



NASASPS Annual Conference

Phoenix, Arizona
April 30 – May 3, 2023

Conference Program

Sunday, April 30

- 3:00 - 7:00 pm **Registration**
- 5:00 – 6:00 pm **First Time Attendee Reception**
- 6:00 - 7:00 pm **Welcome Reception**
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Monday, May 1

- 7:30 am - 4:00 pm **Registration**
- 8:30 - 8:45 am **President's Welcome**
- 8:45 - 10:00 am **Opening Keynote - disRESPECTING Borders: How Could We Support the Mental Health Needs of Virtual College Students?**
Dr. Kizuwanda Gayden Grant - Chief Administrative Officer, Paul Quinn College
Paul Quinn College has operated a campus-based Mental Health and Wellness Clinic for the last six years. The clinic started when the overwhelming majority of our students were in person and residing on campus. The makeup of the student body completely shifted during the COVID-19 shutdown of 2020 to 2021, and has continued to shift since the College has returned to in-person operations. This semester, spring 2023, the majority of Paul Quinn's students are 100% online. These online only students could be anywhere. In fact the majority of our online only students are in California, Michigan and Ohio. Paul Quinn has implemented an intrusive advising model which provides for one on one mental health assessments for all incoming students. This session can be completed in person or virtually. The data collected from the assessments is used to plan for mental health related programming for the coming year, such as stress and anxiety management, recognizing toxic relationships, suicide prevention, drug and alcohol issues, etc. The data also allows us to identify students who may need individual counseling from our on campus professions, or need psychiatry services (counseling, prescription support) through our partnership with UTSW School of Psychiatry. This approach works perfect for PQ students who are on campus, taking courses in person, or even if they are 100% online in Texas. During the enrollment shift of the COVID-19 Pandemic we were faced with a dilemma of denying mental health services to PQ students who were outside of Texas due to the pandemic and now we are faced with students outside of Texas who do not intend to report to campus as a PQ student nor move to Texas. This session will discuss this interesting dilemma and propose a possible solution for concerned

stakeholders to consider. The goal is to inform NASASPS members of the challenges of providing mental health services to students who do not maintain or fall into expected state borders and to discuss how other state licensure or state approval processes (such as teacher certification, distance learning) have addressed similar concerns in their fields of expertise.

10:15 - 10:45 am

Compromise or Contention: Postsecondary Education in a Divided Congress

Nicholas Kent - *Chief Policy Officer, Career Education Colleges and Universities*

The 2022 midterm elections resulted in a divided Congress, ensuring gridlock in Washington, DC for at least the next two years. This will make enactment of major postsecondary education policy initiatives extremely difficult. To work around these obstacles, President Biden is expected to expand his use of executive orders and administrative processes to carry out his ambitious postsecondary education agenda. This session will cover the education policy priorities of the 118th Congress that include newly launched investigations and oversight of the Biden administration's Department of Education. The presenter, a higher education policy specialist, will also explore a range of proposals the administration has been promoting to make education beyond high school more affordable and to hold institutions accountable. The session will conclude with an overview of how the federal judiciary is poised to reshape American postsecondary education on contentious topics ranging from affirmative action to student debt relief.

10:45 - 11:15 am

An Update Regarding the U.S. Department of Education's Regulatory Agenda

Aaron Lacey - *Partner and Practice Chair, Higher Education Practice, Thompson Coburn LLP*

Katie Wendel - *Counsel, Thompson Coburn LLP*

Aaron Lacey and Katie Wendel, senior members of Thompson Coburn's Higher Education practice, will provide a detailed review of the U.S. Department of Education's sweeping regulatory agenda. We will discuss the negotiated rulemaking cycle initiated in the Fall of 2021 as well as the current proposed Title IX rule. We will review the final regulations that become effective July 1, 2023 as well as discuss those regulations still in the rulemaking process. We will focus on issues that are expected to be of particular interest to state regulators and speculate on the impact of the rules on the regulated community.

