remove this ambiguity, such that the essential elements are clearly construed to be inherent to the standards, and we had the Commission on Accreditation review that revision to the guide to self-study and unanimously approved it immediately.

When we received the staff response to our response, the final staff report, there was injected in there their interpretation that the inclusion of the essential elements as part of the standards was, in effect, the adoption of new standards. That was a surprise to us, but

nevertheless we complied and acted as expeditiously as we could to comply with the staff's request that we circulate this proposed reinterpretation, if you will, or clarification, or if you take the Department's view, change in our standards, to circulate that to our members.

We've done that, and that has been submitted and circulated for discussion and we've now got 100 percent response from our institutions in the affirmative. That is the approval of that interpretation is so overwhelming that it's a fait accompli.

There should be no ambiguity that the essential elements are inherent to our standards, and therefore any issues that are related to that should be so understood.

The constitution and bylaws' changes and additional essential elements that have been developed in response to the analysis are being circulated. These are things that have to be formally adopted at the annual meeting, and we expect by the February meeting that all of those

things will be off the table. We have no objection whatsoever to reporting on the fulfillment of those things in due time.

Now, we will need some help from the staff in clarifying what they perceive to be our deficiency in our proposed criterion with respect to facilities. We tried to use language that comes directly out of the regulations and we learned in the staff analysis, the final staff report, that for some reason, we still have not met what the staff considers to be a sufficient interpretation of that requirement and so we'll continue to dialogue with them about that so that we can make sure that we comply.

We have documentation that the commission's public member who was deemed unsatisfactory by the staff analysis, that that person has been dismissed from the Commission. We're now actively seeking a replacement commissioner, and we've beefed up our policy on public representation to make sure that the language of the regulation is actually in our

policy, and that policy has already been adopted. So the only implementation issue is simply appointing another public member to replace the one that we've dismissed.

Just a few more comments if you will, please. With respect to the expansion of scope for distance education, we've treated distance education throughout our history, and as you know, there was an introduction in the statute in the late 1990s that recognition for distance education accreditation, that would become a separate recognition, and that institutions that had previously recognized or accredited distance education would have continuing recognition for that function until the next cycle of review.

Unfortunately, inadvertently, our staff and the NACIQI staff, the Secretary's staff, overlooked the fact that in 2001, when we had our renewal, that we were supposed to apply for separate recognition for distance education, and so we didn't make that application in our petition, and therefore, unbeknownst to us until just the

recent submission of our petition, we have not had recognition for the accreditation of distance education for the past five years, and we believe that we've done everything that we need to comply with the requirements, and we respectfully request the scope change for that.

With respect to the expansion of scope for programmatic accreditation, we agree with the reviewers identified areas that need to be addressed. We're willing to accept his deferral recommendation so that we can make sure that we can demonstrate our compliance with all those things, and then again with respect to our request for an expansion of scope for graduate education, we believe that the clarification we've made regarding the essential elements and the other policies and bylaws changes that have taken place would be sufficient to support our request that we be granted this expansion of scope with the possibility of a follow-up report so that we can document compliance.

Let me ask if Dr. Bell or Dr. Dyer wants

to add any comments, and then we certainly would be very eager to answer any of your questions.

DR. BELL: I think you've covered it quite well. I think Dr. Enlow has summarized our progress quite well. I do want to make sure you understand that we've actually adopted the recommended policy changes and the new policies that were recommended by our staff review. These are now in force, and so those matters have been cared for.

I would like to speak to the issue of our dues. First, the Association is not a trade association in the sense that a lot of associations are. It's simply the roster of schools that make up our accredited membership, and we do collect the dues separately. We do now have a revised audit that shows that our commission is paying for those joint use things, and we have the audit copy right with us here.

CHAIRPERSON D'AMICO: Thank you. Dr. Keiser or Dr. Bowyer.

DR. BOWYER: I had a couple more

questions. When you say, the essential elements are inherent to our standards, in other words, you're saying that they are requirements for meeting the standards; right?

DR. ENLOW: Yes.

DR. BOWYER: Okay. All right.

DR. ENLOW: Yes.

DR. BOWYER: I know that's the language that the staff used and I didn't know if you were sort of dancing around that or not, but inherent sounds like it's the same thing.

DR. ENLOW: I didn't intend to.

DR. BOWYER: Okay. Okay.

DR. ENLOW: Thank you. Yes.

