

U.S. Department of Education

**Staff Report
to the
Senior Department Official
on
Recognition Compliance Issues**

RECOMMENDATION PAGE

1. **Agency:** Commission on Massage Therapy Accreditation (2002/2004)
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Petition for Continued Recognition
3. **Current Scope of Recognition:** The accreditation of institutions in the United States that award postsecondary certificates or diplomas in the practice of massage therapy and bodywork, its accreditation of academic associate degree programs in massage therapy, and via notification to the Department dated April 21, 2009, its accreditation of these programs delivered via distance education.
4. **Requested Scope of Recognition:** The accreditation of institutions and programs in the United States that award postsecondary certificates, postsecondary diplomas, academic Associate degrees and occupational Associate degrees, in the practice of massage therapy, bodywork, and aesthetics/esthetics and skin-care, including components of programs which are offered through distance learning modalities.
5. **Date of Advisory Committee Meeting:** December, 2010
6. **Staff Recommendation:** Continue the agency's recognition and require the agency to submit a compliance report in 12 months that demonstrates the agency's compliance with the issues identified in this report.
7. **Issues or Problems:** There several compliance issue. They are summarized below and discussed in detail in the SUMMARY OF FINDINGS section.
 - The agency must provide documentation that its evaluation and appeals bodies include both academics and administrators. [§602.15(a)(3)]
 - The agency must provide documentation that its evaluation and appeals bodies include both educators and practitioners. [§602.15(a)(4)]
 - The agency must clearly establish its evaluation of distance education in the context of its standards and demonstrate its effective application of its standards to evaluating distance education. [§602.16(b)(c)]
 - The agency must demonstrate that it has reviewed the methods used by any institution that offers distance or correspondence education as part of the accreditation review process.[§602.17(g)]
 - The agency must demonstrate that its monitoring of its accredited programs and institutions is effective in identifying problems with an institution's or program's continued compliance with agency standards [§602.19(b)]

- The agency must demonstrate that it annually collects and monitors headcount enrollment data from its institutions and programs [§602.19(c)]
- The agency must demonstrate that it annually collects and monitors headcount enrollment data of programs at institutions experiencing significant enrollment growth. [§602.19(d)]
- The agency must demonstrate that it takes immediate adverse action when institutions/program do not comply, timely, with agency requirements [§602.22(b)]
- The agency must provide additional documentation that provides evidence of its effective application of its review and approval of substantive change requests, that fall under the criteria for recognition [§602.22(a)(1)]
- The agency must demonstrate that it has identified under what conditions or circumstances of change it will require a full and comprehensive evaluation of the institution. [§602.22(a)(3)]
- The agency must demonstrate that it reviews complaints in a timely and equitable manner and takes follow-up action as necessary, based on the results of its review. [§602.23(c)]
- The agency must provide evidence of a review process that includes criteria by which it will assess and determine that the teach-out plan provides for the equitable treatment of students and on what basis it determines, for example, that the teach-out plans for notifications and additional charges are appropriate and reasonable. [§602.24(c)(2)]
- The agency must provide evidence of a review and approval process for teach-out agreements. [§602.24(c)(5)]

EXECUTIVE SUMMARY

PART I: GENERAL INFORMATION ABOUT THE AGENCY

The Commission on Massage Therapy Accreditation (COMTA) was created in response to massage therapy and bodywork educators' desire that rigorous standards be applied to institutions of massage therapy and bodywork. COMTA has conducted accrediting activities since 1992. In 1996, an elected commission was seated. Since 1996, COMTA has granted accreditation to 61 institutions and six programs located in 25 states, the District of Columbia, and Canada. As an institutional accreditor, whose accreditation enables the institutions it accredits to seek eligibility to participate in the federal student financial aid programs administered by the Department of Education, the agency must meet the separate and independent requirements.

Recognition History

The agency was originally recognized in 2002 and last recognized in 2004. At that time, the Secretary granted the agency recognition for a period of five years and granted the agency's request for an expansion of scope to include its accreditation of academic associate degree programs in massage therapy.

COMTA requested in April 2009, in accordance with the requirements of the Higher Education Opportunity Act, that distance education be added to its scope of recognition.

