

**SIDE BY SIDE COMPARISON OF PROPOSED CHANGES TO STANDARDS, CRITERIA, RULES, APPENDICES AND BY-LAWS**

General Notes on Changes:

1. More than one Proposal may relate to the same provision of NACCAS’ Standards, Criteria, Rules of Practice and Procedure, Appendices, By-Laws or Glossary. Each such Proposal is shown separately below, but final changes will reflect all Proposals adopted by the Commission.
2. Language to be deleted is overstruck (~~overstruck~~) and language to be added is in **red, bold, underlined** text.
3. Any Proposal adopted under emergency action is given a Proposal Number with an “E”. Effective dates are noted.

<b>PROPOSAL 2010-01E:</b>		
<b>The Commission proposes to amend NACCAS’ Standard III to require that schools offering distance education programs utilize technologies and practices effective in verifying student identity.</b>		
<b>Current Language</b>	<b>Proposed Change</b>	<b>Change / Rationale</b>
Not applicable.	<p><b>Standard III</b></p> <p><b><u>A 16. The institution utilizes technologies and practices that are effective in verifying the identity of a distance-learning student who participates in class or coursework (such as a secure login and pass code or proctored examinations) while protecting student privacy.</u></b></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.17(g))</p>

**PROPOSAL 2010-02E:**

**The Commission proposes to amend NACCAS' Standard IV to require that schools maintain a list of institutions with which they have articulation agreements.**

Current Language	Proposed Change	Change / Rationale
Not applicable.	<b>Standard IV</b>  <u><b>D 11. The institution maintains a list of institutions with which they have established an articulation agreement, if applicable.</b></u>	Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.
Not applicable.	<b>Glossary</b>  <u><b>Articulation Agreement - An agreement between institutions that determines how coursework completed at one institution will receive credit towards completion of an academic course or program at another institution.</b></u>	Change required to comply with new federal regulations. (34 CFR 602.24(e))

**PROPOSAL 2010-03E:**

**The Commission proposes to amend NACCAS' Standard IV to require that schools offering distance education programs disclose to students, at the time of registration or enrollment, any projected additional student charges associated with the verification of student identity.**

<b>Current Language</b>	<b>Proposed Change</b>	<b>Change / Rationale</b>
Not applicable.	<b>Standard IV</b> <b><u>D 13. The institution notifies distance-learning students at the time of registration or enrollment of any projected additional student charges associated with the verification of student identity.</u></b>	Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.  Change required to comply with new federal regulations. (34 CFR 602.17(g))

**PROPOSAL 2010-04E:**

**The Commission proposes to amend Section 4.10 of NACCAS' *Rules of Practice and Procedure* to consolidate the list of substantive changes requiring a full team visit.**

Current Language	Proposed Change	Change / Rationale
Not applicable.	<p><b><u>Section 4.10 (b) Approval of the following substantive changes shall require a full team (comprehensive evaluation) visit, in addition to such other conditions as may be determined by the Commission:</u></b></p> <ul style="list-style-type: none"> <li><b><u>(1) Change of mission, degree or credential granted;</u></b></li> <li><b><u>(2) Category 2 relocation, as described in Part 4A-Subpart 4A.1, Section 4.7(a);</u></b></li> <li><b><u>(3) Category 5 Change of ownership or control, as described in Part 4A – Subpart 4A.2, and Appendix #9; and</u></b></li> <li><b><u>(4) Establishment of a branch campus, as described in Part 4A – Subpart 4A.3.</u></b></li> </ul>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Note: This change is a non-substantive technical amendment (consolidating provisions already existing in the current Rules) implemented to demonstrate compliance with new federal regulations. (34 CFR 602.22(a)(3).)</p>

**PROPOSAL 2010-05E:**

**The Commission proposes to amend Section 4.14 of NACCAS' *Rules of Practice and Procedure* to conform NACCAS' requirements concerning teach-out arrangements to comply with the requirements of revised federal regulations concerning accreditation of schools undergoing teach-outs.**

Current Language	Proposed Change	Change / Rationale
<p>Section 4.15 (a) Definitions:</p> <p>(1) Teach-Out Agreement: A voluntary agreement, not required by NACCAS, entered into by two or more NACCAS-accredited institutions, which meets the requirements of NACCAS' Cancellation and Settlement Policy, to assure that if, in the future, one of the institutions party to the agreement closes while students are still enrolled, the other institution(s) will receive those students to give them a reasonable opportunity to complete their education at a cost which does not exceed what they would have paid to the institution which closes.</p> <p>(2) School Closure Arrangement: When a NACCAS-accredited institution closes while students are still enrolled, NACCAS will work with state agencies, and the United States Department of Education, as appropriate, and other NACCAS-accredited institutions in the area, especially any that are parties to a teach-out agreement with the closed institution, to make arrangements, to the extent feasible, for those students to have reasonable opportunities to complete their education at a cost which does not exceed what they would have paid to the closed institution.</p>	<p><b>Section 4.14 <u>Teach-Out and School Closure Teach-Out Agreements</u></b></p> <p><b><u>(a) Submission of Teach-Out Plans and Agreements. An accredited institution:</u></b></p> <p><b><u>(1) Must submit a Teach-Out Plan, and associated Teach-Out Agreement(s), for approval by the Commission, not later than 15 days following the occurrence of a Teach-Out Event; provided, however, that in the event of the closure of a institution, the Plan and Agreement(s) must be submitted at least 30 days prior to the closure date;</u></b></p> <p><b><u>(2) Must submit any other Teach-Out Agreement entered into other than as required by Section 4.14(a)(1) of these Rules, for approval by the Commission, not later than 15 days after entering into such Agreement; and</u></b></p> <p><b><u>(3) May submit a Teach-Out Plan entered into other than as required by Section 4.14(a)(1) of these Rules, for approval by the Commission, at any time.</u></b></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.24(e).)</p>
<p>(b) <u>Within 15 days:</u> When two or more institutions enter into a teach-out agreement, one must be designated to notify the Commission and seek approval from the Commission. Official notification must be submitted to the Commission within fifteen (15) days after entering into the teach-out</p>	<p>(b) <del><u>Within 15 days:</u> When two or more institutions enter into a teach-out agreement, one must be designated to notify the Commission and seek approval from the Commission. Official notification must be submitted to the Commission within fifteen (15) days after entering into the teach-out agreement. The</del></p>	

*Call for Comment (August 2010): Side-by-Side Comparison*

**PROPOSAL 2010-05E:**

**The Commission proposes to amend Section 4.14 of NACCAS' *Rules of Practice and Procedure* to conform NACCAS' requirements concerning teach-out arrangements to comply with the requirements of revised federal regulations concerning accreditation of schools undergoing teach-outs.**

Current Language	Proposed Change	Change / Rationale
<p>agreement. The notification must include</p> <ul style="list-style-type: none"> <li>(1) A copy of the teach-out agreement;</li> <li>(2) A copy of the enrollment agreement for each institution that will receive students under the agreement; and</li> <li>(3) A copy of the catalog of each institution that will receive students under the agreement;</li> <li>(4) Additional information, if any, requested by the Commission after items (1) through (3) have been received.</li> </ul>	<p><del>notification must include</del> <b><u>Submission Materials: In seeking approval of a Teach-Out Plan and/or Teach-Out Agreement(s), the institution must provide the Commission with:</u></b></p> <ul style="list-style-type: none"> <li>(1) A copy of the <del>teach-out agreement</del> <b><u>Teach-Out Plan and any associated Teach-Out Agreement(s);</u></b></li> <li>(2) A copy of the enrollment agreement for each institution that will receive students under the <del>agreement</del> <b><u>Teach-Out Agreement;</u></b></li> <li>(3) A copy of the catalog of each institution that will receive students under the <del>agreement</del> <b><u>Teach-Out Agreement;</u></b></li> <li>(4) Additional information, if any, requested by the Commission after items (1) through (3) have been received.</li> </ul>	
<p>Schools may submit draft versions of the teach-out agreement to the Commission for an advisory opinion prior to the agreement being finalized. A favorable opinion by the Commission will not constitute approval of the agreement, and does not excuse the school from undergoing the review and approval process once the final agreement has been executed.</p>	<p><b><u>(c) Advisory Opinion.</u></b> <del>Schools</del> <b><u>Institutions</u></b> may submit draft versions of the <del>teach-out agreement</del> <b><u>Teach-Out Agreement</u></b> to the Commission for an advisory opinion prior to the <del>agreement</del> <b><u>Agreement</u></b> being finalized. A favorable opinion by the Commission will not constitute approval of the <del>agreement</del> <b><u>Agreement</u></b>, and does not excuse the <del>school</del> institution from undergoing the review and approval process once the final <del>agreement</del> <b><u>Agreement</u></b> has been executed.</p>	