DR. BOWYER: All right. Just to be clear on that. And then on the policies that you say that have been approved, I know we heard on, I guess, several, but maybe not the entire list, and I guess particularly with distance education, you know, deferral, the staff, we need to have assurance and demonstration, I guess, that the on-site evaluators receive comprehensive training. Is

that, do you think that's clear?

DR. ENLOW: The staff's analysis, I think, was appropriate and fair that our approach to evaluator training has been to use our most experienced evaluators as a faculty, but much of the curriculum, if you will, for their training has been developed by those people without any consistent standardization of that curriculum.

And we recognize that that's a fair concern and we have taken steps to standardize that curriculum, and the only thing that we haven't done is actually conduct a training because the primary venue for that is in February at our annual meeting.

So we actually have developed a curriculum. We have developed a best practices statement for distance education that will be part of that curriculum, and we've stipulated that the training will include the standards for comprehensive and graduate level accreditation. There will be special curricular treatment of programmatic accreditation and distance education.

So all of those things have been provided for in our response, but it's fair to say they have not yet been implemented in the sense that the training has been conducted.

DR. BOWYER: So there is a written curriculum then for the training?

DR. ENLOW: Yes.

DR. BOWYER: The comprehensive training?

DR. ENLOW: Uh-huh.

DR. BOWYER: I don't know if there's anything related to the essential elements, if that comes into play again for the distance education standards?

DR. ENLOW: I believe so. I think most of the issues with regard--

DR. BELL: Yes.

DR. ENLOW: --with regard to the standards refer back to this issue of whether the essential elements themselves are intrinsic to the standards.

DR. BOWYER: And the self-study guide, was that changed?

DR. ENLOW: That's already been modified.

DR. BELL: It's already been circulated.

DR. BOWYER: Okay. Thank you.

DR. KEISER: Can you clarify to me what do you mean that the corporation is not a trade association; it's an association of the members? What do you mean by that?

DR. BELL: The Association is simply made up of the schools that are accredited with us and those who are working towards accreditation.

DR. KEISER: What is its purpose other than accreditation?

DR. BELL: Mostly professional development, but accreditation is the primary purpose of the Association, and then we conduct a lot of professional development as an association.

DR. KEISER: So it's representing the trade. How would you not call that a trade association?

DR. BELL: I guess I think of a trade association as sort of a guild, let's say, psychologists or lawyers or something like that.

DR. KEISER: Or Bible schools.

[Laughter.]

DR. BELL: So, I--

DR. ENLOW: May I say that we would accept the designation as a trade association as far as the regulations are concerned, as far as the staff view is concerned, and you may know that this was an issue in our recognition in 2001. We were asked for a follow-up report regarding the separate and independent aspects of the relationship between the Association and our Commission on Accreditation.

We submitted an interim report, which was approved, which had specific measures that we had undertaken to ensure that they were separate and independent, and that there was no undue influence and so on.

And so we're eager to comply with whatever it is NACIQI wants us to do in order to demonstrate that this is a separate and independent entity in a way that's consistent with the regulations themselves.

There's no attempt on our part to try to dodge these requirements. As far as we knew, we

submitted an interim report. The measures that we had proposed were accepted and we've been operating on that basis ever since.

I think it's fair to say, for example, the staff noted that although, you know, the budget was developed separately or that the budgets were approved separately by the Association and the Commission, there was no policy, written policy, on developing the budget that make it clear that the development of the budget and setting fees for the Commission on Accreditation were their business and they were not the business of the Association.

That policy has now been written and adopted. The audit didn't have a clear note and a separate schedule in it that showed where the expenses for facilities and equipment and so on were actually expended. There was payment from the Commission on Accreditation out of its resource base to the Association for the use of those things. That's now in the audit, and there's an auditor's note using the language of the regulation, that the Commission is separate and

independent from the Association, and that it collects its own dues and that expenses that are appropriate are allocated and there are charges and so on.

DR. KEISER: Okay. If you're a member, that means you're accredited; right? Are there members who are not accredited?

DR. BELL: We allow candidates to be members. However, when it comes to voting, they have voice but not a vote.

DR. KEISER: On an annual basis, when you send out a dues notice, who sends it out?

DR. BELL: It goes out from--we have a--

DR. ENLOW: Actually we send out two different notices. We send out a notice for fixed dues, which are in support of the Association. And then six months later, we send out another notice for dues that are in support of the work of the commission.

