

The Honorable Virginia Foxx
Chairwoman, House Higher Education and Workforce Training Subcommittee
1230 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman Foxx,

I am writing to thank you for sponsoring H.R. 2117, the Protecting Academic Freedom in Higher Education Act, which is on the House Schedule for consideration this week.

The credit hour definition and state authorization regulations were issued as part of the October 29, 2010 final program integrity rule, and took effect July 1, 2011. I want to make it clear that we at Excelsior College support efforts aimed at curbing abuse and bringing greater integrity to the federal student aid programs. However, given the almost total lack of evidence of a problem in either the credit hour or state authorization context, we see no basis for two regulations that so fundamentally alter the relationships between the federal government, states, accreditors and institutions. Ultimately, we believe that these regulations invite inappropriate federal interference in campus-based decisions and will limit student access to high-quality education opportunities.

The state authorization regulation reflects a significant intrusion into prerogatives properly reserved to the states and threatens to upset recognition and complaint resolution procedures that have functioned effectively for decades.

In addition, the regulation creates new and significant hurdles for students pursuing higher education through distance education which is especially problematic for Excelsior College. The regulation places the federal government in the position of enforcing state laws – a role that is inappropriate for it to assume. As a practical matter, because of the inability to accurately predict or control student mobility from state to state, most institutions will need to pursue authorization in all 50 states, even before knowing from which states their students may ultimately enroll.

State policies in this area can be highly complex, ambiguous, and outdated, and are often accompanied by substantial fees. We are committed to working together with states to ensure compliance with all applicable state laws. In addition, the Presidents Forum, of which Excelsior College has a leadership role, has been working with institutions, states, SHEEOs, and other distance education coalitions to achieve better coordination and other improvements to existing state polices. However, at a time when many of us in the higher education community are working to increase college persistence and attainment and lower the cost of tuitions, we believe this federal regulation runs counter to our shared goals.

Thank you for your leadership in sponsoring H.R. 2117.

Sincerely,



John Ebersole
President