**PROPOSAL 2010-05E:**

**The Commission proposes to amend Section 4.14 of NACCAS' *Rules of Practice and Procedure* to conform NACCAS' requirements concerning teach-out arrangements to comply with the requirements of revised federal regulations concerning accreditation of schools undergoing teach-outs.**

Current Language	Proposed Change	Change / Rationale
<p align="center">Not applicable.</p>	<p><u>(d) Teach-Out Institution. The Commission shall not approve any Teach-Out Agreement unless it has determined that each institution to which students are to be transferred to complete their programs:</u></p> <p><u>(1) Has the necessary experience, resources, and support services to:</u></p> <p><u>(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 or terminating the applicable program; and</u></p> <p><u>(B) Remain stable, carry out its mission, and meet all obligations to existing students; and</u></p> <p><u>(2) 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.</u></p>	
<p>(c) <u>Within 10 days:</u> When an institution party to a teach-out agreement learns that another party to the agreement plans to close, or has closed, it shall notify NACCAS within ten (10) days of learning of the closure.</p>	<p><del>(c) Within 10 days</del> <u>(e) Notification of Closure:</u> When an institution party to a <del>teach-out agreement</del> <u>Teach-Out Agreement</u> learns that another party to the <del>agreement</del> <u>Agreement</u> plans to close, or has closed, it shall notify NACCAS within ten (10) days of learning of the closure.</p>	

**PROPOSAL 2010-05E:**

**The Commission proposes to amend Section 4.14 of NACCAS' *Rules of Practice and Procedure* to conform NACCAS' requirements concerning teach-out arrangements to comply with the requirements of revised federal regulations concerning accreditation of schools undergoing teach-outs.**

Current Language	Proposed Change	Change / Rationale
(d) <u>30 days before closing</u> : When a school is going to close, it must notify NACCAS in writing at least thirty (30) days prior to the closure date and comply with the School Closure Policy set out in the Cancellation and Settlement Policy.	<b><u>(f) Closed Institution. If an institution accredited by NACCAS closes without a Teach-Out Plan or Teach-Out Agreement, NACCAS shall work with the U.S. Department of education and the appropriate State agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.</u></b>	
Not applicable.	<b>Glossary</b>  <b><u>Teach-Out Agreement -- A written agreement between accredited institutions that meets the requirements of NACCAS' Teach-Out Policy and otherwise provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if an accredited institution ceases to operate before all enrolled students have completed their program of study.</u></b>	

**PROPOSAL 2010-05E:**

The Commission proposes to amend Section 4.14 of NACCAS' *Rules of Practice and Procedure* to conform NACCAS' requirements concerning teach-out arrangements to comply with the requirements of revised federal regulations concerning accreditation of schools undergoing teach-outs.

Current Language	Proposed Change	Change / Rationale
<p align="center">Not applicable.</p>	<p><b><u>Teach-Out Event – The occurrence of any one or more of the following events involving a NACCAS-accredited institution:</u></b></p> <ol style="list-style-type: none"> <li><b><u>1. The U.S. Department of Education notifies the Commission that the Secretary of Education has initiated an emergency action against the institution, in accordance with section 487(c)(1)(G) of the Higher Education Act (or a successor statute)(the “HEA”), or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA (or a successor Statute), and that a Teach-Out Plan is required.</u></b></li> <li><b><u>2. The Commission acts to withdraw the accreditation of the institution.</u></b></li> <li><b><u>3. The institution notifies the Commission that it intends to (a) cease operations entirely or (b) cancel a program after students are enrolled.</u></b></li> <li><b><u>4. A State licensing or authorizing agency notifies the Commission that an institution's license or legal authorization to provide an educational program has been or will be revoked.</u></b></li> </ol>	

**PROPOSAL 2010-05E:**

**The Commission proposes to amend Section 4.14 of NACCAS' *Rules of Practice and Procedure* to conform NACCAS' requirements concerning teach-out arrangements to comply with the requirements of revised federal regulations concerning accreditation of schools undergoing teach-outs.**

<b>Current Language</b>	<b>Proposed Change</b>	<b>Change / Rationale</b>
Not applicable.	<u>Teach-Out Plan -- A written plan developed by an accredited institution that meets the requirements of NACCAS' Teach-Out Policy, and may include, if required by the Commission, a Teach-Out Agreement between accredited institutions.</u>	

**PROPOSAL 2010-06E:**

**The Commission proposes to amend Section 5.0 of NACCAS' *Rules of Practice and Procedure* to require all schools to submit annual enrollment data by program and in the aggregate, and to permit the Commission to require the submission of additional reports or data from schools experiencing significant enrollment growth.**

Current Language	Proposed Change	Change / Rationale
Not applicable.	<p><b>Section 5.0     <u>Annual Report</u></b></p> <p><b><u>(f)     Monitoring Enrollment Growth. Each accredited school shall provide the Commission with enrollment data, by program and in the aggregate, on an annual basis. In the event that any school reports enrollment growth in excess of 50% for any one-year period, the Commission shall require the school to submit such additional reports or data as it may determine is required to effectively monitor enrollment growth at such school.</u></b></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.19(d))</p>

**PROPOSAL 2010-07E:**

**The Commission proposes to amend Part 9 of NACCAS' Rules of Practice and Procedure to empower appeal review panels to reverse or modify adverse accreditation decisions of the Commission.**

Current Language	Proposed Change	Change / Rationale
<p>Section 9.0(d) If no letter of intent to appeal an adverse action is received by the Commission within the time frames specified in Sub-Part B, the adverse action shall enter into effect on the twentieth day after the school received official notice of the adverse action.</p>	<p>Section 9.0(d) <b><u>Except as set forth in Section 9.0(e) below,</u></b> <del>if</del> no letter of intent to appeal an adverse action is received by the Commission within the time frames specified in Sub-Part B, the adverse action shall enter into effect on the twentieth day after the school received official notice of the adverse action.</p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p>
<p>Section 9.0(e) Receipt: The letter officially notifying an institution of the Commission's adverse status decision shall be mailed by a traceable means.</p> <ol style="list-style-type: none"> <li>(1) The date a school receives notice of the adverse action is the date the Commission's official action letter is signed for, irrespective of who signs for it.</li> <li>(2) If the first notice from the Commission is returned as undeliverable, the Commission shall send the notice a second time, by an alternate traceable means, and the institution shall be deemed to have received notice.</li> </ol>	<p>Section 9.0(e) Receipt: The letter officially notifying an institution of the Commission's adverse status decision shall be mailed by a traceable means.</p> <ol style="list-style-type: none"> <li>(1) The date a school receives notice of the adverse action is the date the Commission's official action letter is signed for, irrespective of who signs for it.</li> <li>(2) If the first notice from the Commission is returned as undeliverable, the Commission shall <b><u>attempt to contact the school at its telephone, facsimile and/or email address of record to obtain an alternate address for delivery of the notice and, if successful, send a second notice to that alternate address. If the school cannot be contacted by these means (or does not respond to the Commission's request for information within three business days), the Commission shall send a second notice to the school's address of record</u></b> <del>send the notice a second time, by an alternate traceable means, and the institution shall be deemed to have received notice.</del></li> <li><b><u>(3) If the second notice from the Commission is returned as undeliverable, the adverse action shall enter into</u></b></li> </ol>	<p>This change was adopted to clarify that the 20-day waiting period before an adverse action becomes final does not apply where two attempts to deliver notice of the action have been returned as undeliverable, and staff is unable to contact or locate the school or its owner by other reasonable means.</p>

*Call for Comment (August 2010): Side-by-Side Comparison*

**PROPOSAL 2010-07E:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to empower appeal review panels to reverse or modify adverse accreditation decisions of the Commission.**