DR. KEISER: And that second dues, does that cover the entire cost of the Accrediting Commission?

DR. ENLOW: Accrediting Commission, yes.

DR. KEISER: So there are a separate--

DR. ENLOW: There's separate set of dues that are strictly for the Commission on Accreditation discretion.

DR. KEISER: Why was that not clear when the staff member was there?

DR. ENLOW: I think it was clear. The issue is that there was no policy stating two things. First of all, there was no policy stating that the Commission actually developed its own budget, and our contention was what group of people like this actually develops a budget? Usually a budget is developed by staff and there is some process by which there's an interaction between the body itself and the staff in terms of developing a budget and having that budget approved.

The budget has been approved by the Commission on Accreditation every year, but we couldn't document a policy that governed the process by which that the budget was developed separately and independently.

We now have such a policy and that procedure has been followed and will continue to be followed.

DR. KEISER: Are all the employees separately paid? I mean is there--

DR. ENLOW: There's one corporation.

DR. KEISER: Do they cross back and forth between functions of--

DR. ENLOW: No, there are Commission employees and Association employees that are paid out of the two separate budgets. So there are salaries for the Commission employees and salaries for the Association employees. And the revenue and expense is allocated according to those designations.

DR. KEISER: I have a question for staff, John particularly. I too have a question that the agency had on the facilities because I saw it on two or three others that came up, that will come up in the next day or two. What are we trying to accomplish in the specificity of defining what are appropriate facilities?

I think a couple of the nursing boards have that same problem. I'm not sure, I personally am not sure where the staff is going with that.

MR. BARTH: I need a refresher here.

DR. KEISER: When the facilities come up, usually commissions say appropriate to the objectives of the program. And then that's where you're wanting a specific statement, as you must have this kind of facility? And I'm not sure we've been doing that. And those seem to be a change in policy.

CHAIRPERSON D'AMICO: Mr. James, can you help on this particular issue, and then give John a little time to regroup here on the general.

MR. JAMES: Yeah, I think what we're looking for is from the agency's perspective, what are the minimum facilities requirements you would want to look at your schools? For example, do you want to say that you have to have a room for student advising? Do you want to have a room for administrative facilities? What's the minimum requirement? Do you expect that those, at a

minimum, that there should be facilities available to conduct student advising or is it okay that you do it out in the hallway, you know, that type of thing? What are the minimum requirements you're looking for in terms of the facilities you want your evaluators to look at with. The intent is not to say what is sufficient but to have the agency define what is the minimum.

It doesn't say you have to have five classrooms. You have to have room for whatever. So your evaluators are always looking for those within that framework, within those boundaries in terms of what they're looking for. That, I, think is what we're looking for.

DR. KEISER: Again, that's problematic because the scope of each program is very different, and size is appropriate to the number of students, to the institutional objective and to the mission, and I think most of the accrediting agencies deal with that -- is it appropriate to meet the objectives of the student, and I would oppose, and I didn't think we had done that

previously, that we're prescriptive requiring accrediting commissions to define where you've got to have 250 square feet for faculty or 25 square feet per every student, something like that.

MR. JAMES: No, I'm not saying that at all. That's not the intent at all.

DR. KEISER: How would you define it, let's say, a Bible college which maybe doesn't require laboratories?

MR. JAMES: Well, the point is I'm asking the agency to define, not necessarily by size, but what types of facilities would you minimally require that would be available to students, faculty and administrative staff if you're looking at it? You look at what your constituencies are, and they may have something more than that to meet their objectives and their mission. They may have--but what is the minimum that you're going to look at when you're--I don't say you have 250 square feet per student or you have to have, you know, five classrooms.

I'm just saying what is it that you're

looking--what do you want your evaluators to minimally look at to establish that they're--

DR. KEISER: Isn't that where the word "appropriate" comes in and that's what they do, and I think that's what all the other commissions tend to do? That the facilities are appropriate for the institution to meet the objectives?

MR. JAMES: Well, again, my experience is that most agencies will at least define within a framework what they're looking at minimally. They may not say you have to have five classrooms, but you got to have sufficient classroom space, which is appropriate for the student body that exists on that particular institution.

You got to have sufficient office space to meet the faculty needs, whether they are adjunct or permanent faculty. You might have a private area where student advising or counseling is conducted. And it may be they don't. Whatever that minimum is that you're looking at, so that they could say, well, you have what is appropriate to your mission. What are the minimum facilities -- I think that's

what we're looking at.

