



higher learning

ADVOCATES

September 13, 2018

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

Dear Ms. Higgins:

Thank you for the opportunity to submit comments on the U.S. Department of Education's (ED) Notice of Proposed Rulemaking (NPRM) to rescind the gainful employment (GE) regulations (Docket ID ED-2018-OPE-0042).

Higher Learning Advocates is a non-profit advocacy organization working to shift federal policy from higher education to higher learning—education and training beyond high school that leads to a degree, credential, or employment. We are working toward bipartisan federal policies that create transparent pathways to success, incentivize innovation, protect students and taxpayers, and improve outcomes. Our three areas of policy focus are improving quality and outcomes; updating policies to reflect the needs of today's students; and encouraging a system of higher learning that is affordable and responsive to external changes.

Federal resources are crucial to ensuring all students have access to college. This investment of taxpayer resources is not something to be taken lightly. Therefore, it is just as important, if not more important, that federal policies set guardrails to protect students and ensure transparency and accountability. We believe it is critical that all institutions of higher education (IHEs)—public, nonprofit, and for-profit alike—protect today's students from fraud and misrepresentation. Higher Learning Advocates supports the original intent of the Gainful Employment regulation and does not agree with rescinding the regulation and the important protections it provides to students and families.

Today's students deserve the best possible educational quality and experiences that lead them to success during and after their college enrollment. Only those institutions that can prove, through measurable data, that they can provide a sustainable path to success merit taxpayer support and should receive access to federal student aid. The Department has a responsibility to ensure that taxpayers, parents, and students get tangible results and outcomes for federal dollars.

The NPRM fails to ensure the best outcomes for today's students—including our most disadvantaged students—by proposing to repeal, without replacement, this rule and rolling back sanctions for underperforming postsecondary programs. Students would have been better served had the Department chose to modify or update the rule instead of simply repealing it. We recognize ED has proposed to replace the protections provided under the regulations with new program-level earnings and outcomes data posted on the College Scorecard, or a similar web-

based tool. We are encouraged by ED's intention to publish these metrics for all institutions of higher education—an improvement from previous reporting of only for-profit colleges and a handful of community college programs. Data collected and reported for gainful employment purposes is a vast improvement over other reported earnings data and should be used as an example for how graduates' earnings can be securely and accurately reported to inform prospective students, policymakers, institutions, and taxpayers about the return on investment for programs at IHEs.

We believe in transparency for *all* students and *all* schools and publishing this data could provide an important service. However, many of today's students—for reasons of mobility, affordability, or practicality—will ultimately choose from a small number of colleges close to home. For those who lack a wide variety of options, transparency is critical, but ultimately, insufficient without real accountability and action.

While we support this expansion of data, the NPRM fails to provide a full explanation of the details and implementation timeline of these efforts. We urge the Department to begin this process as quickly as possible and ensure that there is an opportunity for public input on its inclusion in the College Scorecard, as there are considerable challenges in using some program-level data.

Eliminating gainful employment is a step backwards for ensuring accountability for taxpayer dollars and safeguarding basic protections for students and parents against potentially fraudulent and incapable higher education providers. The best solution in this case is not to eliminate GE altogether and replace it with a series of undefined changes to the College Scorecard, but instead to refine, update, and retain GE while enhancing public informational tools with new and improved outcomes data.

While perhaps not the perfect measure, the current Gainful Employment rule provides a much-needed backstop to ensure certain low-performing programs cannot continue to receive federal student aid if they continuously produce poor-quality outcomes. We reiterate that ED reconsider the proposed elimination of the Gainful Employment regulations. Thank you for the opportunity to comment on this NPRM.

Sincerely,



Julie Peller

Executive Director, Higher Learning Advocates


emilybouck (Sep 13, 2018)

Emily Bouck

Policy and Advocacy Director, Higher Learning Advocates