Current Language	Proposed Change	Change / Rationale
	<p align="center"><u>effect on the date the second notice is returned to the Commission.</u></p>	
<p align="center">Not applicable.</p>	<p><u>Section 9.4(c) Notwithstanding Sections 9.4(a) and 9.4(b) above, where the adverse action subject to appeal was based in whole or in part on a failure of the institution to comply with NACCAS' financial standards, the institution may submit new financial information for consideration by the Appeal Review Panel, at any time prior to the meeting of the Panel, provided that such information:</u></p> <p><u>(1) Was unavailable to the institution until after the adverse action subject to appeal was taken by the Commission; and</u></p> <p><u>(2) Is significant and bears materially on the financial deficiencies identified by the Commission.</u></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.25(h))</p>
<p><b>Section 9.5      <u>The Appeal Review Panel</u></b></p> <p>(a) Whenever an institution appeals an adverse accreditation action pursuant to Part 9 Sub-Part B of these <i>Rules</i>, an Appeal Review Panel shall be formed to review the institution's appeal document, hold an appeal hearing, if requested by the institution, and submit a recommendation to the Commission pursuant to section 9.10 of these <i>Rules</i>.</p> <p>(b) The Appeal Review Panel shall consist of three members.</p> <p>(c) Three alternates will be named to the Panel in</p>	<p><b>Section 9.5      <u>The Appeal Review Panel</u></b></p> <p>(a) Whenever an institution appeals an adverse accreditation action pursuant to Part 9 Sub-Part B of these <i>Rules</i>, an Appeal Review Panel shall be formed to review the institution's appeal document, hold an appeal hearing, if requested by the institution, and <b>render a decision on the appeal, in accordance with Section 9.10 of these Rules</b> <del>submit a recommendation to the Commission pursuant to section 9.10 of these Rules.</del></p> <p>(b) The Appeal Review Panel shall consist of</p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.24(f))</p>

**PROPOSAL 2010-07E:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to empower appeal review panels to reverse or modify adverse accreditation decisions of the Commission.**

Current Language	Proposed Change	Change / Rationale
<p>case, for whatever reason, one of the Panelists is unable to complete his or her service on the Panel.</p> <p>(d) The purpose of the Appeal Review Panel is to review the appeal document submitted by the institution(s), conduct an appeal hearing, if requested by the appellant, and submit a recommendation to the NACCAS board of Commissioners.</p>	<p>three members.</p> <p>(c) Three alternates will be named to the Panel in case, for whatever reason, one of the Panelists is unable to complete his or her service on the Panel.</p> <p>(d) The purpose of the Appeal Review Panel is to review the appeal document submitted by the institution(s), conduct an appeal hearing, if requested by the appellant, and <b>render a decision on the appeal, in accordance with Section 9.10 of these Rules</b> <del>submit a recommendation to the NACCAS board of Commissioners.</del></p>	
<p><b>Section 9.8</b>      <b><u>Meetings and Deliberations of the Appeal Review Panel</u></b></p> <p>(a) Appeal Review Panels shall meet at least twice a year, when there are appeals pending, no later than thirty (30) days before face-to-face Commission meetings scheduled to consider school actions. The meeting of the Appeal Review Panel shall include review of the record on appeal, appeal hearings, deliberations, and rendering of recommendations.</p>	<p><b>Section 9.8</b> <b><u>Meetings and Deliberations of the Appeal Review Panel</u></b></p> <p>(a) Appeal Review Panels shall meet at least twice a year, when there are appeals pending, no later than thirty (30) days before face-to-face Commission meetings scheduled to consider school actions. The meeting of the Appeal Review Panel shall include review of the record on appeal, appeal hearings, deliberations, and rendering of <b>decisions</b> <del>recommendations</del>.</p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.24(f))</p>

**PROPOSAL 2010-07E:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to empower appeal review panels to reverse or modify adverse accreditation decisions of the Commission.**

Current Language	Proposed Change	Change / Rationale
<p><b>Section 9.10 <u>Authority and Recommendations of the Appeal Review Panel</u></b></p> <p>(b) The Appeal Review Panel may either:</p> <p>(1) Affirm the adverse accreditation decision of the Commission, in which case the decision shall be final; or</p> <p>(2) Remand the adverse accreditation action to the Commission.</p> <p><i>Call for Comment (August 2010): Side-by-Side Comparison</i></p>	<p><b>Section 9.10 <u>Authority and Recommendations of the Appeal Review Panel</u></b></p> <p>(b) The Appeal Review Panel may either:</p> <p>(2) <u>Reverse the adverse accreditation decision of the Commission, in which case the Commission shall implement the decision of the Appeal Review Panel as provided in Section 9.10(c) of these Rules; or</u></p> <p>(3) <u>Amend the adverse accreditation decision of the Commission, in which case the Commission shall implement the decision of the Appeal Review Panel as provided in Section 9.10(c) of these Rules; or</u></p> <p>(4) <u>Remand the adverse accreditation decision action to the Commission for further consideration, in which case the Commission shall reconsider the original decision as provided in Section 9.10(d) of these Rules.</u></p> <p><u>In all cases, the Appeal Review Panel shall provide the Commission with a written statement of the result of the appeal and of the basis for that result, together with the record on appeal, including the appeal document and appeal transcript.</u></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.24(f))</p>

**PROPOSAL 2010-07E:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to empower appeal review panels to reverse or modify adverse accreditation decisions of the Commission.**

Current Language	Proposed Change	Change / Rationale
<p>Section 9.10(c) The Appeal Review Panel shall provide the Commission with a written statement of the result of the appeal and of the basis for that result</p>	<p>Section 9.10(c) <del>The Appeal Review Panel shall provide the Commission with a written statement of the result of the appeal and of the basis for that result.</del> <b><u>If the Appeal Review Panel reverses or amends the adverse accreditation decision, the Commission shall implement the Appeal Review Panel's decision in a manner consistent with the Panel's decision and (if applicable) instructions, and with the Commission's accreditation Standards and these Rules.</u></b></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.24(f))</p>
<p><b><u>Section 9.10(d)</u></b> If the Appeal Review Panel remands the action to the Commission, it shall submit its written statement, together with the record on appeal, including the appeal document and appeal transcript, to the Commission.</p>	<p><b><u>Section 9.10(d)</u></b> If the Appeal Review Panel remands the <del>action to the Commission, it shall submit its written statement, together with the record on appeal, including the appeal document and appeal transcript, to the Commission.</del> <b><u>the adverse accreditation decision to the Commission for further consideration, it shall provide the Commission with a written statement identifying specific issues that the Commission must address in rendering its final decision. In undertaking its reconsideration of a decision remanded by the Appeal Review Panel, the Commission shall act in a manner consistent with the Panel's decision and instructions (including with respect to the addressing the specific issues identified by the Panel), and with the Commission's accreditation Standards and these Rules. A decision by the Commission upon a matter remanded to it by the Appeal Review Panel shall be final and not subject to further appeal. The Commission shall send an official notification to the appellant in accordance with Section 8.17 of these Rules.</u></b></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.24(f))</p>

**PROPOSAL 2010-07E:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to empower appeal review panels to reverse or modify adverse accreditation decisions of the Commission.**

Current Language	Proposed Change	Change / Rationale
Not applicable.	<p><b><u>Section 9.10(e) In implementing and decision by the Appeal Review Panel, the Commission may impose any monitoring, reporting or other limitations or obligations on the accreditation of an institution consistent with these Rules and the decision of the Appeal Review Panel.</u></b></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.24(f))</p>
<p><b><u>Section 9.11 Appeal Decision by the NACCAS Board of Commissioners</u></b></p> <p>(a) If the Appeal Review Panel remands the adverse accreditation decision to the Commission, the Commission shall consider the written statement setting out the result of the appeal and the basis for that result provided by the Appeal Review Panel and shall reconsider the matter and make a decision based on the record.</p> <p>(b) Any decision by the Commission on an appeal is final and not subject to further review. The Commission shall send an official notification to the appellant in accordance with Section 8.17 of these <i>Rules</i>.</p>	<p><b><u>Section 9.11 Appeal Decision by the NACCAS Board of Commissioners</u></b></p> <p><del>(a) If the Appeal Review Panel remands the adverse accreditation decision to the Commission, the Commission shall consider the written statement setting out the result of the appeal and the basis for that result provided by the Appeal Review Panel and shall reconsider the matter and make a decision based on the record.</del></p> <p><del>(b) Any decision by the Commission on an appeal is final and not subject to further review. The Commission shall send an official notification to the appellant in accordance with Section 8.17 of these <i>Rules</i>.</del></p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.24(f))</p>

**PROPOSAL 2010-08E:**

**The Commission proposes to amend Sections 11.3 and 11.5 of NACCAS' *Rules of Practice and Procedure* to provide that when NACCAS is contacted by the U.S. Department of Education concerning a NACCAS-accredited school, NACCAS shall keep such contacts confidential if requested by the Department, and in all other cases shall determine on a case-by-case basis whether to keep such contacts confidential.**