PART II: SUMMARY OF FINDINGS

§602.15 Administrative and fiscal responsibilities

The agency must have the administrative and fiscal capability to carry out its accreditation activities in light of its requested scope of recognition. The agency meets this requirement if the agency demonstrates that--

(a) The agency has--

(3) Academic and administrative personnel on its evaluation, policy, and decision-making bodies, if the agency accredits institutions;

The By-laws establish the policy to include academics and administrators on the Commission. Commissioner bios reflect that academics and administrators are represented on the Commission.

The agency has not demonstrated that its evaluation and appeals bodies routinely include both academics and administrators.

Staff determination: The agency does not meet the requirements of this section. It must provide documentation that its evaluation and appeals bodies include both academics and administrators.

Analyst Remarks to Response:

In response to the draft staff analysis COMTA stated that it misunderstood the requirements of this section. It has since amended its policies to now require the inclusion of both academic and administrative personal on its evaluation and appeals body.

While the agency has revised its peer reviewer application forms to capture information to designate a site visitor/appeal body member as either an academic or an administrator, it has provided no evidence that its teams and appeals body include members from the appropriate categories.

Staff determination: The agency does not meet the requirements of this section. It must provide documentation that its evaluation and appeals bodies include both academics and administrators.

(4) Educators and practitioners on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession;

The By-laws reflect the agency's policy to include educators and practitioners on the Commission. Commissioner bios reflect that educators and practitioners are represented on the Commission.

The agency has not demonstrated that its evaluation and appeals bodies routinely include educators and practitioners.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that its evaluation and appeals bodies include educators and practitioners

Analyst Remarks to Response:

In response to the draft staff analysis COMTA stated that it misunderstood the requirements of this section. It has since amended its policies to now require the inclusion of both educators and practitioners on its evaluation and appeals body.

While the agency has revised its peer reviewer application forms to more clearly capture information by which it can designate a site visitor/appeal body member as either an educator or practitioner, it has provided no evidence that its teams and appeals body include members from the appropriate categories.

Staff determination: The agency does not meet the requirements of this section. It must provide documentation that its evaluation and appeals bodies include both educators and practitioners.

§602.16 Accreditation and preaccreditation standards

(a) The agency must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. The agency meets this requirement if–

(1) The agency's accreditation standards effectively address the quality of the institution or program in the following areas:

(b) If the agency only accredits programs and does not serve as an institutional accrediting agency for any of those programs, its accreditation standards must address the areas in paragraph (a)(1) of this section in terms of the type and level of the program rather than in terms of the institution.

(c) If the agency has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education or correspondence education, the agency's standards must effectively address the quality of an institution's distance education or correspondence education in the areas identified in paragraph (a)(1) of this section. The agency is not required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence education;

While the agency has established a separate standard to evaluate an institution's/program's distance education component, it has not clearly established what it expects in terms of quality. For example, the agency requires the institution to describe the method and timing of student/instructor interaction, but it has provided no insight into what level or type of interaction is required to constitute sufficient quality, and to meet the regulatory definition of distance education which requires "regular and substantive interaction" between instructor and student. In addition, the agency has not clearly established how distance education is assessed in the context of an institution's/program's compliance across its standards, as applicable. For example, in assessing faculty responsible for teaching via distance education and in providing access to instructional resources and student support services.

Staff determination: The agency does not meet the requirements of this section. It must clearly establish its evaluation of distance education in the context of an institution's/program's compliance in its distance education standards and in all other applicable standards areas.

Analyst Remarks to Response:

The agency is in the formative stage of assessing distance education and under its current requirements distance education may only be used as a component within a program for massage therapy. The school must provide adequate argument for the course(s) to be taught through Distance Education methods. While the agency has established a separate standard to evaluate an institution's/program's distance education component, it has not clearly established what it expects in terms of quality. In its response, the Agency reports that it is developing more extensive guidelines for determining if an institution/program's proposed Distance Education methods meet the Standards and will be training accreditation applicants, staff, Commissioners and Peer Reviewers on the details.

Staff determination: The agency does not meet the requirements of this section. It must clearly establish its evaluation of distance education in the context of its standards and demonstrate its effective application of its standards to evaluating distance education.