11:15 - 11:45

Joint Q&A

Nicholas Kent - *Chief Policy Officer, Career Education Colleges and Universities*

Aaron Lacey - *Partner and Practice Chair, Higher Education Practice, Thompson Coburn LLP*

Katie Wendel - *Counsel, Thompson Coburn LLP*

Noon - 1:30 pm

Welcome Lunch and State Updates

Join us for lunch and a review of the results of the Spring 2023 State Regulator Updates survey.

1:45 - 2:45 pm

Concurrent Sessions:

1. Assessing the Financial Stability of Private, For-Profit and Selected Non-Profit Institutions

Ross Miller - *Director of State Authorization and Reciprocity, Indiana Commission for Higher Education*

Ken Sauer, Ph.D. - *Senior Associate Commissioner and Chief Academic Officer, Indiana Commission for Higher Education*

Because of the Board of Proprietary Education's experience with sudden, unplanned closures of BPE-authorized institutions due to their adverse financial positions, as well as uncertainty about the financial health of institutions seeking authorization from BPE, it was determined that the Board needed to go beyond the aggregate federal Financial Responsibility Composite Score (FRCS) to gain better insights into the financial health of institutions overseen by the Board. For this reason,

the Commission for Higher Education contracted with Plante Moran, PLLC to help analyze the components of the composite score in the context of audited financial statements and to provide additional financial analyses for at risk institutions, as needed.

1:45 - 2:45 pm

Concurrent Sessions, continued:

2. Improving State Authorization Policies, Processes, and Practices to Address Institutional Closures

Dustin Weeden - Senior Policy Analyst, State Higher Education Executive Officers

John Lane - Vice President for Academic Affairs and Equity Initiatives, State Higher Education Executive Officers

Since 2004 nearly 12,000 postsecondary education campuses have closed, disproportionately affecting the educational outcomes of marginalized student populations. The State Higher Education Executive Officers Association (SHEEO) has completed a series of multi-year research studies that explore the impacts of state regulatory policy on the outcomes of students who have experienced an institutional closure. In this session, SHEEO will present the results of these studies and provide emerging best practices for improving state consumer protection policies, processes, and practices.

3:00 - 4:00 pm

Concurrent Sessions:

1. Building Belonging for School Personnel: Key Insights from Research to Practice

Dr. Terrell Strayhorn - Professor of Higher Education and Women's, Gender & Sexuality Studies, Illinois State University

School and district leaders face formidable challenges in the wake of the global COVID-19 pandemic that posed an existential threat to education. For instance, recent federal data show signs of student enrollment declines, government financial support shortages, and record-breaking teacher/staff turnover, amid the "Great Resignation." Teacher/staff turnover and school morale are linked to several factors, one of which is workplace belonging, although extant research on the topic is sparse. In this session, the speaker will present key insights from current empirical research on the topic, highlighting how educational leaders can build staff belonging in schools and districts.

2. Keeping Up with Changes to Federal Regulations on Changes in Ownership and Financial Responsibility

Jonathan Tarnow, Esq. - Partner, Faegre Drinker Biddle & Reath LLP

David McClintock, CPA - Managing Director, McClintock & Associates, P.C.

The U.S. Department of Education has been applying various and often unwritten rules and policies over the last two decades related to changes in ownership and financial responsibility. Through the recent rulemaking processes and new formal policies, it is again making changes to its change of ownership and financial standards, some of which take effect as early as July 2023. While these regulatory changes arguably provide greater transparency as to the Department's standards and processes, the degree of changes also can be confusing and create uncertainty as schools navigate requirements across the regulatory triad.

4:15 - 5:00 pm

Concurrent Meetings:

1. NASASPS Business Meeting

Open to all NASASPS member levels.