CHAIRPERSON D'AMICO: Does that answer your question?

DR. KEISER: It answers my question, but I'm not agreeing with it.

[Laughter.]

MR. JAMES: I accept that.

CHAIRPERSON D'AMICO: Other questions from the Committee for the agency? Thank you very much. Could you shut off your microphone before you leave? Thank you. Thank you very much for coming today.

There was one third-party presenter, Mr. Sumner Scott. Mr. Scott, I believe you were here yesterday so you know that we have a five-minute rule and we do have a timer, so we will let you know when you're close to that five minutes. Thank you for coming today.

MR. SCOTT: Thank you very much. My name is Bill Scott. I'm with Judicial Equality Foundation. We're a public charity. We're interested in the use of formal education to achieve peace. As presented in our opposition

yesterday to the American Bar Association petition, the role of organized religion and world violence is not currently studied.

The Torah, Bible and Koran all come from the same verbal tribal history. If you doubt that, I commend Dave Anderson's *The Infidels* to you because he has done a thorough study of that history.

The teaching of Deuteronomy, chapter 13, verses six to nine that proselytizers of other religions must be put to death is the basis for the wars and occupations of Afghanistan and Iraq. The last time the Bible was involved in American war was when Abraham Lincoln was elected on the platform that included that this country had enough of Leviticus, chapter 25, verses 44 through 46, that grants permission for slavery.

Why the Bible has continued to be the word of God and the people who teach it aren't held accountable by committees like yours and by the Department of Education is beyond our belief.

The Civil War presented history that

teaches exactly where we are in today's situation. Formal education failed this country in 1860 just as it does today. Bible association members continue to teach that the sole word of God. Some believers in different sources of the word of God are willing to kill non-believers.

The murder of Theo van Gogh, abortion doctors, and Pamela Waechter in Seattle must not go unnoticed by academia. The President justified his veto of Federal funds for embryonic stem cell research by his religious view that the embryo is life.

The hearing that preceded that decision was less than the one that was afforded to Galileo. The source of the president's misguided action is the failure of academia to distinguish between organized religion and the individual right to believe as they choose.

The word "religion" has been abused to include the unregulated business of the views of people who want to teach us how to think and how to behave, that thinking and behavior should begin in

this room, it should not begin in a 2,000 year old book.

Once God is believed to be in agreement with whatever the thought process is religious abusers can look to Michael J. Fox in the eye and tell him the Federal government will not do all it can to cure Parkinson's and other similar diseases. We can go over and we can bomb innocent people and we can expose our people to retaliatory action from those who don't agree that our position is correct.

It's time to put a stop to this. Albert Einstein said the first line of defense to totalitarian action is our educational community. For the staff to tell you that this is beyond the scope, that you cannot examine the content of what these people teach is beyond the pale.

The correction of this abuse begins in this room. You've been charged with the responsibility to recommend who will get Federal funding to educate America's children. To continue to permit written history or myth including the Bible to be taught as the word of God would be a

dereliction of duty by this Committee.

It would also sanction a religion in violation of the First Amendment of the U.S. Constitution.

For the record, we ask that this Committee presentation be videoed. We thought all of you should be on YouTube. It was denied. I think a public hearing should include that all public communication be used. We can't do this in a vacuum anymore. We have to have people who are using 100 percent of their brains. You can't limit your thought process and take a word and make it stop you from thinking about what's being taught to our children.

We all have a right to our free belief and what we think about our own religion. We don't have a right to collect together and say other people are wrong and we are going to go bomb them.

Thank you very much.

CHAIRPERSON D'AMICO: Thank you for your testimony. At this time, are there other comments that the agency or the Department would like to

make?

DR. BOWYER: I have a question for Bill, if he could come back up. Going back to their comments on distance education and asking that that be recognized, they say that they have done the comprehensive training, curriculum, and that's in place. Have you seen that? Or, no?

MR. JAMES: No, I have not, and that's why I would defer until--

DR. BOWYER: Yeah, right.

MR. JAMES: --we've had an opportunity to really review all of those things.

DR. BOWYER: Okay.

MR. JAMES: To see whether all the final policies they've adopted were, in fact, exactly as they stated that they were going to be adopted or whether they've been modified in certain ways that may not be consequential to the agency, but somehow the wording that's been adopted might have be problem for us. I don't anticipate that, but it's always wise to do that in my opinion.

