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[Redacted]
College President

June 15, 2009

Wendy Macias
U.S. Department of Education
1990 K St. NW Rm. 8017
Washington, DC 20006

Re: Comments to Notice of Negotiated Rulemaking Committees; Establishment
Federal Register, May 26, 2009 (Vol. 74, No. 99)

Dear Ms. Macias:

Enclosed are comments from Florida Community College at Jacksonville on the notice in the May 26, 2009 *Federal Register* of the establishment of negotiated rulemaking committees at the U.S. Department of Education to prepare proposed regulations under Title IV of the Higher Education Act of 1965, as amended (HEA).

As a Florida public college we have extensive experience with the regulatory issues listed in the *Federal Register* notice, and how they impact our students (future and current) and our institution. We welcome this opportunity to comment on some of these issues as the Department begins consideration of proposed regulations to improve program integrity in Title IV, and we applaud the Department's efforts to improve accountability in the student financial aid programs.

We consider these issues so important that [Redacted], our Associate Vice President of Workforce Development and Adult Education, is delivering oral comments at the Denver public hearing announced in the May 26 *Federal Register* notice.

If you have any questions on the enclosed comments, please contact me at [Redacted]

Best regards,
[Redacted]

Enclosure



Florida Community College at Jacksonville

Comments on Notice of Establishment of Negotiated Rulemaking Committees

Federal Register, May 26, 2009 (Vo. 74. No. 99)

U.S. Department of Education

In the May 26 *Federal Register* the Department of Education listed several topics that they intended to examine as part of a negotiated rulemaking process on program integrity in the Title IV, HEA programs. As a prelude to the establishment of the negotiated rulemaking committees they also announced three public hearings where comments from the public would be heard.

Florida Community College at Jacksonville (FCCJ) is a public, 4-year college with extensive experience in the regulatory issues listed in the *Federal Register* notice. We are pleased to offer the following comments as the Department of Education begins the process to improve accountability in the student financial aid programs under its jurisdiction.

Satisfactory Academic Progress

The basic concept of satisfactory academic progress, as defined by the federal government mandates that both the grade point average and the number of credits completed are monitored. In broad terms:

- A school must determine if a student has a "C" average, or equivalent, or that academic standing is consistent with the requirements for graduation;
- A school must have a policy for undue hardship; and
- A school must establish, publish, and apply reasonable standards for measuring Satisfactory Academic Progress and that the standards are the same or stricter than the school's other standards for students in the same program.

A Satisfactory Academic Progress policy must, at a minimum, include the following elements:

- Qualitative component (grades);
- Quantitative component (maximum timeframe can't exceed 150 percent of the published length of the program);

- Consistent application within categories of students;
- A timeframe for the determination of satisfactory academic progress;
- An appeals procedure;
- A procedures to re-establish satisfactory academic progress; and
- The institution must make a satisfactory academic progress determination at least once per year or ½ the length of the program, if the program is less than one year in length.

Recommendations

Americans want access to higher education for themselves and for their children. The 25 and older population is increasing searching for education and training opportunities after years of work experience. Parents want their children to go to college and be a part of the experience that will help them find satisfying employment and better quality of life. Americans across all racial and ethnic groups overwhelmingly see higher education as essential to success. The dissonance between what Americans hope for and the lack of student success achieved by all sectors (public and private, non-profit and for-profit) of postsecondary education is significant.

- There is a need to change regulatory requirements for standards of satisfactory academic progress in order to insure that on-going student eligibility to Federal Student Aid can be determined.
- The regulatory standards for satisfactory academic progress should also increase the likelihood that students will ultimately be successful in achieving their educational and personal goals.

With these two goals in mind, we recommend the following two changes in the determination of satisfactory academic progress.

1. Although access to higher education is virtually universally available, many students who start in a higher education program drop out prior to completing a degree or achieving their individual academic goals. The educational philosophy of having standards of academic progress is to insure that students are making progress towards their academic goals and to serve as a mechanism to provide information to an institution that allows the institution to assist the student who is successfully progressing. Educational research demonstrates that the earlier the intervention the more likely a student is to graduate from a program. The current minimum standard of making academic progress determination at least once per year does not lend itself to educational practices that lead to increased levels of student success.

<p>FCCJ recommends institutions monitor satisfactory academic progress at the end of each "term" or at 25 percent, 50 percent, and 75 percent of the length of the program if the program is less than one year in length.</p>
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2. On average almost 50 percent of all first-time college students tested are underprepared for the academic demands of college-level courses and programs. The percentage of underprepared students in higher education has not changed significantly across the United States in at least two decades. A high school diploma is not, nor has it ever been by itself an indicator of a student's ability to benefit. Without college entrance testing how can we determine if a student is "college ready"? Without required remediation of underprepared students, how can we expect these students to perform at the postsecondary level?

- FCCJ recommends that all post-secondary institutions have entrance testing requirements that are consistent with the requirements for publicly supported post-secondary institutions in the state in which the institution is located.
- FCCJ recommends that students who do not test as college ready receive remediation per the requirements placed on publicly supported post-secondary institutions in the state in which the institution is located.

Gainful Employment in a Recognized Occupation

All institutions should provide prospective students with comparably candid and thorough information about the placement rates and earnings of the graduates from their institutions. Prospective students are entitled to accurate, detailed and comprehensive information about recent job placement and earning history in order to make informed choices before investing in training/education.