2. SAN Meeting

Tuesday, May 2

8:00 - 9:30 am

Breakfast Sessions:

1. **Regulator Breakfast**
2. **Attendee Networking Breakfast**
3. **WCET/State Authorization Network (SAN) Member Breakfast**

9:45 - 10:45 am

Concurrent Sessions:

1. **Creating Institutional Resources: Best Practices and Tangible Resources from Georgia**
Michael Kaiser - Program Manager - Initial Authorization, Georgia Nonpublic Postsecondary Education Commission
James Cheek - Senior Regulatory Specialist/Financial Assessment Coordinator, Georgia Nonpublic Postsecondary Education Commission

Over the past several years the Georgia Nonpublic Postsecondary Education Commission (GNPEC) has worked to create resources that schools (particularly unaccredited institutions) can use to meet the state's Minimum Standards Criteria. In this session we will present the full range of our efforts, share tangible resources with attendees, and conclude with a group discussion about what resources other states offer and what challenges they are facing.

2. **Understanding and Ensuring Professional Licensure Outcomes: A Practical How-To Guide**

Kristian Maul, JD - Co-Founder and Principal, Higher Education Licensure Pros LLC

Nan Kalke, PhD - Co-Founder and Principal, Higher Education Licensure Pros LLC

During 2022 negotiated rulemaking, the Department of Education proposed that in addition to disclosing whether programs meet educational requirements for licensure in all U.S. states/territories, institutions will need to "ensure" programs meet requirements anywhere students are located. Presenters will share their experience working with institutions to meet current disclosure requirements and prepare for possible expanded responsibilities, by creating policies, building institutional infrastructure, and conducting the research and curriculum comparison required to understand and communicate educational requirements for licensure. A comprehensive best practice guide with research templates, forms, and examples will be provided.

11:00 am - Noon

Concurrent Sessions:

1. **Academic Program Review Process**

John Ware - Director, Ohio State Board of Career Colleges and Schools

Crystal Puderbaugh - Director of Academic Affairs, Kansas Board of Regents

One of the central functions of most state regulatory agencies is the review and approval of academic programs. This approval process can be a challenge due to the wide variety of programs reviewed and the limited resources states have for performing this important task. This session will discuss how different states review and approve academic programs and how the process can be improved or streamlined.

2. **Borrower Defense to Repayment: A School's Perspective**

Christopher Fagan - Associate General Counsel, University of Phoenix

Srini Med - Vice President & General Counsel, University of Phoenix

Tom Jankowski - Vice President and Deputy General Counsel, University of Phoenix

Benjamin Welling - Vice President and Deputy General Counsel, University of Phoenix

Hear about borrower defense to repayment from a school's perspective. This presentation will cover the history of the borrower defense to repayment rule, the current rule and future direction, Department of Education actions related to the rule, and tips for what to do should your institution receive a borrower defense claim from the perspective of an institution.

Noon - 1:30 pm

Lunch on your own

1:30 - 2:00 pm

An Opportunity to Improve the State Authorization Reciprocity Agreement

Carolyn Fast - Senior Fellow, The Century Foundation

Robert Shireman -Director of Higher Education Excellence and Senior Fellow, The Century Foundation

This year, NC-SARA announced a new procedure for proposing changes to the policies that govern states' and institutions' responsibilities under the State Authorization Reciprocity Agreement (SARA). The new NC-SARA policy modification procedure elevates states' voices in decision-making and provides an opportunity for states and outside parties to submit proposals for improvements to the agreement's policies. Also, the U.S. Department of Education has indicated that it plans to amend the federal regulations on Title IV certification procedures in a manner that could require changes to SARA. This presentation will update state regulators on NC-SARA's new procedure for proposing policy changes to SARA and provide an overview of the policy change proposals that are being considered, along with the timeline for their consideration. Participants will also hear an update on the federal rulemaking related to reciprocity and have an opportunity to discuss ideas for improving consumer protections in the context of reciprocity and federal regulations.