Current Language	Proposed Change	Change / Rationale
<p><b>Section 11.3 <u>Sharing Information With Other Accrediting Agencies and Government Bodies</u></b></p> <p>NACCAS shall notify the appropriate accrediting agencies, of a decision by the Commission to grant initial accreditation or renewal of accreditation, to place an institution on probation, and a decision to deny or withdraw accreditation, as well as a decision by an institution to voluntarily relinquish its accreditation, within 30 days of the decision.</p> <p>NACCAS shall grant all reasonable special requests for accreditation information made by other accreditation agencies and governmental entities, including the United States Department of Education. Requests for information from such entities shall be in writing, submitted to the Executive Director, and shall state the name and address of the institution for which the information is sought, the nature of the information requested, as well as the purpose for which the information is to be used. A decision to deny such a request is not subject to appeal. The institution shall be notified when such requests for information have been granted. NACCAS shall also comply with requests from the United States Department of Education for special reports such as an annual data summary.</p> <p>Institutions seeking accreditation from NACCAS shall agree to provide a release for purposes of eliciting information from state boards and government entities, as well as an acknowledgement of the fact that accrediting information may, at the discretion of NACCAS, be shared with other accrediting</p>	<p><b>Section 11.3 <u>Sharing Information With Other Accrediting Agencies and Government Bodies</u></b></p> <p>NACCAS shall notify the appropriate accrediting agencies, of a decision by the Commission to grant initial accreditation or renewal of accreditation, to place an institution on probation, and a decision to deny or withdraw accreditation, as well as a decision by an institution to voluntarily relinquish its accreditation, within 30 days of the decision.</p> <p>NACCAS shall grant all reasonable special requests for accreditation information made by other accreditation agencies and governmental entities, including the United States Department of Education. Requests for information from such entities shall be in writing, submitted to the Executive Director, and shall state the name and address of the institution for which the information is sought, the nature of the information requested, as well as the purpose for which the information is to be used. A decision to deny such a request is not subject to appeal. <b><u>In the event that the United States Department of Education requests that a request for information be treated as confidential, NACCAS shall honor that request. In all other cases, NACCAS shall review the circumstances surrounding the contact by the United States Department of Education, including the need for the confidentiality of that contact, before determining whether the</u></b> The institution will shall be notified when such requests for information have been granted. NACCAS shall also comply with requests from the United States Department of Education for special reports such</p>	<p>Note: This change was adopted to go into effect on July 1, 2010, but comments are requested in case modifications are warranted.</p> <p>Change required to comply with new federal regulations. (34 CFR 602.27(b))</p>

**PROPOSAL 2010-08E:**

**The Commission proposes to amend Sections 11.3 and 11.5 of NACCAS' *Rules of Practice and Procedure* to provide that when NACCAS is contacted by the U.S. Department of Education concerning a NACCAS-accredited school, NACCAS shall keep such contacts confidential if requested by the Department, and in all other cases shall determine on a case-by-case basis whether to keep such contacts confidential.**

Current Language	Proposed Change	Change / Rationale
<p>agencies and governmental entities.</p>	<p>as an annual data summary.</p> <p>Institutions seeking accreditation from NACCAS shall agree to provide a release for purposes of eliciting information from state boards and government entities, as well as an acknowledgement of the fact that accrediting information may, at the discretion of NACCAS <u>or as required by applicable statutes or regulations</u>, be shared with other accrediting agencies and governmental entities.</p>	
<p><b>Section 11.5     <u>Exception in Event of Appropriate Legal Request</u></b></p> <p>As a general rule, the Commission has no authority or duty to refuse to disclose information about a school when requested to do so pursuant to appropriate legal process. If the request is made by a party with the ability to obtain school records through a legal process, it shall be within the discretion of the Commission whether to require that the formalities of the legal process be observed or to provide such information to the requester as if the legal process had been followed. In either event, the Commission will make a reasonable effort to ensure that the documents provided are used only for the legal purpose for which they were sought. The Commission shall be under no obligation to inform a school that such a request has been made and complied with. Such notice may be furnished to the school if the Commission so decides and if such notice is in accordance with law.</p>	<p><b>Section 11.5     <u>Exception in Event of Appropriate Legal Request</u></b></p> <p>As a general rule, the Commission has no authority or duty to refuse to disclose information about a school when requested to do so pursuant to appropriate legal process. If the request is made by a party with the ability to obtain school records through a legal process, it shall be within the discretion of the Commission whether to require that the formalities of the legal process be observed or to provide such information to the requester as if the legal process had been followed. In either event, the Commission will make a reasonable effort to ensure that the documents provided are used only for the legal purpose for which they were sought. The Commission shall be under no obligation to inform a school that such a request has been made and complied with. Such notice may be furnished to the school if the Commission so decides and if such notice is in accordance with law; <u>provided, however, that NACCAS shall honor all requests by the United States Department of Education to maintain the confidentiality of contact with the Department.</u></p>	



**PROPOSAL 2010-09:**

**The Commission proposes to amend NACCAS' *Rules of Practice and Procedure* to eliminate the status of "Accreditation on Probation."**

Current Language	Proposed Change	Change / Rationale
<p><b>Section 8.10     <u>Status: Accreditation on Probation</u></b></p> <p>(a)     The classification of "Accreditation on Probation" shall be granted to currently accredited institutions against which one or more actions are pending in one or more of the following categories:</p> <p style="padding-left: 40px;">(1)     A program review, financial or compliance audit, audited financial statement, or other information provided by the Secretary of Education to NACCAS calls into question the institution's compliance with NACCAS' standards and other accreditation requirements;</p> <p style="padding-left: 40px;">(2)     A state or federal agency imposes an emergency or disciplinary action on the institution;</p> <p style="padding-left: 40px;">(3)     An on-site evaluation by NACCAS results in findings of non-compliance with NACCAS' Standards and Criteria or other accreditation requirements which can be remedied, with monitoring.</p> <p>(b)     Any currently accredited institutions that does not respond, or submits an incomplete response, to an administrative "show cause" order issued in accordance with Section 7.1(b) of these <i>Rules</i>.</p>	<p><del><b>Section 8.10     <u>Status: Accreditation on Probation</u></b></del></p> <p><del>(a)     The classification of "Accreditation on Probation" shall be granted to currently accredited institutions against which one or more actions are pending in one or more of the following categories:</del></p> <p style="padding-left: 40px;"><del>(1)     A program review, financial or compliance audit, audited financial statement, or other information provided by the Secretary of Education to NACCAS calls into question the institution's compliance with NACCAS' standards and other accreditation requirements;</del></p> <p style="padding-left: 40px;"><del>(2)     A state or federal agency imposes an emergency or disciplinary action on the institution;</del></p> <p style="padding-left: 40px;"><del>(3)     An on-site evaluation by NACCAS results in findings of non-compliance with NACCAS' Standards and Criteria or other accreditation requirements which can be remedied, with monitoring.</del></p> <p><del>(b)     Any currently accredited institutions that does not respond, or submits an incomplete response, to an administrative "show cause" order issued in accordance with Section 7.1(b) of these <i>Rules</i>.</del></p>	<p>In recent years, the Commission has used the status of "Accreditation on Probation" primarily as a disciplinary or enforcement response less severe than withdrawal for schools that have failed to respond, or to respond adequately, to show cause actions.</p> <p>Applicable federal regulations require that the Commission must report all decisions to place a school's accreditation on probation at the same time the school is notified. Because the majority of these actions, especially those arising from administrative show cause orders, are resolved to the Commission's satisfaction within the response period designated by the Commission, this requirement has resulted in many cases of the Commission reporting probation actions to the Department, only to remove probationary status shortly thereafter.</p>

**PROPOSAL 2010-09:**

**The Commission proposes to amend NACCAS' *Rules of Practice and Procedure* to eliminate the status of "Accreditation on Probation."**

<b>Current Language</b>	<b>Proposed Change</b>	<b>Change / Rationale</b>
		The Commission has concluded that the other disciplinary and/or enforcement mechanisms available under the Rules are adequate to accomplish the Commission's purposes, without the use of the status of "Accreditation on Probation."

