

July 20, 2012

The Honorable Arne Duncan
Secretary of the U. S. Department of Education
Washington, DC

Dear Mr. Secretary:

On behalf of the nation's non-profit private colleges and universities, and the undersigned organizations that represent the broad diversity of private higher education, I write to share our concerns about the pending regulations on teacher preparation and TEACH Grants.

As you work on preparing the regulatory language to issue an NPRM for public comment, I hope you will take our concerns into consideration, since consensus was not reached during the negotiated rulemaking process earlier this year. Meredith College, a small women's college in North Carolina, represented NAICU and private colleges as an alternate negotiator during the process, so we have first-hand knowledge of the discussions that took place around the negotiating table.

The draft regulations proposed by the Department during the final negotiated rule making session raise four major concerns for private colleges. The proposals circumvent current statute, apply the tenets of NCLB to higher education, prescribe an untested one-size-fits-all accountability model for teacher preparation, and set the precedent of awarding Title IV student financial aid based on program evaluation rather than student need.

No Child Left Behind for higher education: While Congress is trying to reauthorize the Elementary and Secondary Education Act and get states away from NCLB high stakes tests, the draft regulations would require states impose such high stakes test in higher education on teacher preparation programs. States would be required to rate every teacher preparation program on a four-point scale, using criteria that have not been determined to be valid and reliable for this purpose. These criteria represent a federal mandate on the state for quality control in a field governed by individual states. There is no statutory authority for either requirement.

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One size fits all accountability: The draft criteria have not been documented by research to be valid and reliable measures of preparation program effectiveness. While value-added assessments are helpful for classroom evaluations, we are concerned that those scores, stretched beyond their intention, do not reflect the quality of a teacher preparation program. Job placement and job retention rates do not reflect the quality of a preparation program. Multiple factors outside of graduates' preparation have an impact on their ability to find a job and their decisions to remain in the teaching workforce. Multiple factors influence K-12 student performance beyond the teacher's preparation, such as school working conditions, school leadership, and school resources. It is unfair to the teacher candidates, the schools and the children in the classrooms to have so much riding on their outcomes.

Unprecedented link between Title IV student aid eligibility and program quality: We are greatly concerned that the draft regulations make an unprecedented link between need-based student aid and the rating of the teacher preparation program quality. Defining "high quality preparation program" for the purposes of TEACH Grant eligibility based on the state rating mandated from the federal government criteria is a complete change in the federal role in providing Title IV need-based student aid. Any changes to Title IV student aid should be made through the congressional reauthorization process. Student financial aid should be based on the students' financial need and the quality of the institution (as determined through institutional accreditation), not on the programs in which they enroll.

States and colleges aren't ready: While many states are building data systems, few of these systems are developed enough to follow graduates into the workforce, as would be required by the proposed regulations. The proposal adds multiple reporting requirements – not authorized by statute – to the current institutional and state teacher preparation report cards. There is no cost-estimate for state and college implementation of the increased regulatory burden, such as the cost for collecting the new data, conducting annual employer and graduate surveys, could be exorbitant.

With more than 1,000 members nationwide, NAICU reflects the diversity of private, nonprofit higher education in the United States. Members include traditional liberal arts colleges, major research universities, church- and faith-related institutions, historically black colleges and universities, women's colleges, performing and visual arts institutions, two-year colleges, and

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schools of law, medicine, engineering, business, and other professions. NAICU is committed to celebrating and protecting this diversity of the nation's private colleges and universities.

We would be happy to meet with you and your staff before the NPRM is issued this summer. We look forward to commenting on the proposed regulations once they are released.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. L. Warren', with a long horizontal flourish extending to the right.

David L. Warren
President

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Alabama Association of Independent Colleges and Universities
American Association of Presidents of Independent Colleges and Universities
Appalachian College Association
Arkansas' Independent Colleges and Universities
Association of Advanced Rabbinical and Talmudic Schools
Association of Catholic Colleges and Universities
Association of Independent California Colleges and Universities
Association of Independent Colleges and Universities of Michigan
Association of Independent Colleges and Universities in New Jersey
Association of Independent Colleges and Universities of Rhode Island
Association of Independent Colleges & Universities of Nebraska
Association of Independent Colleges of Art and Design
Association of Independent Kentucky Colleges and Universities
Association of Jesuit Colleges and Universities
Association of Presbyterian Colleges and Universities
Association of Vermont Independent Colleges
Association for Biblical Higher Education
Conference for Mercy Higher Education
Connecticut Conference of Independent Colleges
Council for Christian Colleges and Universities
Council of Independent Colleges
Georgia Independent College Association
Iowa Association of Independent Colleges and Universities
Independent Colleges and Universities of Florida
Independent Colleges and Universities of Missouri
Independent Colleges and Universities of Texas
Independent Colleges of Washington
Kansas Independent College Association
Lutheran Educational Conference of North America
Maryland Independent College and University Association
Minnesota Private College Council
North Carolina Independent Colleges and Universities
Oklahoma Independent Colleges and Universities
Oregon Alliance of Independent Colleges and Universities
South Carolina Independent Colleges and Universities
Tennessee Independent Colleges and Universities Association
The New American Colleges and Universities
Wisconsin Association of Independent Colleges and Universities
Women's College Coalition