§602.17 Application of standards in reaching an accrediting decision.

The agency must have effective mechanisms for evaluating an institution's or program's compliance with the agency's standards before reaching a decision to accredit or preaccredit the institution or program. The agency meets this requirement if the agency demonstrates that it--

(g) Requires institutions that offer distance education or correspondence education to have processes in place through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the course or program and receives the academic credit. The agency meets this requirement if it--

(1) Requires institutions to verify the identity of a student who participates in class or coursework by using, at the option of the institution, methods such as--

(i) A secure login and pass code;

(ii) Proctored examinations; and

(iii) New or other technologies and practices that are effective in verifying student identity; and

(2) Makes clear in writing that institutions must use processes that protect student privacy and notify students of any projected additional student charges associated with the verification of student identity at the time of registration or enrollment.

COMTA does not prescribe to or require any one method of electronically verification of student identity,. The agency has included as a sub-element of its review of curriculum the requirement that institutions/programs offering distance education have methods to confirm student identity. The agency documents provide no insight into how the agency evaluates the adequacy of the institution's methodology.

Staff determination: The agency does not meet the requirements of this section. To continue to be recognized for its accreditation of distance education, it must identify and demonstrate effective application of its assessment of the adequacy of an institution/programs verification of student identity when providing distance education.

Analyst Remarks to Response:

The agency did not provide a response to the Department's citation for this section of the criteria. However, Department staff met with the full Commission and the agency's executive director during it October 2010 decision meeting to provide guidance on this criteria and to discuss the agency's current policies.

The agency has already moved forward to include as a sub-element of its review of curriculum the requirement that institutions/programs offering distance education have methods/processes to confirm student identity. As the agency is required to review that the institution has methods for verifying the identity of students in distance education, it is incumbent on the agency to assess the success/adequacy /use of the institution's methods for confirming identity. For example, do they have one? Does it seem to work? The agency is expected to document that it has reviewed the methods used by any institution that offers distance as part of the accreditation review process.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that it has reviewed the methods used by any institution that offers distance or correspondence education as part of the accreditation review process.

§602.19 Monitoring and reevaluation of accredited institutions and programs.

(b) The agency must demonstrate it has, and effectively applies, a set of monitoring and evaluation approaches that enables the agency to identify problems with an institution's or program's continued compliance with agency standards and that takes into account institutional or program strengths and stability. These approaches must include periodic reports, and collection and analysis of key data and indicators, identified by the agency, including, but not limited to, fiscal information and measures of student achievement,

consistent with the provisions of §602.16(f). This provision does not require institutions or programs to provide annual reports on each specific accreditation criterion.

COMTA's approach to monitoring relies fundamentally on its annual report requirement as the main instrument for measuring continued compliance with its standards. The agency provided an annual report template that demonstrates that the agency collects information including student outcomes and fiscal information. The agency also provided evidence of the Commission's assessment of the annual reports. However, it is unclear that the information required by the agency as identified on the annual report guidelines is sufficiently robust to assess continued compliance with agency standards. The agency needs to demonstrate that its monitoring of its accredited programs and institutions is effective in identifying problems with an institution's or program's continued compliance with agency standards.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that its monitoring of its accredited programs and institutions is effective in identifying problems with an institution's or program's continued compliance with agency standards.

Analyst Remarks to Response:

During the Department staff's observation of the agency's October 2010 decision meeting staff met with the executive committee and the executive director to discuss the Department's concerns with the agency's compliance with this criterion.

In response to the staff draft analysis the agency reports that it is revising its annual report form to allow it to more effectively identify problems with the institution's/program's compliance with its standards. The agency's approach to monitoring will emphasize collection and analysis of key data elements and improved training sessions and updates on agency requirements in a proactive approach to improve compliance throughout the accreditation cycle. The agency is revising its on-line reporting system and data base so that it will allow the agency to identify trends of non compliance. It is also developing within its webinars what it believes will be more effective training of its institutions/programs on the agency's standards and its expectations for compliance. While the agency's approach is an innovative one and may be compliant in application, the agency has not completed its development and implementation.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that its monitoring of its accredited programs and institutions is effective in identifying problems with an institution's or program's continued compliance with agency standards

(c) Each agency must monitor overall growth of the institutions or programs it accredits and, at least annually, collect headcount enrollment data from those institutions or programs.