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
<p><b>Section 9.5      <u>The Appeal Review Panel</u></b></p> <p>(a) Whenever an institution appeals an adverse accreditation action pursuant to Part 9 Sub-Part B of these <i>Rules</i>, an Appeal Review Panel shall be formed to review the institution's appeal document, hold an appeal hearing, if requested by the institution, and render a decision on the appeal, in accordance with Section 9.10 of these <i>Rules</i>.</p> <p>(b) The Appeal Review Panel shall consist of three members.</p> <p>(c) Three alternates will be named to the Panel in case, for whatever reason, one of the Panelists is unable to complete his or her service on the Panel.</p> <p>(d) The purpose of the Appeal Review Panel is to review the appeal document submitted by the institution(s), conduct an appeal hearing, if requested by the appellant, and render a decision on the appeal, in accordance with Section 9.10 of these <i>Rules</i>.</p>	<p><del><b>Section 9.5      <u>The Appeal Review Panel</u></b></del></p> <p><del>(a) Whenever an institution appeals an adverse accreditation action pursuant to Part 9 Sub-Part B of these <i>Rules</i>, an Appeal Review Panel shall be formed to review the institution's appeal document, hold an appeal hearing, if requested by the institution, and render a decision on the appeal, in accordance with Section 9.10 of these <i>Rules</i>.</del></p> <p><del>(b) The Appeal Review Panel shall consist of three members.</del></p> <p><del>(c) Three alternates will be named to the Panel in case, for whatever reason, one of the Panelists is unable to complete his or her service on the Panel.</del></p> <p><del>(d) The purpose of the Appeal Review Panel is to review the appeal document submitted by the institution(s), conduct an appeal hearing, if requested by the appellant, and render a decision on the appeal, in accordance with Section 9.10 of these <i>Rules</i>.</del></p>	<p>The Commission believes that NACCAS' member schools will be better served by the creation of a permanent appeal review panel with rotating membership, than by the continued use of ad hoc panels. The larger panel will have a composition mirroring that of the full Commission, and allowing panelists to have longer, overlapping terms will promote stability and continuity in decisions relating to appeals. The creation of a permanent panel will also reduce the administrative costs of convening ad hoc panels twice-yearly.</p>
<p><b>Section 9.6      <u>Appeal Review Panel List</u></b></p> <p>(a) NACCAS shall maintain a list of at least fifteen former Commissioners and experienced evaluators to be appeal review Panelists. They shall be selected based on their expertise in education and their familiarity with the Commission's Standards, conditions, policies, and <i>Rules of Practice and Procedure</i>. In order to be included on the list of Panelists, a person must</p> <p>(1) Have attended a NACCAS accreditation workshop within the</p>	<p><del><b>Section 9.6      <u>Appeal Review Panel List</u></b></del></p> <p><del>(a) NACCAS shall maintain a list of at least fifteen former Commissioners and experienced evaluators to be appeal review Panelists. They shall be selected based on their expertise in education and their familiarity with the Commission's Standards, conditions, policies, and <i>Rules of Practice and Procedure</i>. In order to be included on the list of Panelists, a person must</del></p> <p><del>(1) Have attended a NACCAS accreditation workshop within the</del></p>	

*Call for Comment (August 2010): Side-by-Side Comparison*

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

<b>Current Language</b>	<b>Proposed Change</b>	<b>Change / Rationale</b>
<p>past three (3) years; and</p> <p>(2) Have signed an agreement to abide by the NACCAS Code of Ethics.</p> <p>(b) Panelists shall be appointed for two years, and may be re-appointed.</p>	<p><del>past three (3) years; and</del></p> <p><del>(2) Have signed an agreement to abide by the NACCAS Code of Ethics.</del></p> <p><del>(b) Panelists shall be appointed for two years, and may be re-appointed.</del></p>	

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
<p><b>Section 9.7      <u>Selection of an Appeal Review Panel</u></b></p> <p>(a) Whenever an Appeal Review Panel is called for, the Executive Committee of the Commission shall select the names of Panelists. If NACCAS Commissioners or staff know of any possible conflict of interest between a selected Panelist and the appellant institution, or if that individual is unavailable to serve on the Panel, another Panelist shall be selected, until there is a list of six Panelists without any possible conflict known to the Panelist, the Commission or Commission staff.</p> <p>(b)      <u>Objections to Panelists:</u></p> <p>(1) The list of Panelists, including identification of their respective affiliations, shall be sent to the institution(s) on appeal. Within ten (10) days of receipt of the list, they may strike from the list any Panelist in accordance with Section 9.7(b)(2) below. If any Panelists are struck from the proposed Panel, the Executive Committee shall select additional names and submit these to the owners who will have five (5) days to strike Panelists from the list in accordance with Section 9.7(b)(2) below.</p> <p>(2) The appellant institution may strike from the list any Panelist who has a conflict of interest (as defined in NACCAS' Conflict of Interest Policy, set forth in Section 3 of NACCAS' Code of Ethics) that would prohibit the Panelist from hearing and voting on an appeal involving the school. The appellant must indicate in writing the specific violations of the Conflict of Interest Policy that require striking a Panelist. In addition, during the Panelist selection process, the institution may strike up to (but in no event more than) two (2) Panelists without proof of a conflict of interest.</p> <p>(c) The selection process shall continue until six</p>	<p><del><b>Section 9.7      <u>Selection of an Appeal Review Panel</u></b></del></p> <p><del>(a) Whenever an Appeal Review Panel is called for, the Executive Committee of the Commission shall select the names of Panelists. If NACCAS Commissioners or staff know of any possible conflict of interest between a selected Panelist and the appellant institution, or if that individual is unavailable to serve on the Panel, another Panelist shall be selected, until there is a list of six Panelists without any possible conflict known to the Panelist, the Commission or Commission staff.</del></p> <p><del>(b)      <u>Objections to Panelists:</u></del></p> <p><del>(1) The list of Panelists, including identification of their respective affiliations, shall be sent to the institution(s) on appeal. Within ten (10) days of receipt of the list, they may strike from the list any Panelist in accordance with Section 9.7(b)(2) below. If any Panelists are struck from the proposed Panel, the Executive Committee shall select additional names and submit these to the owners who will have five (5) days to strike Panelists from the list in accordance with Section 9.7(b)(2) below.</del></p> <p><del>(2) The appellant institution may strike from the list any Panelist who has a conflict of interest (as defined in NACCAS' Conflict of Interest Policy, set forth in Section 3 of NACCAS' Code of Ethics) that would prohibit the Panelist from hearing and voting on an appeal involving the school. The appellant must indicate in writing the specific violations of the Conflict of Interest Policy that require striking a Panelist. In addition, during the Panelist selection process, the institution may strike up to (but in no event more than) two (2) Panelists without proof of a conflict of interest.</del></p> <p><del>(c) The selection process shall continue until six Panelists have been selected. The first three names approved</del></p>	

*Call for Comment (August 2010): Side-by-Side Comparison*

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
<p>Panelists have been selected. The first three names approved shall be the Panelists, and the second three names approved shall be the alternates.</p>	<p><del>shall be the Panelists, and the second three names approved shall be the alternates.</del></p>	
<p><b><u>Section 9.8 Meetings and Deliberations of the Appeal Review Panel</u></b></p> <p>(a) Appeal Review Panels shall meet at least twice a year, when there are appeals pending, no later than thirty (30) days before face-to-face Commission meetings scheduled to consider school actions. The meeting of the Appeal Review Panel shall include review of the record on appeal, appeal hearings, deliberations, and rendering of decisions.</p> <p>(b) At least fifteen (15) days before a meeting of the Appeal Review Panel, each Panelist, including alternates, shall receive a complete copy of the appellant's record on appeal.</p> <p>(c) If any appellant has requested an appeal hearing, it shall take place at the first meeting of the Appeal Review Panel that is held more than twenty (20) days after the institution's appeal document is due.</p> <p>(d) At the Appeal Review Panel meeting, following any hearing(s) and after the appellants are no longer present, the Appeal Review Panel shall discuss the appellant's record on appeal, oral testimony, and answers to questions at the hearing, if any.</p> <p>(e) No members of the Commission or the public shall be allowed in the meeting of the Appeal Review Panel unless requested or required by the Panel. However, both parties shall</p>	<p><del><b><u>Section 9.8</u></b></del> <b><u>Section 9.5 Meetings and Deliberations of the Appeal Review Panel</u></b></p> <p>(a) <b><u>All appeals shall be heard by an</u></b> Appeal Review Panels <b><u>organized in accordance with Sub-Part C below.</u></b></p> <p>(b) <b><u>The Appeal Review Panel shall establish a meeting schedule for each calendar year. The Panel</u></b> shall meet at least twice a year, when there are appeals pending, <b><u>A majority of Panelists shall constitute a quorum for any meeting of the Appeal Review Panel.</u></b> <del>no later than thirty (30) days before face to face Commission meetings scheduled to consider school actions.</del> The meeting of the Appeal Review Panel shall include review of the record on appeal, appeal hearings, deliberations, and rendering of decisions.</p> <p>(b) At least fifteen (15) days before a meeting of the Appeal Review Panel, each Panelist, <del>including alternates,</del> shall receive a complete copy of the appellant's record on appeal.</p> <p>(c) If any appellant has requested an appeal hearing, it shall take place at the first meeting of the Appeal Review Panel that is held more than twenty (20) days after the institution's <b><u>Appeal Document</u></b> <del>appeal document</del> is due.</p> <p>(d) At the Appeal Review Panel meeting, following any hearing(s) and after the appellants are no longer present, the Appeal Review Panel shall discuss the appellant's record on appeal, oral testimony, and answers to questions at the hearing,</p>	

