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Joe May,
President,
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North
Carolina
Community
College
System

Thomas
Snyder,
President,
Ivy Tech
Community
College

July 16, 2013

Congresswoman Virginia Foxx
Chairwoman

Subcommittee on Higher Education and Workforce Training
House Education and the Workforce Committee
2181 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Foxx:

On behalf of **Rebuilding America's Middle Class (RAMC)**, I write in strong support of H.R. 2637, "Supporting Academic Freedom through Regulatory Relief Act." This bill delays the implementation of the gainful employment, state authorization, and credit hour regulations until Congress reauthorizes the Higher Education Act and reverses a Department of Education regulatory interpretation regarding the ability of some third party servicers to provide recruiting and other administrative assistance to higher education institutions.

RAMC is a coalition of state community college systems as well as individual community colleges from across the nation – representing over 120 colleges and 1.2 million students – focused on expanding access and success in education. In supporting H.R. 2637, we join with many of our colleagues throughout the higher education community who have expressed serious concerns regarding the Department of Education's efforts to implement the regulations that are delayed in this bill. Community colleges in particular would be disproportionately impacted by these regulations and we urge you to swiftly pass this bill to provide for a more considered debate and examination of their true impact before going forward with their implementation.

The state authorization regulation is particularly problematic to many community colleges that have been expanding distance education offerings. Under the new rules, our colleges must suddenly navigate the laws and regulations in not just the state in which they are located, but in every state in which one of their online students may decide to move. This could mean tracking and having to obtain and maintain state authorization in each of the 50 states to ensure full compliance. At a time when community colleges are doing far more with less funding and keeping college tuition down for our students, we are simply unable to afford the burden of having to repeatedly demonstrate our quality to 50 separate state agencies.

The regulation dealing with credit/clock hour issues is also of major concern among many community colleges. Prior to the release of this draft regulation, the common understanding among colleges was that straight clock hour programs—which may not be converted to credit hour programs for purposes of Title IV—were those that prepare students for occupations where, for example, a state licensing board requires a certain number of training hours prior to licensure. Under the new regulations, the Department of Education has created significant uncertainty as to which programs would now be considered straight clock hour and unable to convert to credit hours for Title IV disbursement purposes. In implementing these rules, the federal government will no longer rely on states, institutions, and accreditors to determine when a program is clock hour, but rather rely on a definition that emphasizes seat time which curtails institutions' ability to provide students with innovative ways of learning.

The clear intent of the Department of Education is that many more programs will be limited to the clock hour requirements for the disbursement of federal aid. Unfortunately, the result will be burdensome to both the institutions, particularly community colleges and their students, and will result in including more severe attendance taking requirements, more complicated processes and slower disbursements of Title IV student aid funds to students.

These processes will cause increased uncertainty for individual students about their ability to pay for their education, and may actually reduce the amount of aid available for students in short-term programs.

This clock hour issue is an addition to our general concern—shared by many in the higher education community—that the federal definition of credit/clock hour runs contrary to the Higher Education Act, which expressly prohibits federal interference in academic decisions surrounding curriculum.

RAMC members are also concerned about the impact of the Department of Education's gainful employment regulatory proposal and support a delay in its implementation. Because of the tremendous controversy that has surrounded the debate in Congress and the various court rulings that have postponed its full impact, community colleges have been subject to tremendous uncertainty regarding their full compliance responsibilities. In our view, it is far better to debate this issue during a full reauthorization of the Higher Education Act, instead of forcing compliance with a regulation whose full impact has not been thoroughly examined and debated by policymakers and the higher education community. Clearly the additional bureaucracy, red tape, and regulatory uncertainty that has been caused by the gainful employment debate leaves less time to focus on ensuring students complete their education and find middle class jobs – an outcome that no member of the higher education community can support.

Page 3

Congresswoman Foxx

For these reasons we again are pleased to offer our strong support for H.R. 2637 which will put an end to these unnecessary regulations and allow community colleges to focus instead on efforts and innovations that will truly drive quality and affordability in higher education across this nation.

Sincerely,

A handwritten signature in blue ink that reads "Joe D. May". The signature is written in a cursive style with a large, stylized "J" and "M".

Joe May
Board Chair, Rebuilding America's Middle Class (RAMC)
President, Louisiana Community & Technical College System

CC: Representative John Kline, Chairman, House Education and the Workforce Committee