

July 17, 2013

The Honorable Virginia Foxx  
Chairwoman  
Subcommittee on Higher Education and Workforce Training  
United States House of Representatives  
2181 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representatives Foxx, Kline and Hastings:

On behalf of the higher education associations listed below, thank you for introducing H.R. 2637, the Supporting Academic Freedom Through Regulatory Relief Act.

H.R. 2637 would provide much needed relief from concerns stemming from the Department of Education's state authorization, gainful employment, and credit hour definition regulations and allow greater flexibility under the incentive compensation regulation for third-party service providers.

The regulations at issue are complex, confusing, and burdensome and have raised challenging compliance issues for institutions. The lack of clarity in the state authorization regulation has raised questions for thousands of institutions about their students' continued eligibility for federal financial aid. Less than two months ago, the Department announced it would delay implementation of the state authorization regulation after questions arose about whether state authorization processes in certain states met the federal regulation's requirements. Unfortunately, the Department has been unwilling to identify which state processes are lacking and in what respects.

The implementation of the gainful employment regulations has also proven challenging, with the Department issuing no fewer than 43 Dear Colleague Letters attempting to explain the regulation's requirements. After a federal court struck down the metrics section, institutions were left with significant disclosure requirements for which they need underlying calculations that the Department cannot supply. More importantly, institutions are assuming these burdens without the regulation's promise of a mechanism to remove bad actors from the federal aid programs.

Finally, the regulation creating a federal definition of a credit hour is horribly muddled and opens the door to federal interference in core academic decisions—interference expressly

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prohibited under federal law. Moreover, the definition's emphasis on seat time is outdated and has a chilling effect on the ability of institutions to pursue innovative approaches to measuring learning.

These regulations are highly problematic and have the potential to create far-reaching, negative consequences for higher education. Congress should have the opportunity to carefully consider these issues and make its will known before additional rulemaking occurs on these topics.

We thank you for your support of America's colleges and universities and the students they serve.

Sincerely,



Molly Corbett Broad  
President

MCB/ldw

On behalf of:

American Council on Education  
Association of American Universities  
Association of Jesuit Colleges and Universities  
Council for Christian Colleges & Universities  
Council for Higher Education Accreditation  
National Association of Independent Colleges and Universities  
National Association of Student Financial Aid Administrators

Regional Accrediting Organizations

Middle States Association of Colleges and Schools  
Middle States Commission on Higher Education (MSCHE)  
New England Association of Schools and Colleges  
Commission on Institutions of Higher Education (NEASC-CIHE)  
North Central Association of Colleges and Schools  
The Higher Learning Commission (NCA-HLC)  
Northwest Commission on Colleges and Universities (NWCCU)  
Southern Association of Colleges and Schools (SACS)  
Commission on Colleges  
Western Association of Schools and Colleges  
Accrediting Commission for Community and Junior Colleges (WASC-ACCJC)  
Western Association of Schools and Colleges  
Accrediting Commission for Senior Colleges and Universities (WASC-ACSCU)