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
<p>be allowed to have counsel present and one or more staff members of NACCAS shall staff the Panel and be available throughout the meeting of the Panel for purposes of clarification of the Commission's Standards and Criteria. However, the staff shall not offer an opinion on the appeal.</p>	<p>if any.</p> <p>(e) No members of the Commission or the public shall be allowed in the meeting of the Appeal Review Panel unless requested or required by the Panel. However, both parties shall be allowed to have counsel present and one or more staff members of NACCAS shall staff the Panel and be available throughout the meeting of the Panel for purposes of clarification of the Commission's Standards and Criteria. However, the staff shall not offer an opinion on the appeal.</p>	
<p><b>Section 9.9      <u>Appeal Hearing Procedures</u></b></p> <p>If an appellant's Letter of Intent to Appeal includes a request for an appeal hearing, the school shall be heard as scheduled at the first Appeal Review Panel meeting that takes place twenty (20) days or more after the school's appeal document was due. As a general proposition, forty-five (45) minutes shall be allocated for an appeal presentation. The Chair of the Appeal Review Panel has the authority to grant additional time for the hearing, if he or she believes that it is needed.</p> <p>(a) The appeal hearing shall commence with an opening statement by the Chair of the Appeal Review Panel, which describes the applicable standard of review, and the procedures to be followed at the hearing.</p> <p>(b) The appealing school's representative(s) shall then make its presentation in support of the appeal.</p> <p>(c) Any member of the Appeal Review Panel may question the representative(s) of the school at any time during the presentation, including questions into any issue</p>	<p><b>Section <del>9.9</del> <u>9.6</u>      <u>Appeal Hearing Procedures</u></b></p> <p><del>If an appellant's Letter of Intent to Appeal includes a request for an appeal hearing, the school shall be heard as scheduled at the first Appeal Review Panel meeting that takes place twenty (20) days or more after the school's appeal document was due.</del> As a general proposition, forty-five (45) minutes shall be allocated for an appeal presentation. The Chair of the Appeal Review Panel has the authority to grant additional time for the hearing, if he or she believes that it is needed.</p> <p>(a) The appeal hearing shall commence with an opening statement by the Chair of the Appeal Review Panel, which describes the applicable standard of review, and the procedures to be followed at the hearing.</p> <p>(b) The appealing school's <b>institution's</b> representative(s) shall then make its presentation in support of the appeal.</p> <p>(c) Any member of the Appeal Review Panel, <b>other than any Panelist required to recuse,</b> may question the</p>	

*Call for Comment (August 2010): Side-by-Side Comparison*

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
<p>concerning the school's compliance with NACCAS Standards and Criteria and other accreditation requirements.</p> <p>(d) At the conclusion of the oral argument, the hearing shall be adjourned.</p> <p>(e) The appeal panel has at its discretion, the ability to accept new evidence, including evidence of remediation, at the appeal hearing.</p>	<p>representative(s) of the <del>school</del> <b>institution</b> at any time during the presentation, including questions into any issue concerning the <del>school's</del> <b>institution's</b> compliance with NACCAS Standards and Criteria and other accreditation requirements.</p> <p>(d) At the conclusion of the oral argument, the hearing shall be adjourned.</p> <p>(e) The <del>appeal panel has at</del> <b>Appeal Review Panel</b> <b>may, in</b> its discretion, <del>the ability to accept new evidence,</del> including evidence of remediation, at the appeal hearing.</p>	
<p><b>Section 9.10 <u>Authority and Recommendations of the Appeal Review Panel</u></b></p> <p>(a) The Appeal Review Panel has no authority to waive or otherwise modify the NACCAS eligibility criteria, Standards and Criteria, <i>Rules of Practice and Procedures</i>, policies, or other accreditation requirements.</p> <p>(b) The Appeal Review Panel may either:</p> <p>(1) Affirm the adverse accreditation decision of the Commission, in which case the decision shall be final; or</p> <p>(2) Reverse the adverse accreditation decision of the Commission, in which case the Commission shall implement the decision of the Appeal Review Panel as provided in Section 9.10(c) of these <i>Rules</i>; or</p>	<p><b>Section <del>9.10</del> <u>9.7 Authority and Recommendations of the Appeal Review Panel</u></b></p> <p>(a) The Appeal Review Panel has no authority to waive or otherwise modify the NACCAS eligibility criteria, Standards and Criteria, <i>Rules of Practice and Procedures</i>, policies, or other accreditation requirements.</p> <p>(b) The Appeal Review Panel may either:</p> <p>(1) Affirm the adverse accreditation decision of the Commission, in which case the decision shall be final; or</p> <p>(2) Reverse the adverse accreditation decision of the Commission, in which case the Commission shall implement the decision of the Appeal Review Panel as provided in Section <del>9.10(e)</del> <b>9.7(c)</b> of these <i>Rules</i>; or</p>	

*Call for Comment (August 2010): Side-by-Side Comparison*

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
<p>(3) Amend the adverse accreditation decision of the Commission, in which case the Commission shall implement the decision of the Appeal Review Panel as provided in Section 9.10(c) of these <i>Rules</i>; or</p> <p>(4) Remand the adverse accreditation decision to the Commission for further consideration, in which case the Commission shall reconsider the original decision as provided in Section 9.10(d) of these <i>Rules</i>.</p> <p>In all cases, the Appeal Review Panel shall provide the Commission with a written statement of the result of the appeal and of the basis for that result, together with the record on appeal, including the appeal document and appeal transcript.</p> <p>(c) If the Appeal Review Panel reverses or amends the adverse accreditation decision, the Commission shall implement the Appeal Review Panel's decision in a manner consistent with the Panel's decision and (if applicable) instructions, and with the Commission's accreditation Standards and these <i>Rules</i>.</p> <p>(d) If the Appeal Review Panel remands the adverse accreditation decision to the Commission for further consideration, it shall provide the Commission with a written statement identifying specific issues that the Commission must address in rendering its final decision. In undertaking its reconsideration of a decision remanded by the Appeal Review Panel, the Commission shall act in a manner consistent with the Panel's decision and instructions (including with respect to the</p>	<p>(3) Amend the adverse accreditation decision of the Commission, in which case the Commission shall implement the decision of the Appeal Review Panel as provided in Section <del>9.10(c)</del> <b>9.7(c)</b> of these <i>Rules</i>; or</p> <p>(4) Remand the adverse accreditation decision to the Commission for further consideration, in which case the Commission shall reconsider the original decision as provided in Section <del>9.10(d)</del> <b>9.7(d)</b> of these <i>Rules</i>.</p> <p>In all cases, the Appeal Review Panel shall provide the Commission with a written statement of the result of the appeal and of the basis for that result, together with the record on appeal, including the <del>appeal document</del> <b>Appeal Document</b> and appeal transcript.</p> <p>(c) If the Appeal Review Panel reverses or amends the adverse accreditation decision, the Commission shall implement the Appeal Review Panel's decision in a manner consistent with the Panel's decision and (if applicable) instructions, and with the Commission's accreditation Standards and these <i>Rules</i>.</p> <p>(d) If the Appeal Review Panel remands the adverse accreditation decision to the Commission for further consideration, it shall provide the Commission with a written statement identifying specific issues that the Commission must address in rendering its final decision. In undertaking its reconsideration of a decision remanded by the Appeal Review Panel, the Commission shall act in a manner consistent with the</p>	