DR. BOWYER: Sure. And then what they

said, that the standards that they were using for distance education were related to those essential elements? Is that your understanding?

MR. JAMES: Yes, there are some essential elements. Like he said, essential elements under each of the standards.

DR. BOWYER: Right.

MR. JAMES: And there are a few of those that were related to distance education as well. They have, in fact, put together a paper, what they call "The Best Practices in Distance Education," which I quoted part of that, I think, in the analysis or in the response--in the analysis under their response, which I think if they were to take those and make those in some way linked to the standards, I think would be adequate at this point, at least from what I have seen of it. But I still would like to see exactly what they're going to do with that.

DR. KEISER: Bill, can you speculate why over a period of five years when they were approved and met the standards, they have drifted to where

30 percent of the standards are not being met?

MR. JAMES: Well, again, the links with the essential elements are what caused most of the standards to be out of compliance, so, and while I respectfully disagree with the agency, maybe we have a philosophical difference of opinion, but when their self-study puts in bold these are not part of the standards, you take that at face value that they're not part of the standards, and therefore you assume that the essential elements are not part of the standards because that's what they specifically stated in their self-study guide.

So I think that's what caused a lot of the problem.

The other issue is they've revised all of their standards entirely, and in the process certain things can--and their polices, too, -- can fall through the cracks, I think.

CHAIRPERSON D'AMICO: And in your mind, the five-year renewal is justified because why?

MR. JAMES: Well, I think the five-year renewal is. We look at agencies not necessarily by

the number but also the situation with the agency and what they've done and how they've acted, and what actions they've taken. I think in this case, a great majority of those findings were all linked to that one element of the essential element, that one issue.

And if they correct that, a lot of these things fall away, and it's obvious, I think, from the agency's response that they've taken an immediate action to address all of these, and I anticipate that within a year, they're going to come back and they'll have these addressed. That's my anticipation. And working with the agency, I think that they're--as they stated, they're fully dedicated to that, and I think that was the reason why the Department went in that direction.

CHAIRPERSON D'AMICO: Other questions for staff? Thank you. At this time, then, is there a motion?

DR. BOWYER: Yeah, I'd like to move that we renew the agency's recognition for five years and request an interim report by December 6, 2007

on the issues identified in the staff analysis pertaining to--and should I read all these numbers into the record--no. There's a series of items here.

And also that we defer a decision on including distance education, masters and doctoral degrees, and programmatic accreditation in the agency's scope of recognition until the agency demonstrates that it has and applies clear and comprehensive written policies, procedures and interpreted criteria for the areas identified in the staff analysis in its accreditation processes.

CHAIRPERSON D'AMICO: And presumably the soonest they could do that would be December of next year?

MR. BARTH: For?

CHAIRPERSON D'AMICO: The distance ed.

MR. BARTH: They theoretically could come back for your June meeting, depending on when they got materials to us. Since the recommendation includes an interim report, probably unless there are other issues for the agency, the most likely

timing would be the same time you address the interim report.

They could come earlier if they so desire. There's no regulatory provision that precludes that.

CHAIRPERSON D'AMICO: Is there a second to the motion?

DR. KEISER: I will second the motion.

[Motion made and seconded.]

CHAIRPERSON D'AMICO: Discussion? Art.

DR. KEISER: I'd kind of offer an amendment to remove, let's see, the facilities. I don't know why I can't find it all of a sudden. Oh, 602.16(a)(iv).

CHAIRPERSON D'AMICO: Do you know what page of the report it's on, Art?

DR. KEISER: It's on the second page of the staff report.

MS. PARIS-ALBERTSON: You're correct. 602.16(a)(iv).

DR. KEISER: I'm reading 6(c) of their manual, and they have six points that address that,

evidence that identified physical resources are needed and a planning process that sufficient personnel, procedures in place, provide maintenance and a clean physical plant, adequate facilities that are operated in compliance with applicable safety, health and disability access codes, appropriate provisions for the protection of facilities and personnel, and threat of harm or loss, owned or leased facilities that assure continuity of educational offerings.

I think that's more than comprehensive and I would make an amendment to remove that one section.

MS. FISCHER NEWMAN: I'd like to address that. Is that okay? I find myself disagreeing, but not necessarily because of the standard that's being referenced. I did agree with the staff analysis on this, and one of the reasons is because from experience on another commission on which I serve, facilities become important in that the so-called existence of the school, the what are they, what are they doing, do they have the facilities to

do it, and if not, then are they granting degrees that possibly they shouldn't be granting.

