



Leadership and Advocacy

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November 16, 2015

Honorable Harold Rogers
Chairman
Committee on Appropriations
United States House of Representatives
H-305, The Capitol
Washington, DC 20515

Honorable Nita Lowey
Ranking Member
Committee on Appropriations
United States House of Representatives
H-305, The Capitol
Washington, DC 20515

Senator Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Room S128, The Capitol
Washington, DC 20510

Senator Barbara Mikulski
Ranking Member
Committee on Appropriations
United States Senate
Room S128, The Capitol
Washington, DC 20510

Dear Chairmen Rogers and Cochran and Ranking Members Lowey and Mikulski:

On behalf of the undersigned organizations, we write to request that you include several policy provisions in the Fiscal Year 2016 Labor, Health and Human Services, Education and Related Agencies appropriations bill being prepared by the committee.

The bills passed by your committees earlier this year included language that would bar the Department of Education from taking any further action in FY2016 on several regulatory efforts, barring reauthorization of the Higher Education Act (HEA). We would request inclusion of this language in any final legislation.

Colleges and universities recognize the need for safeguarding public funds and for being wholly accountable to the taxpayers who provide those funds. We welcome strict scrutiny and embrace thoughtful regulation as a way of assuring that the public trust is not misplaced, and program ends are achieved. We have actively engaged in the regulatory process, hoping to shape the outcomes to benefit students and taxpayers. Unfortunately, in a small number of cases, the Department advanced proposals that do (or would do) little to address the goals they were intended to serve, while simultaneously imposing significant new costs and burdens on institutions. In some instances, the federal regulation is simply inappropriate as conceived.

We are particularly concerned with regulatory efforts either currently underway or being developed in the areas of gainful employment, teacher preparation, a federal definition of a credit hour and requirements around state authorization. For the regulations that have been implemented, such as gainful employment and state authorization, we have witnessed

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considerable implementation problems that have imposed substantial burdens on institutions, and produced inaccurate or misleading data for the public.

The recently enacted state authorization regulations have disrupted the balance across states, accreditors and the federal government in assuring educational program quality and integrity for federal student aid purposes. This disruption has resulted in confusion for the public, costs for institutions, and no meaningful improvement in oversight.

Federal credit hour regulations inappropriately intrude a one-size-fits-all federal standard explicitly based on an obsolete model of "seat time" and classroom instruction into academic decisions that properly rest with each institution and its faculty. The federal definition also is restricting the ability of colleges to explore innovative methods of teaching and learning by imposing a definition that is impossible to use for distance and competency based education.

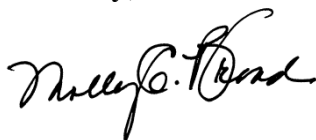
The Department of Education's proposed regulations to create a federal teacher education performance rating system are based on faulty measures of program quality. This regulation would require the use widely-discredited assessment measures, such as value-added measures, and rely on outdated reform models that get in the way of cutting edge improvements. During the comment period for this regulation, multiple states attested to the fact that implementation of this rule would impose hundreds of millions of dollars in new costs on states.

In the case of gainful employment, as we have consistently maintained in our previous comments, we strongly agree with the Department's goals. However, while the regulations as written may have some impact in some cases, they are so inappropriately applied to most institutions that we cannot support them. This is particularly the case for low-resourced institutions, such as community colleges, that offer the majority of the programs subject to this regulation.

Given the serious problems that have been identified with the Department's approaches, as well as the recent bipartisan concern with regulatory overreach, Congress should exert its authority and block the implementation of these regulations until Congress has had the opportunity to act. The ongoing reauthorization of the Higher Education Act (HEA) is the appropriate forum for addressing these issues, and a prohibition on administrative action until the HEA is reauthorized would insure that any changes will be made with the full input and consideration of all stakeholders.

We appreciate your attention to this request, and your efforts on behalf of American higher education and its students.

Sincerely,

A handwritten signature in black ink, appearing to read "Molly Corbett Broad". The signature is fluid and cursive, with the first name "Molly" being the most prominent.

Molly Corbett Broad
President

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On behalf of:

American Association of Colleges for Teacher Education
American Association of Collegiate Registrars and Admissions Officer
American Association of Community Colleges
American Council on Education
Association of Jesuit Colleges and Universities
Council for Christian Colleges & Universities
Council for Opportunity in Education
Council of Graduate Schools
Council of Independent Colleges
EDUCAUSE
Hispanic Association of Colleges and Universities
NASPA – Student Affairs Administrators in Higher Education
National Association of Independent Colleges and Universities