

United States Senate

WASHINGTON, DC 20510

March 23, 2011

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, DC 20202

Dear Secretary Duncan,

We are writing to request the rescission of the “Program Integrity Issues” final rule that will negatively affect post-secondary education. The final rule was published by the Department of Education in the *Federal Register* on October 29, 2010.

We support efforts to strengthen the quality of education provided to students across the country and to curb abuses in federal aid programs. However, we are concerned that the regulations create federal standards that states must meet in order to fulfill the requirement for state authorization and that a one-size-fits-all credit hour definition will prohibit institutions from designing programs as they see fit.

Colleges, universities, and trade schools across the country have unique educational missions, and our country has historically respected the autonomy of private institutions of higher education. States have chosen a variety of ways in which to authorize institutions of higher education based on each state’s unique needs, and many states rely on recognized national or regional accreditation organizations. However, we have concerns with the Department’s rule that would require states to adopt extensive approval processes because that would not only duplicate accreditation, but could also politicize the process and compromise the autonomy of these organizations.

The state authorization requirement also imposes an unnecessarily cumbersome and bureaucratic process on any post-secondary institution that has a robust online degree program. Requiring permission to offer courses in every state from which a student is enrolled is a significant burden on not only the university, but also on the states that must now establish a process for providing this approval.

The existing accreditation review process is conducted by private regional and national educational associations, which develop criteria for and conduct peer review evaluations of individual institutions. These evaluations not only assess institutional quality, but also examine other details such as the institution’s credit hour definition. Therefore, there is a question about the need for additional government involvement in a function performed effectively by private, well-respected organizations.

The proposed credit hour definition would impose a rigid, one-size-fits-all definition on institutions. This would impede academic freedom and the ability of universities to design their curriculum in response to changing student needs or changing methods of instruction.

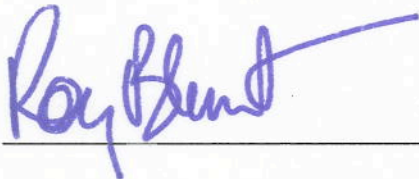
While we agree that the federal government has an interest in ensuring that federal student aid is used appropriately, these regulations could negatively affect the flexibility, freedom, and diversity of public and private colleges and universities in our states and across the country.

Last week, the Department issued a "Dear Colleague" letter regarding some of our concerns, but unfortunately, that is not enough. The problems with these regulations cannot be alleviated through a Dear Colleague and will potentially create more confusion for states and institutions. Therefore, we request that you rescind the rule and instead work with Congress to ensure the integrity of the federal financial aid programs are not done in a way that unfairly affects academic independence.

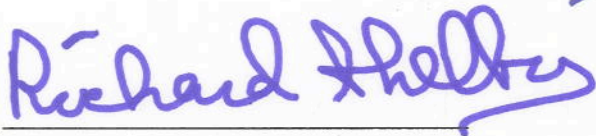
Sincerely,



Lamar Alexander



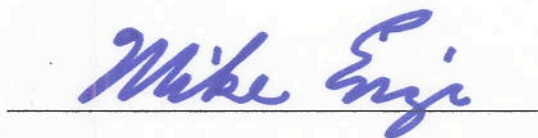
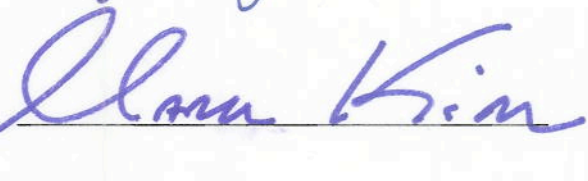
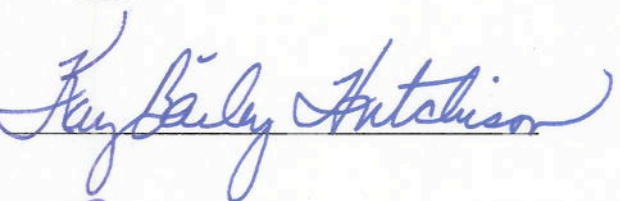
Roy Blunt



Richard Shelby



Jan Pritz



Mike Enzi



James McClintock

Tom Colum

John Bozeman

Jerry Moran

Pat Roberts

Bob Sessions