

September 13, 2018

Ashley Higgins
U.S. Department of Education
400 Maryland Ave., SW
Mail Stop 294-20
Washington, DC 20202

Dear Ms. Higgins,

On behalf of the associations listed below, representing college leaders, educators, and professionals, we write offering comment on the Department's proposal to rescind the existing gainful employment regulations and make changes to the College Scorecard (Docket ID ED-2018-OPE-0042).

We oppose the Department's proposal to rescind, instead of revise, the existing gainful employment regulations, and do not believe that simply replacing them with additional disclosures on the College Scorecard at some point in the future serves the interests of students, institutions, or the public. While data and transparency are useful tools and have the potential to improve the higher education marketplace, they are not a substitute for the sanctions provided by the gainful employment rule.

The federal government has both the authority and the obligation to oversee gainful employment programs and to address programs that fail to properly prepare students for their chosen occupations. As we noted in our comments on the 2014 proposed rule, identifying and eliminating such programs from eligibility is legally required under Sections 101 and 102 of the Higher Education Act and is clearly in the interest of students and the federal government.

There is real merit in providing prospective students and their families with additional information on the value of higher education institutions and programs. We welcome the Department's interest in expanding the information it will make available on the College Scorecard. We look forward to actively participating in the process the Department proposes to achieve those ends.

However, it has been clear for some time that additional information is not enough to prevent fraud and abuse. The 2014 rule, while not perfect, addressed a serious existing problem and was targeted at where the problems occurred and where the Department had clear statutory authority to act. We believe using statutory authority to take administrative actions to curb documented patterns of abuse is a necessary and appropriate role for the Department. Doing so benefits students and

taxpayers directly but also benefits colleges and universities by helping to maintain and increase the public's trust in higher education.

It is particularly concerning that the Department proposes to rescind the existing rule prior to developing additional alternatives, as this would leave a meaningful gap between oversight of gainful employment programs and the period when additional information could influence prospective students' decisions. By rescinding the regulations entirely, the Department will forego an opportunity to strengthen and improve them and abandon a meaningful oversight tool.

The result of this approach, according to the Department's own estimates, would be \$4.5 billion in Pell Grant funding going to programs that otherwise would not be eligible under existing regulations. Considering the importance of Pell Grants and the difficulties involved in providing sufficient funding to meet student needs, it is troubling that the Department is considering a move that would significantly increase the cost of Pell Grants by directing those additional funds to programs that demonstrate poor returns for students. Taxpayers have a clear interest in seeing that the federal government is a careful steward of the funds it disburses, and the proposed rule runs counter to that.

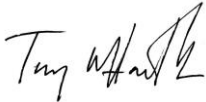
As mentioned above, the Department proposes to increase the consumer information available on the College Scorecard. While the details of that proposal will be addressed at a later point, we strongly support efforts to provide the public with greater, relevant information on higher education programs and institutions and look forward to working with you on this project.

The Department also solicits comments on whether institutions should be required to provide data including program-level net price, completion rates, withdrawal rates, program size, and/or any other items currently required under the 2014 rule on their individual program websites, and whether those websites should be linked to the College Scorecard. We understand the Department seeks comments on applying these requirements to all programs, not just "gainful employment" programs. If the Department's goal is to provide additional data to help inform the decision-making of prospective students, then we do not believe such an approach would be beneficial to the public. The NPRM identified several advantages of the Scorecard as a tool for the public, including the ability to compare information on programs that is presented in a uniform format; consistency in the methodology used to calculate the data; the ability to find the desired information in one place; and increased ease-of-use. As a result, we believe any such information is best provided to the public directly through the College Scorecard. Additionally, determining which specific data points should be included needs to be considered as part of the comprehensive process the Department envisions for revamping the Scorecard, to ensure that the information selected is directly relevant and useful to the public.

On behalf of our institutions, we urge the Department to revisit the approach offered in the proposed rule. Retaining accountability measures is a necessary component to improving the outcomes of students in gainful employment programs and one that cannot successfully be achieved through information alone.

We appreciate your attention to these comments.

Sincerely,



Terry W. Hartle
Senior Vice President

On behalf of:

ACPA - College Student Educators International
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Association of University Professors
American Council on Education
APPA, Leadership in Educational Facilities
Association of American Colleges and Universities
Association of American Medical Colleges
Association of American Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Consortium of Universities of the Washington Metropolitan Area
Council of Independent Colleges
EDUCAUSE
NASPA - Student Affairs Administrators in Higher Education
National Association for College Admission Counseling
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
UPCEA