2:00 - 2:30 pm

Working Together: NC-SARA and the SARA Community

Marianne Boeke - Vice President, Research & State Partnerships, NC-SARA

Jared Abdirkin - Director, State Authorization Reciprocity Agreements (SARA), New England Board of Higher Education

Sam Loftin - Director of Consumer Protection, Washington Student Achievement Council

This session will share a presentation and discussion about how SARA works with particular emphasis on the NC-SARA organization itself and board structural changes that have happened this last year. We will share an overview of what states can expect in the coming year, including an update on proposed federal language that could impact SARA as well as the new SARA Policy Modification Process. This session will conclude with a website tour of the publicly available resources available on the NC-SARA website. Ample time will be dedicated to a discussion about ways to better share information regarding SARA and ideas from participants for continuous SARA improvements.

3:00 - 4:00 pm

One State, Two States, Three States: State Authorization and SARA

Melanie Booth, Ed.D. - Vice President, Educational Programs and Engagement, NC-SARA

Lanna Dueck - Executive Director, Arizona SARA Council

Kevin LaMountain - Executive Director, Arizona Private Postsecondary Education

Cynthia "Cyd" Grua - Office of the Commissioner for Higher Education

A panel discussion on how SARA authorization wraps/coordinates state authorization of distance education in three different types of states: A state where the SPE is also the state regulator, a state where the SPE works with a board and works closely with state regulator, and a state where the SPE is not the same entity as the state regulator. This session will highlight the different structures and how we can work together on state authorization.

4:15 - 5:00 pm

Concurrent Meetings:

1. NASASPS Annual Meeting

Open to NASASPS regular members only.

2. SAN Meeting

Wednesday, May 3

8:30 - 9:30 am

The Small Investment Today - That Builds Stronger Communities Tomorrow

Shelley Mann - Associate Director of Programs, Swipe Out Hunger

Dr. Vashi Worley Moore - Student Services Specialist, Sr, Phoenix College

Lynette Kuhn, M.Ed - Division Chief, Pennsylvania Department of Education

Before the pandemic, over 1/3rd of American college students were food insecure. With rising inflation and increased housing costs, the number of food insecure college students grows by the day. From the innovative state legislation "Hunger Free Campus Act", new programs with local food banks or corporate partnerships campus staff, state administrators and non-profit partners are reinventing what serving student needs can look like. Come hear how you can increase the capacity of basic needs services on campus and take the next step towards providing every student the resources they need to thrive and succeed.

9:45 - 10:45 am

Support Academic Records Management for Permanently Closing Institutions

Heather Delange - Director of Private Postsecondary Education, Colorado Dept. of Higher Education

Joel Musika - Manager - Higher Education, Parchment

Cam Maeyaert - Director Private Postsecondary Institutions, Texas Higher Education Coordinating Board

One of the most critical elements in navigating a smooth school closure is ensuring alumni transcripts/records remain accessible and safe. Unfortunately, when secondary and postsecondary institutions find themselves in this situation, their academic records are typically in a state of disarray. Join our panelists from around the industry who will discuss best practices and processes to support records staff of permanently closing institutions, ease the burden on custodians of these records, and ensure that learners have access to their well-earned credentials.

11:00 am - Noon

Prohibition on Unfair and Deceptive Marketing Practices

Brandon S Sherman - Of Counsel, Maynard Cooper & Gale

Roger Swartzwelder - Shareholder, Maynard Cooper & Gale

Jessica High - Associate, Duane Morris, LLP

The FTC has taken several actions over the last year focused on the marketing practices of for-profit colleges. In October of 2021, the FTC notified 70 for-profit schools that they could incur significant sanctions for engaging in unlawful marketing practices. More recently, the FTC announced in an Advance Notice of Proposed Rulemaking that it is considering a rule to address deceptive or unfair marketing using earnings claims. During this session, we will help regulators and institutions understand compliance obligations regarding the FTC's prohibition on unfair and deceptive marketing practices, the marketing practices that the FTC has found unlawful, and the role of state regulators. In addition, we will discuss measures that institutions can take to ensure that their marketing practices do not violate state and FTC regulations and how an institution can practically implement these practices.