The agency's policies and procedures manual outlines the annual report requirement; it does not identify any requirement to include enrollment information. While the agency's annual report template identifies that programs/institutions are to provide an explanation of an increase in enrollment growth of 20%, the report as documented, does not require the program/institution to report enrollment as required by this criterion. The agency provided no evidence of its collection of enrollment data.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that it annually collects and monitors headcount enrollment data from its institutions and programs.

Analyst Remarks to Response:

In response to the draft staff analysis the agency clarifies that it is modifying its annual report and reporting requirements for collecting the appropriate data and evaluating overall growth and annual headcounts.

Department staff has discussed this requirement with the agency's leadership and has reviewed draft proposed policies, procedures and various formats for collecting and evaluating the data required by this section. The agency will not be able to fully comply with the criterion until the proposed modification and revisions have been finalized and implementation is documented.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that it annually collects and monitors headcount enrollment data from its institutions and programs

(d) Institutional accrediting agencies must monitor the growth of programs at institutions experiencing significant enrollment growth, as reasonably defined by the agency.

The agency provided its policies and its annual report guidelines that define significant growth as a 20% growth in student enrollment. However, the agency has not demonstrated that it is monitoring this data element.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that it annually collects and monitors headcount enrollment data from its institutions and programs.

Analyst Remarks to Response:

In response to the draft staff analysis the agency clarifies that it is modifying its annual report and reporting requirements for collecting the appropriate data and evaluating significant enrollment growth.

Department staff has discussed this requirement with the agency's leadership and has reviewed draft proposed policies, procedures and various formats for collecting and evaluating the data required by this section. The agency will not be able to fully comply with the criterion until the proposed modification and revisions have been finalized, implemented, and demonstrated that it is monitoring this data element.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that it annually collects and monitors headcount enrollment data of programs at institutions experiencing significant enrollment growth.

§602.20 Enforcement of standards

(b) If the institution or program does not bring itself into compliance within the specified period, the agency must take immediate adverse action unless the agency, for good cause, extends the period for achieving compliance.

The agency has not demonstrated that its process requires it to take immediate adverse action when a program/institution does not come into compliance within the timeframes required by this section. The letter of show cause appended to the petition reflects that the Commission did not take action until 2008 on an institution for not submitting 2006 financials as required. The action that appears to have initiated the show cause is the agency's non-receipt of sustaining fees from the institution.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that it takes immediate adverse action when institutions/program do not comply, timely, with agency requirements.

Analyst Remarks to Response:

In response to the draft staff analysis the agency concurred with the Department's findings and has revised its policies to clearly reflect that it will take immediate adverse action when institutions/programs do not comply, timely with the agency's standards. The agency also provided its revised policies on the agency's use of probation and show cause. However, the agency needs to provide evidence that it enforces the requirement of this criterion.

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that it takes immediate adverse action when institutions/program do not comply, timely, with agency requirements

§602.22 Substantive change.

(a) If the agency accredits institutions, it must maintain adequate substantive change policies that ensure that any substantive change to the educational mission, program, or programs of an institution after the agency has accredited or preaccredited the institution does not adversely affect the capacity of the institution to continue to meet the agency's standards. The agency meets this requirement if--

(1) The agency requires the institution to obtain the agency's approval of the substantive change before the agency includes the change in the scope of accreditation or preaccreditation it previously granted to the institution; and

The agency written procedures require prior notification for agency approval of substantive changes. The agency has unique requirements for each type of substantive change request, but it did not provide documentation of its review process and approval of substantive changes.

The agency's policy states that substantive changes must be approved prior to being included in the institution's scope of accreditation, however, the policy and procedures do not clearly require that the recognized decision-making body (Commission) must grant approval before the change is included in the institution's grant of approval. Agency procedures reflect that approvals are made by the COMTA Executive Director or Commission Chair. As decisions to add a substantive change into a grant of accreditation is an accreditation decision, the recognized body must render the decision prior to its being included in the institution's grant of accreditation. The agency must amend and clarify its substantive change procedures to reflect that decisions made by the full Commission are required before the change is included in the institution's grant of accreditation and demonstrate Commission approval of substantive changes are being made before changes are included in the institution's grant of accreditation.