*Call for Comment (August 2010): Side-by-Side Comparison*

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
<p>addressing the specific issues identified by the Panel), and with the Commission's accreditation Standards and these <i>Rules</i>. A decision by the Commission upon a matter remanded to it by the Appeal Review Panel shall be final and not subject to further appeal. The Commission shall send an official notification to the appellant in accordance with Section 8.17 of these <i>Rules</i>.</p> <p>(e) In implementing any decision by the Appeal Review Panel, the Commission may impose any monitoring, reporting or other limitations or obligations on the accreditation of an institution consistent with these Rules and the decision of the Appeal Review Panel.</p>	<p>Panel's decision and instructions (including with respect to the addressing the specific issues identified by the Panel), and with the Commission's accreditation Standards and these <i>Rules</i>. A decision by the Commission upon a matter remanded to it by the Appeal Review Panel shall be final and not subject to further appeal. The Commission shall send an official notification to the appellant in accordance with Section 8.17 of these <i>Rules</i>.</p> <p>(e) In implementing any decision by the Appeal Review Panel, the Commission may impose any monitoring, reporting or other limitations or obligations on the accreditation of an institution consistent with these Rules and the decision of the Appeal Review Panel.</p> <p><b><u>(f) In the event that the Commission determines that it is incapable of implementing the Appeal Review Panel's decision in a manner consistent with the Commission's accreditation Standards and these Rules because the Appeal Review Panel has exceeded the limitations to its authority under Section 9.7(a) of these Rules by waiving or otherwise modifying the NACCAS eligibility criteria, Standards and Criteria, Rules of Practice and Procedures, policies, or other accreditation requirements, the Commission shall remand the decision to the Appeal Review Panel and the Appeal Panel shall render a decision consistent with such eligibility criteria, Standards and Criteria, Rules of Practice and Procedures, policies, and/or other accreditation requirement.</u></b></p>	

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
<p><b>Section 9.11 <u>Record of Appeal Hearing</u></b></p> <p>The Appeal Review Panel shall record or stenographically transcribe the appeal hearing before it. A transcript of the hearing shall be provided to the school upon written request and payment of a reasonable charge for transcription costs.</p>	<p><b>Section <del>9.11</del> <u>9.8 Record of Appeal Hearing</u></b></p> <p>The Appeal Review Panel shall record or stenographically transcribe <del>the any</del> appeal hearing before it. A transcript of the hearing shall be provided to the <del>school</del> <u>institution</u> upon written request and payment of a reasonable charge for transcription costs.</p>	
<p><b>Section 9.12 <u>Expenses of Appeal</u></b></p> <p>(a) The expenses incurred in the development and presentation of its appeal shall be borne exclusively by the institution filing the appeal, including the appeals fee as indicated in Appendix #2 to these <i>Rules</i>.</p> <p>(b) The expenses involved in the arrangements for the location of the meeting of the Appeal Review Panel shall be borne by NACCAS.</p>	<p><b>Section <del>9.12</del> <u>9.9 Expenses of Appeal</u></b></p> <p>(a) The expenses incurred in the development and presentation of its appeal shall be borne exclusively by the institution filing the appeal, including the appeals fee as indicated in Appendix #2 to these <i>Rules</i>.</p> <p>(b) The expenses involved in the arrangements for the location of the meeting of the Appeal Review Panel shall be borne by NACCAS.</p>	
<p>Not applicable.</p>	<p align="center"><b><u>Sub-Part C – Appeal Review Panel</u></b></p> <p><b><u>Section 9.10 Function of Appeal Review Panel</u></b></p> <p><b><u>The purpose of the Appeal Review Panel is to review the Appeal Document (if any) submitted by the appellant institution, conduct an appeal hearing (if requested by the appellant), and render a decision on the appeal, in accordance with Section 9.5 through Section 9.7 of these Rules.</u></b></p>	

**PROPOSAL 2010-10:**

The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.

Current Language	Proposed Change	Change / Rationale
<p align="center">Not applicable.</p>	<p><b><u>Section 9.11 Composition of Appeal Review Panel</u></b></p> <p><b><u>The Appeal Review Panel shall consist of seven (7) Panelists, of which:</u></b></p> <p align="center"><b><u>(a) Four (4) Panelists shall satisfy the qualifications set forth in NACCAS' By-Laws for a Commissioner representing schools in fields of training within NACCAS' scope;</u></b></p> <p align="center"><b><u>(b) One (1) Panelist shall satisfy the qualifications set forth in NACCAS' By-Laws for a Commissioner representing professional services operations in fields within NACCAS' scope;</u></b></p> <p align="center"><b><u>(c) One (1) Panelist shall satisfy the qualifications set forth in NACCAS' By-Laws for an academic Commissioner; and</u></b></p> <p align="center"><b><u>(d) One (1) Panelist shall satisfy the qualifications set forth in NACCAS' By-Laws for a Commissioner representing the public interest.</u></b></p>	

**PROPOSAL 2010-10:**

The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.

Current Language	Proposed Change	Change / Rationale
<p align="center">Not applicable.</p>	<p><b><u>Section 9.12 Qualifications of Panelists</u></b></p> <p><b><u>(a) In addition to satisfying the qualifications for the category of Panelist to which he or she is appointed (as set forth in Section 9.11 above), each Panelist must (i) have signed an agreement to abide by the NACCAS Code of Ethics (including, without limitation, an agreement to disavow from discussion or voting on any matter where a conflict of interest exists) and (ii) either (x) have attended a NACCAS accreditation workshop within the previous three (3) years or (y) have signed an agreement to attend a NACCAS accreditation workshop prior to the first meeting of the Appeal Review Panel on which he or she will serve.</u></b></p> <p><b><u>(b) No sitting Commissioner may serve on an Appeal Review Panel, nor may any former Commissioner serve on an Appeal Review Panel until at least one (1) year after his or her term as Commissioner has ended.</u></b></p> <p><b><u>(c) No two people from the same business entity may be appointed to serve simultaneously on the Appeal Review Panel.</u></b></p> <p><b><u>(d) No Panelist may be appointed to more than two consecutive full terms on the Appeal Review Panel. For purposes of this Section, a replacement Panelist who serves a partial term of less than one calendar year is not deemed to have served a full term. A Panelist who is disqualified from reappointment on account of serving two consecutive full terms shall remain disqualified for the three (3) years immediately following his or her last full term of service.</u></b></p>	

**PROPOSAL 2010-10:**

**The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.**

Current Language	Proposed Change	Change / Rationale
Not applicable.	<p><b><u>Section 9.13 Selection of Panelists</u></b></p> <p><b><u>(a) Each year, the Commission shall solicit, by public notice, applications from interested and qualified parties to replace Panelists whose terms of appointment will expire on December 31 of that year.</u></b></p> <p><b><u>(b) The Commission may, in its discretion, appoint a committee for the purpose of reviewing applications and making recommendations for appointment to the Commission.</u></b></p> <p><b><u>(c) Not later than December 31 of each year, the Commission shall review the applications received by NACCAS and make appointments to the Panel from the list of applicants whose applications show that they meet the qualifications for Panelists set forth in Section 9.11 and Section 9.12 above. Panelists shall be appointed by vote of the Commission. Appointments shall be publicly announced and the list of Panelists shall be available on the NACCAS web site.</u></b></p>	

**PROPOSAL 2010-10:**

The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.

Current Language	Proposed Change	Change / Rationale
<p align="center">Not applicable.</p>	<p><b><u>Section 9.14 Term of Panelists; Resignation and Removal; Vacancy</u></b></p> <p><b><u>(a) Each Panelist shall be appointed for a three (3) year term; provided, however, that of the first seven (7) Panelists appointed pursuant to Section 9.13 of the Rules, two (2) Panelists (selected by lot) shall be appointed for a one (1) year term and two (2) Panelists (selected by lot) shall be appointed for a two (2) year term. Except in the case of a Panelist appointed to fill an interim vacancy (whose term shall begin immediately upon appointment), each Panelist's term shall commence on January 1, immediately following his or her appointment. Each Panelist shall serve until his or her term expires, or until his or her resignation or removal, as provided in these Rules.</u></b></p> <p><b><u>(b) At each meeting of the Appeal Review Panel, each Panelist shall attest that he or she continues to satisfy the qualifications for the category of Panelist for which he or she was appointed. If the Panelist cannot do so, he or she shall resign immediately. Any Panelist who is absent from two (2) consecutive meetings of the Appeal Review Panel shall be deemed to have resigned his or her seat on the Panel.</u></b></p> <p><b><u>(c) The Executive Committee shall have the power to remove from office any Panelist who, in the determination of the Executive Committee, (1) has ceased to satisfy the qualifications for the category of Panelist for which he or she was appointed or (2) has violated his or her obligations under these Rules and/or the Code of Ethics.</u></b></p> <p><b><u>(d) In the event of any vacancy on the Appeal Review Panel, the Executive Committee shall appoint a replacement Panelist to serve the remainder of the term of the Panelist who is being replaced. The replacement Panelist must satisfy all of the qualifications for the same category of Panelist (e.g., school owner, academic, professional services or public interest representative) as the Panelist he or she is replacing.</u></b></p>	

**PROPOSAL 2010-10:**

The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.

