

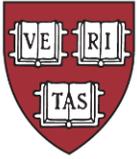
 COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK



May 14, 2014

The Honorable Arne Duncan
Secretary of Education
Office of the Secretary
United States Department of Education
400 Maryland Avenue S.W., Room 7W301
Washington, D.C. 20202

 Georgia Institute
of Technology®



Dear Secretary Duncan:

Our institutions are deeply engaged in innovation to improve access, quality and affordability in higher education by developing new tools and technologies and by researching ways to improve teaching and learning for the benefit of students on our campuses and beyond. As part of these efforts, we have made substantial investments in recent years to develop highly interactive online degree programs and courses, massive open online courses (MOOCs) and other forms of distance education to students who might not otherwise have access to our courses because of geographic restrictions or financial limitations. Recognizing your shared interest in pursuing these important initiatives, we wanted to raise with you our concerns about the ongoing negotiated rulemaking around program integrity. We are writing, in particular, about the proposed regulation requiring that institutions must obtain authorization from each state in order to provide postsecondary distance education to the state's residents. We believe that this proposal is burdensome and counterproductive.


JOHNS HOPKINS
UNIVERSITY



Technology has enabled significant new experimentation among institutions in delivering education beyond our traditional campuses. Many of our institutions have expended substantial resources toward the establishment and development of online platforms providing a diverse array of courses and programs to learners throughout the U.S. and abroad. We have developed strong distance education offerings in nursing, education, computer sciences, STEM and other fields. These platforms have allowed us to share our high-quality programming with many students beyond our campuses, and to engage additional tools for delivery of programs to our on-campus students.

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We share the Department's interest in ensuring integrity in federal student aid programs and fully support reasonable, targeted efforts to protect students from costly, substandard programming. However, we are deeply concerned that the proposed federal regulation will impede our progress in online education by setting unprecedented federal mandates for states to regulate our academic programs.

The proposed framework is burdensome, expensive and counterproductive to our efforts to provide high-quality, low-cost programming to students, for the following reasons:

- At present, many states do not meet the requirements that the Department has proposed for federally acceptable state authorization. Some states have no laws on distance education. Others exempt institutions based on accreditation, non-profit status, years in business or some combination of these factors. As we understand the proposed federal rule, the Department will require states to build costly administrative capacity to regulate in an area where many have determined it to be unnecessary, with the consequent risk that institutions may be blocked from providing online programs if any single state is unable to issue approval in a timely way.
- Obtaining permission to offer online instruction from as many as 50 states and the U.S. territories will require a significant expenditure of institutional time, money and resources that could be better directed at improving our platforms and content. This diversion of effort and funds will necessarily detract from innovation and the quality of online offerings.
- Rather than take on these compliance burdens, or acquiesce to a state's position that their instruction is unlawful absent state authorization, many colleges and universities may elect to limit their efforts to provide high-quality, free or low-cost programming to students outside the schools' home states. We understand that in a number of cases institutions have already made the difficult decision to scale back programming due to state authorization concerns. This will narrow rather than expand access to educational opportunity.

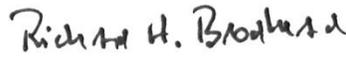
While we support the Department's efforts to protect consumers — and aim with our own programming to reduce the costs, increase the availability, and raise the overall quality of instruction on offer to the community — we do not believe the proposed regulation is narrowly tailored or well designed to effectively achieve the goal of protecting students from unscrupulous actors in the education market. We urge the Department to consider alternative methods of consumer protection that are specifically targeted to wrongdoers in higher education, rather than adopt a regulation requiring that all distance education must be cleared by prior government review. Existing consumer protection laws permit consumers and governmental authorities to act on allegations of fraud and abuse. The Department need not impose a federal mandate that online education providers secure prior state authorizations in order to accomplish this consumer protection objective.

Colleges and universities should retain the ability to innovate in online education without becoming subject to the review and approval of multiple state authorities as a condition of participating in

federal student aid programs. We urge you to withdraw the draft regulations that, as written, would run counter to the Administration's goals of improved access, success and affordability in higher education.



Lee C. Bollinger
Columbia University



Richard H. Brodhead
Duke University



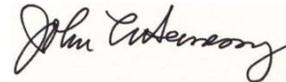
G.P. "Bud" Peterson
Georgia Institute of Technology



Drew Gilpin Faust
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Ronald Daniels
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Stanford University



Janet Napolitano
University of California



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University of Michigan



Amy Gutmann
University of Pennsylvania



Teresa A. Sullivan
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Peter Salovey
Yale University

cc: The Honorable Cecilia Muñoz
The Honorable Sylvia Mathews Burwell
The Honorable John Holdren