In Florida, publicly supported community and state colleges are held accountable for the gainful employment of their graduates. This information is collected by the Florida Education and Training Placement Information Program (FETPIP). FETPIP is a data collection and consumer reporting system established by Florida statute to provide follow-up data on former students. FETPIP's automated matching method of data collection replaces conventional survey-type techniques and provides third party verification of the employment status and earnings of graduates from Florida's numerous public and independent educational institutions.

Increasingly, FETPIP data is used as an integral part of the performance measures used by Florida's public schools, vocational institutions, community colleges, state colleges, universities and the workforce developmental system. The FETPIP data provides accountability and outcome information for consumer use. The benefits of having a wage record tracking system like FETPIP is that the data collected that can help facilitate comparisons such as:

- Employment and/or education outcomes of a training program can be compared to others;
- Employment results can be examined in terms of the training programs that feed them;
- Program outcomes can be compared by race, sex, age or income level;
- Earnings can be compared across various education levels;
- The level of public assistance can be compared between graduates, dropouts and others; and
- Employment and/or earning can be compared across various “types” of educational institutions.

Recommendations

Use wage record data to track post-training employment and earnings of graduates. Linking wage records to student graduate files will provide all types of educational institutions with rich informational resources from which they can gain insights into the effectiveness of their educational programs. The data made available from a state’s wage record system like Florida’s FITPEP and California’s Post Education Employment Tracking System (PEETS) can be used to address a wide range of needs. These needs include responding to federal and state accountability requirements, providing information on post-graduate earnings and employment rates and provide consumers with accurate “third party” information about the employment and earnings of graduates from an institution.

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| <ul style="list-style-type: none"> • FCCJ recommends that institutions report and link graduate data with their states wage record data systems and that this information is made available to prospective students. |
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Definition of a High School Diploma as a Condition of Receiving Federal Student Aid

The high school diploma is described by the Department of Education as the basic U.S. qualification awarded to students who graduate from secondary school after 12 years of formal instruction. High school diplomas are issued by states or local districts to public school graduates, and by the school to private school graduates.

According to the Department of Education there are at least three types of programs, or tracks, that secondary school graduates follow.

1. The general high school diploma meets the state minimum requirements for graduation.
2. The vocational diploma exceeds the state minimum requirement and adds instruction in career subjects plus applicable mathematics and science requirements.

3. The academic preparatory diploma exceeds the state minimum requirements by adding additional mathematics, English, foreign language and science instruction.

The Department of Education states that the GED is a battery of tests, that when passed result in the award of a certificate that is recognized in the United States as the legal equivalent of a high school diploma. The GED program permits adults who did not complete secondary school to earn the equivalent of a high school diploma. GED certificates are accepted at most U.S. higher education institutions.

Florida Public Community and State colleges do not accept a self-reported high school diploma or GED. Each student admitted to a Florida public institution must provide proof that they graduated with at minimum, a standard high school diploma. Institutions that accept self-reported information run the risk of accepting students ill prepared for college-level coursework. Basing ability-to-benefit on self-reported high school completion without credential verification is not in the student's nor tax payer's best interest.

Recommendations

Institutions of higher education accepting federal financial student aid funds have a responsibility to ensure that the students receiving these funds have the ability-to-benefit and are able to successfully complete college level coursework. Colleges can help make this determination by requiring verification of a high school diploma.

FCCJ recommends that schools accepting federal student financial aid be required to meet – at the minimum – the state high school verification standards that are required of public colleges in their state.

Conclusion

In concluding our comments, FCCJ would like to offer an example of what happens when schools take advantage of lax regulations. FCCJ sees many students who seek admission to our programs and want to transfer credits earned at other institutions. It is always difficult to tell some of these students that they need to take remedial classes before they can take college credit classes.

We had a student come to us with a special education high school diploma who had attended a for-profit university and was seeking admission into one of our selective programs. Although the student and their family told the university that the student had a special education diploma, they accepted her into a college credit program. The student and their family took out large loans to pay the tuition and fees and the student made the academic honor roll by earning As and Bs, including an A in college algebra. This is despite later test results from FCCJ that placed the student at an elementary school level in mathematics, language and reading.

Since the student tested at an elementary school level and did not have a standard high school diploma or GED, they could not be considered for college level work. After counseling and more testing, the student opted to work on a GED and was readministered an easier assessment according to state guidelines for entry into the GED program. A 9.0 grade level is required to take GED classes, and the student tested overall at sixth grade seventh month. The student took adult studies classes to improve their scores so they could enter the GED program. The student was not able, however, to improve their scores so they could get a GED. Under state law, none of the student's scores would have gained them entry into any of the certificate non-college credit programs operated by a public institution, much less entrance into college credit programs.

This student and their family took out \$16,000 in student loans to pay for a two year degree from a for-profit university that clearly was interested only in the tuition money obtained from federally backed student loans. This student, who has been unable to find employment beyond an entry level job, will have great difficulty paying off the student loans they and their family took out.

Verification of a high school diploma with an accurate assessment of academic preparedness would have quickly brought to light the challenges this student faced. They are to be commended for their desire to better their education, but it is a travesty that they were encouraged to take out huge student loans when they had almost no chance of ever getting a job that would allow their repayment. Tighter federal regulations are needed to prevent more aspiring students from facing a lifetime financial burden that they have little to no chance of retiring.