Current Language	Proposed Change	Change / Rationale
<p align="center">Not applicable.</p>	<p><b><u>Section 9.15 Objections to Appeal Review Panel</u></b></p> <p><b><u>(a) Each institution that has appealed an adverse action of the Commission pursuant to Error! Reference source not found. of these Rules shall be notified, in writing, whether its appeal will be heard (i) in the then-current calendar year or (ii) in the following calendar year. Institutions whose appeals will be heard in the then-current calendar year may, within ten (10) days from receipt of such written notification, submit to NACCAS, in writing, the name(s) of any Panelist(s) the institution believes is prevented by a conflict of interest from hearing the institution's appeal. Institutions whose appeals will be heard in the following calendar year shall be notified in writing when the Panelists for the following year have been selected, and may object, in writing, to any such Panelists within ten (10) days of receipt of such notice.</u></b></p> <p><b><u>(b) An appellant objecting to a Panelist must indicate in writing the specific violations of the NACCAS Conflict of Interest Policy that require the challenged Panelist to recuse from consideration of the institution's appeal. In the event that the challenged Panelist does not voluntarily recuse, the remaining Panelists, by majority vote, shall determine whether the institution has shown good cause for requiring such recusal, and the challenged Panelist shall abide by the decision of the Panel.</u></b></p>	

**PROPOSAL 2010-10:**

The Commission proposes to amend Part 9 of NACCAS' *Rules of Practice and Procedure* to revise the method by which Appeal Review Panels are formed.

Current Language	Proposed Change	Change / Rationale
<p align="center">Not applicable.</p>	<p><b><u>Section 9.16 Special Panelists</u></b></p> <p><b><u>(a) In the event that more than four (4) Panelists are required to recuse from any institution's appeal, the Executive Committee shall appoint one (1) or more Special Panelists solely for purposes of hearing the affected institution's appeal. The Special Panelist(s) must meet the qualifications for a panelist set forth in these Rules, other than the compositional requirements set forth in Section 9.11.</u></b></p> <p><b><u>(b) The affected institution shall be notified in writing of any Special Panelists appointed to hear its appeal, and shall have five (5) days to object to any such Special Panelists, on the terms set out in Section 9.15. The appointment and objection process described in this Section 9.16 shall continue until there shall be at least three (3) Panelists (including Special Panelists) not disqualified from hearing the institution's appeal.</u></b></p> <p><b><u>(c) Where necessary to permit the appointment and objection period described above to be completed in a timely manner, the Appeal Review Panel shall defer consideration of the objecting institution's appeal to a special meeting called specifically for that purpose. Such special meeting shall be held not later than thirty (30) days following the final selection of Special Panelists and, unless the appellant has requested an appeal hearing at which a representative of the institution will make a personal appearance, such special meeting may (in the Panel's discretion) be a telephonic meeting.</u></b></p>	

**PROPOSAL 2010-11:**

**The Commission proposes to amend Section 10.1 of NACCAS' *Rules of Practice and Procedure* to reduce the public comment period for schools seeking accreditation from 45 to 15 days.**

Current Language	Proposed Change	Change / Rationale
<p><b>Section 10.1     <u>Opportunity for Comment</u></b></p> <p>The Commission encourages all interested parties to submit written comments concerning proposed changes in the Commission's Standards, requirements, and procedures or comments pertaining to schools seeking accredited status, published pursuant to Section 10.0 of these <i>Rules</i>. Schools shall have forty-five (45) calendar days to submit such comments unless a longer comment period is specified by the Commission. The Commission shall not be required to consider comments received after the published comment deadline.</p>	<p><b>Section 10.1     <u>Opportunity for Comment</u></b></p> <p>The Commission encourages all interested parties to submit written comments concerning proposed changes in the Commission's Standards, requirements, and procedures or comments pertaining to schools seeking accredited status, published pursuant to Section 10.0 of these <i>Rules</i>. <b><u>Unless a longer comment period is specified by the Commission, interested parties shall have fifteen (15) calendar days to submit such comments with respect to schools seeking accredited status, and forty-five (45) calendar days to submit comments relating to all other matter.</u></b> <del>Schools shall have forty five (45) calendar days to submit such comments unless a longer comment period is specified by the Commission.</del> The Commission shall not be required to consider comments received after the published comment deadline.</p>	<p>A “notice + 45-day” comment period is inconsistent with the Commission’s current timetable for processing certain applications for accreditation, such as applications for provisional branch accreditation.</p>

**PROPOSAL 2010-12:**

**The Commission proposes to amend Appendix #7A to NACCAS' *Rules of Practice and Procedure* to provide that schools are not required to submit floor plans with applications for the addition of teacher training programs.**

Current Language	Proposed Change	Change / Rationale
<p><b>VIII. INSTRUCTIONAL SPACE AND FACILITIES</b></p> <p>Yes    No    N/A    O/A 2. Institutional space is equipped to accommodate the numbers of students assembled at one time.</p> <p>Describe how the institution's space is equipped to accommodate the number of students assembled at one time. Provide an explanation of any changes that have occurred or will occur to the space, facilities or equipment with regard to the new program. Submit as an exhibit at the end of the Standard a floor plan and a description of the facilities provided for the program.</p>	<p><b>VIII. INSTRUCTIONAL SPACE AND FACILITIES</b></p> <p>Yes    No    N/A    O/A 2. Institutional space is equipped to accommodate the numbers of students assembled at one time.</p> <p>Describe how the institution's space is equipped to accommodate the number of students assembled at one time. Provide an explanation of any changes that have occurred or will occur to the space, facilities or equipment with regard to the new program. Submit as an exhibit at the end of the Standard a floor plan and a description of the facilities provided for the program. <b><u>(Note: This requirement does not apply to the addition of a teacher training program.)</u></b></p>	

**PROPOSAL 2010-13:**

**The Commission proposes to amend the NACCAS *Code of Ethics* to provide that NACCAS staff should report potential conflicts of interest to the Executive Director, rather than the Chairman of the Board of Commissioners, unless the alleged conflict involves the Executive Director.**

Current Language	Proposed Change	Change / Rationale
<p>3. CONFLICT OF INTEREST - A conflict of interest exists when the duty of loyalty to NACCAS, including the furtherance of its objects and purposes as set forth in its Articles of Incorporation and By-laws, can be prejudiced by actual or potential personal benefit from another source. Each commissioner, officer, and employee is expected to avoid any investment, interest or association which interferes with the independent exercise of judgment in the best interest of NACCAS and those persons for whose benefit NACCAS was formed. Disclosures of personal interests or other circumstances which might constitute conflicts of interest are to be reported promptly by the commissioner, officer, or employee to the Chairman of NACCAS for resolution in the manner best suited to the interests of NACCAS and such individual.</p>	<p>3. CONFLICT OF INTEREST - A conflict of interest exists when the duty of loyalty to NACCAS, including the furtherance of its objects and purposes as set forth in its Articles of Incorporation and By-laws, can be prejudiced by actual or potential personal benefit from another source. Each commissioner, officer, and employee is expected to avoid any investment, interest or association which interferes with the independent exercise of judgment in the best interest of NACCAS and those persons for whose benefit NACCAS was formed. Disclosures of personal interests or other circumstances which might constitute conflicts of interest are to be reported promptly <del>by the commissioner, officer, or employee to the Chairman of NACCAS</del> for resolution in the manner best suited to the interests of NACCAS and such individual. <b><u>NACCAS employees should report such conflicts or circumstances to the Executive Director unless the conflict involves the Executive Director, in which case it should be reported to the Chairman of NACCAS. The Executive Director, commissioners and NACCAS officers should report such conflicts or circumstances to the Chairman of NACCAS.</u></b></p>	<p>The Commission believes that staff issues and concerns (other than those involving the Executive Director) should be initially reported to the Executive Director rather than the Board of Commissioners.</p>

**PROPOSAL 2010-14:**

**The Commission proposes to amend NACCAS' *Handbook* to clarify that the NACCAS *Code of Ethics* and the *Master Statement of NACCAS' Investment Policy and Objectives* are not part of the NACCAS *By-Laws*.**

<b>Current Language</b>	<b>Proposed Change</b>	<b>Change / Rationale</b>
	No change in language is proposed. The NACCAS <i>Code of Ethics</i> and the <i>Master Statement of NACCAS' Investment Policy and Objectives</i> will appear as separate documents in future Handbooks.	

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