Staff determination: The agency does not meet the requirements of this section. It must amend and clarify its substantive change procedures to reflect that decisions made by the full Commission are required before the change is included in the institution's grant of accreditation. It must also demonstrate its effective application of its review and approval of substantive change requests.

Analyst Remarks to Response:

Analyst Remarks to Response:

It was found that the agency needed to amend and clarify its substantive change procedures to reflect that decisions made by the full Commission are required before the change is included in the institution's grant of accreditation and that the agency needed to demonstrate its effective application of its review and approval of substantive change requests.

During the Department's observation of the agency's October 2010 decision meeting staff met with the Commission Chair and the Executive Director to provide guidance on the requirements of this section and to discuss the agency application of the Secretary's requirements. The agency reported that in actual practice all substantive changes reflecting the accreditation of a program or institution are approved by the full commission and not by the executive director.

In response to the draft staff analysis the agency provided its revised policies that clarify its substantive change procedures to reflect that decisions made by the full Commission are required before the change is included in the institution's grant of accreditation. The agency also provided current substantive change request (for a name change) and the Commission decision letter approving the change. However, this substantive change provided as documentation is not a type of change under the required types of changes therefore it does not sufficient as documentation

Staff determination: The agency does not meet the requirements of this section. It must provide additional documentation that provides evidence of its effective application of its review and approval of substantive change requests, that fall under the criteria for recognition.

(3) The agency's substantive change policy must define when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution.

The agency's procedures for reviewing substantive changes are comprehensive, and its policies allow the agency to determine that a new or additional comprehensive review may be required if during a normal monitoring of the institution there is an indication that the quality of education is not being maintained. This does not adequately address the requirement of this section. To meet the requirements of this section, the agency must take a proactive and pre-emptive approach and identify what conditions or circumstances of change would be so extensive as to require a full and comprehensive evaluation of the institution.

Staff determination:

The agency does not meet the requirements of this section. It must demonstrate that it has identified under what conditions or circumstances of change it will require a full and comprehensive evaluation of the institution.

Analyst Remarks to Response:

In response to the draft staff analysis the agency provided its revised substantive change policies to reflect that while there is no specific limitation on the number of changes which may be made by an institution in an accreditation cycle, the agency will conduct a review of an institution if it requests more than 2 changes in a year. The agency provided no insight into its selection of this as an appropriate indicator. Also, as the agency deleted the requirement for a "comprehensive" review from the policy, it is clear that the review identified in the revised policy is not a comprehensive (accreditation) review as required by the regulation

Staff determination: The agency does not meet the requirements of this section. It must demonstrate that it has identified under what conditions or circumstances of change it will require a full and comprehensive evaluation of the institution.

§602.23 Operating procedures all agencies must have.

(c) The accrediting agency must--

(1) Review in a timely, fair, and equitable manner any complaint it receives against an accredited institution or program that is related to the agency's standards or procedures. The agency may not complete its review and make a decision regarding a complaint unless, in accordance with published procedures, it ensures that the institution or program has sufficient opportunity to provide a response to the complaint;

(2) Take follow-up action, as necessary, including enforcement action, if necessary, based on the results of its review; and

(3) Review in a timely, fair, and equitable manner, and apply unbiased judgment to, any complaints against itself and take follow-up action, as appropriate, based on the results of its review.

The agency's Policies and Procedures Manual outline the processes for receiving and processing complaints against its accredited programs/institutions and itself. The agency's process provides clear instructions and defines reasonable timelines for each step of processing and answering the complaint. However, the agency provided no documentation of its effective application of its complaint procedures.

Staff determination: The agency does not meet the requirement of this section. It must provide documentation of its effective application of its complaint procedures.

