



Bob Shireman <>

making NACIQI documents public

Bob Shireman <>

Thu, Jul 15, 2021 at 3:38 PM

To:

Dear fellow Naciqi members:

I am glad the Department followed up on our request to bring back the data dashboards and I look forward to the presentation about them. The other request the committee made at the end of the March meeting was that the staff “explore and assess what documents can be made available to the public as agencies upload them in E-Recognition.”

A few weeks ago when we received that letter about the ABA, it underscored for me the importance of public access to the materials that we all have. We are asking the public to comment at our upcoming hearing, yet the public does not have access to the materials! That makes no sense, especially given that the regulations require the Secretary to make “all documents provided to the Advisory Committee available to the public” [34 CFR § 602.31 (f) (3)]. The catch is that the regulations don’t say by what timing or method (and the language in the regulation vaguely implies a FOIA process, though it also requires the accrediting agencies to submit documents that are already stripped of anything that can’t be made public, so the documents should be releasable as is).

To spur the Department to engage with this issue, I asked for permission to make public the documents available to NACIQI members in the e-recognition system. The Department denied permission, so I filed a FOIA request for the documents and asked for expedited treatment because of our upcoming meeting. The Department denied expedited treatment, so I appealed that decision. The Department denied my appeal.

There’s still time for the Department to act on the FOIA request and make the documents public before our meeting, so I am blind-copying Department officials who might be able to encourage that. I will also share this note publicly. If it is not addressed, I intend to make another plea for timely public access to the documents, because the current situation poorly serves the public and our obligations.

It is unfair and unnecessary for the documents available to us as committee members to be hidden from public view when we are having a public meeting about those documents. After all, the documents *are required to be made public*. I hope this can be addressed by the Department prior to our meeting in twelve days.

-Bob