I'm not suggesting distance learning or in other types of learning that facilities obviously are important. But in this case, I think the standard is appropriate and I think having further information on the standard is important.

DR. KEISER: Well, I don't disagree that the standard is not appropriate, but I think they address it in their comprehensive standards. On page six of their comprehensive standards, it's fully addressed. And I pulled that. That's what I'm saying, in this particular case, there has to be a planning process, they have to have personnel to maintain it, they have to have that to meet the health and safety and disability access issues.

They have to assure continuity of educational offerings. I'm not sure what else you would want to put in there other than you have to have 14 offices, you have corner offices for--I don't think that's appropriate. I think that is where judgment would take place of the team, and

I'm not sure how you would define what appropriate is, other than when you look at the mission of the institution.

CHAIRPERSON D'AMICO: There is a motion, though, to amend yours on that, and so we do have a second to that motion. Okay.

DR. PRUITT: I'll second it.

[Amendment made and seconded.]

CHAIRPERSON D'AMICO: Okay. Now we're legal and we can have some discussion on that amendment.

DR. BOWYER: Is this a case where the essential elements spell all this out like you're reading right now and those were recently accepted before the staff made it's--

DR. KEISER: You know what? You are right and I apologize. I'm going to withdraw my motion. You're right. You're right. I just realized that.

CHAIRPERSON D'AMICO: What are you right about? I have no doubt you're right, Dr. Bowyer, but what is it that you're right about?

DR. BOWYER: Yeah, just the essential

elements--

DR. KEISER: She's right.

DR. BOWYER: --have recently been, it's been made clear, I guess, that they are part of the standards. As the gentleman said, they're inherent to the standards, but they're requirements for meeting the standards, but that's just been a recent thing that the staff, I don't think, has seen implemented and so I think it's maybe premature to--

MR. BARTH: If I could, though--

DR. BOWYER: It may not be the case.

MR. BARTH: A clarifying point here. I think Dr. Keiser still has an issue here, in that our analysis at this time says that even if the essential elements are adopted and made a required part of their standards, that there would still be a deficiency in this area. So that's where the staff analysis stands at this time. So I think there is relevance to the amendment that Dr. Keiser has offered.

CHAIRPERSON D'AMICO: Dr. Pruitt.

DR. PRUITT: Yes, and that's why I wanted to support the recommendation. I think Art is absolutely right. I think the statement that was described, they do have a responsibility to require that the facilities are adequate and appropriate to their mission and function. And a review team ought to look at that.

And that's traditional, and I don't know-- and every accrediting body does that. But to begin setting minimum square footage requirements, I think goes far beyond what's reasonable to put in a requirement for an agency review of accreditation. I think adequacy lends itself to the professional judgment of the reviewers.

CHAIRPERSON D'AMICO: Let's regroup on what your motion actually did.

DR. KEISER: I withdrew my motion because it was pointed out that those were the essential elements, which at this point are not part of the standards and are--therefore the motion would stand because--

DR. BOWYER: Excuse me. As John was

saying, on page 14, I guess Bill did take--it says for this standard, you know, even taking those into account, he still thinks there's insufficient specificity which is I think your concern, so--

MS. FISCHER NEWMAN: But he also hasn't stated a minimum of any kind. He just thinks it's insufficient and it requires further review. So, I'm not convinced that we don't leave it the way it is and let them continue to do their jobs.

DR. KEISER: Well, I agree. And I withdrew my motion.

CHAIRPERSON D'AMICO: Good.

MR. BARTH: I think the distinction that Bill made here that staff have made in the analysis is that although the essential elements address many components that you would wish to see in a facility standard, that there wasn't phraseology, and this may be a fine hair-splitting point we made, but there wasn't phraseology in there referencing adequate to the educational mission and objectives.

DR. BOWYER: It still would be fairly

general and not square feet or anything like that.

CHAIRPERSON D'AMICO: So at any rate, you withdrew your motion. It's not an issue anymore. So we're back to the original motion as read by Dr. Bowyer. Is there discussion on that motion?

Okay. I'll call for the question. All those in favor of the motion signify by raising your right hand.

[Show of hands.]

CHAIRPERSON D'AMICO: Those opposed?

[No response.]

CHAIRPERSON D'AMICO: Motion passes unanimously.