Analyst Remarks to Response:

In its response to the draft staff analysis the agency submitted an example of a letter sent to a complainant explaining that the issue submitted was outside of the scope of accreditation, and an example of a letter requesting further information from an institution when an initial investigation was warranted. However, the agency did not provide any documentation of the institution's response to the complaint or the agency's review of it, nor was any documentation of the agency's closure of the complaint provided, which would provide evidence of its effective application of its complaint procedures.

Staff determination: The agency does not meet the requirement of this section. It must demonstrate that it reviews complaints in a timely and equitable manner and takes follow-up action as necessary, based on the results of its review.

§602.24 Additional procedures certain institutional accreditors must have.

If the agency is an institutional accrediting agency and its accreditation or preaccreditation enables those institutions to obtain eligibility to participate in Title IV, HEA programs, the agency must demonstrate that it has established and uses all of the following procedures:

- (2) The agency must evaluate the teach-out plan to ensure it provides for the equitable treatment of students under criteria established by the agency, specifies additional charges, if any, and provides for notification to the students of any additional charges.**
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The agency's teach-out policy requires the institution to provide information on a laundry list of items, including notifications and declarations of additional charges. The agency's procedures also indicate that the teach-out plan will be reviewed and approved by the Executive Director or Chair and subsequently ratified by the COMTA Executive Committee. It is not clear, however, that the agency has criteria by which it will conduct that review and determine that the teach-out plan provides for the equitable treatment of students and on what basis it determines, for example, that the teach out plans for notifications and additional charges are appropriate and reasonable.

Staff determination: The agency does not meet the requirement of this section. The agency must provide evidence of a review process that includes criteria by which it will assess and determine that the teach-out plan provides for the equitable treatment of students and on what basis it determines, for example, that the teach out plans for notifications and additional charges are appropriate and reasonable.

Analyst Remarks to Response:

In its response to the draft staff analysis the agency stated that it has had limited opportunity to evaluate teach-out plans, but that the equitable treatment of students was reviewed in previous instances. It also reports that it is in the process of developing the criteria required by this section. However, the agency did not provide any documentation of a review, nor did the agency provide the review process and/or criteria by which it will assess teach-out plans.

Staff Determination: The agency does not meet the requirements of this section. The agency must provide evidence of a review process that includes criteria by which it will assess and determine that the teach-out plan provides for the equitable treatment of students and on what basis it determines, for example, that the teach-out plans for notifications and additional charges are appropriate and reasonable.

(5) The agency must require an institution it accredits or preaccredits that enters into a teach-out agreement, either on its own or at the request of the agency, with another institution to submit that teach-out agreement to the agency for approval. The agency may approve the teach-out agreement only if the agreement is between institutions that are accredited or preaccredited by a nationally recognized accrediting agency, is consistent with applicable standards and regulations, and provides for the equitable treatment of students by ensuring that--

(i) The teach-out institution has the necessary experience, resources, and support services to--

(A) Provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the institution that is ceasing operations

either entirely or at one of its locations; and

(B) Remain stable, carry out its mission, and meet all obligations to existing students; and

(ii) The teach-out institution demonstrates that it can provide students access to the program and services without requiring them to move or travel substantial distances and that it will provide students with information about additional charges, if any.

The agency provided its policies that include the requirement that institutions entering into teach out agreements must submit the agreement to the agency for approval. The agency has identified all of the requirements of this section of the criteria as required elements of the teach-out agreement. However, the agency has provided no information regarding the agency's review and approval process, such as what review indicators it will apply to ascertain the viability of the teach-out agreement to provide students with an alternative educational offering.

Staff determination: The agency does not meet the requirement of this section. The agency must provide evidence of a review and approval process, such as what review indicators it will apply to ascertain the viability of the teach-out agreement to provide students with an alternative educational offering.

Analyst Remarks to Response:

In its response to the draft staff analysis the agency stated that it has had limited opportunity to evaluate teach-out agreements, and that criteria will be developed for the evaluation of teach-out agreements. The agency did not provide any documentation of a review and approval process, such as what review indicators it will apply to ascertain the viability of the teach-out agreement to provide students with an alternative educational offering.

Staff Determination: The agency does not meet the requirements of this section. The agency must provide evidence of a review and approval process for teach-out agreements.

PART III: THIRD PARTY COMMENTS

The Department did not receive any written third-party comments regarding this agency.