



National Association  
of Independent  
Colleges and Universities

1025 Connecticut Ave. N.W.  
Suite 700  
Washington, DC 20036-5405

Tel: (202)785-8866  
Fax: (202)835-0003  
www.naicu.edu

April 22, 2016

Ms. Sophia McArdle  
U. S. Department of Education  
400 Maryland Ave. SE, Room 6W256  
Washington, DC 20202

Re: Docket ID ED – 2014 – OPE – 0057

Dear Ms. McArdle:

On behalf of the more than 1,000 member institutions and associations of the National Association of Independent Colleges and Universities (NAICU), I write in response to the supplemental notice of proposed rulemaking on Teacher Preparation Issues, published in the April 1, 2016, *Federal Register*.

NAICU is the national public policy association for the nation's private, nonprofit colleges and universities. Our 965 member institutions include major research universities, church-related colleges, historically black colleges, art and design colleges, traditional liberal arts and science institutions, women's colleges, two-year colleges, and schools of law, medicine, engineering, business, and other professions. With over three million students attending independent colleges and universities, and 825 institutions with teacher preparation programs, the private, nonprofit sector of American higher education has a dramatic impact on the teaching profession, as well as our nation's larger public interests.

Private, nonprofit colleges and universities have a long history of preparing highly-qualified teachers for America's classrooms. Our education programs range from modest teacher education departments at relatively small institutions to large research institutions with distinct colleges of education encompassing doctoral programs, and traditions of multi-disciplinary research in teaching, learning, and human development. To better align with the needs of students, our education programs are offered on-campus in traditional brick and mortar settings; as completely distance education programs; and as blended or hybrid brick and mortar and distance combined programs.

We agree that high quality and rigor are essential for effective professional teacher preparation programs. We believe that there should be appropriate accountability for teacher preparation programs at independent colleges and universities; that teacher preparation programs should be fairly evaluated, through multiple scientifically valid and reliable measures; and that providers should have access to the data on which they are being judged.

We also strongly believe that assessments are most effective when made at the institutional level; and teacher licensure and certification should remain the responsibility of the state, not the federal government.

Ms. Sophia McArdle  
April 22, 2016  
Page 2

With these principles in mind, the core of our comments regarding this supplemental NPRM to address teacher preparation distance education program accountability stems from the following concerns about the proposed regulations:

- The definition of “teacher preparation program provided through distance education” is unclear because it seems to apply to coursework, rather than a complete academic program. While the NPRM recognizes that many teacher preparation programs include some portion of distance education, whether blended or hybrid, it is unclear how programs would be designated for complying with the proposed accountability.
- The data required for the exchange of information among states to meet the accountability requirements does not exist, and would be unworkable. Instead of states reporting on how many teachers their own distance education programs produce, the supplemental NPRM requires the trigger for reporting to be when the state certifies at least 25 teachers from a particular distance education program. It is unclear how states will know which teacher preparation programs across the nation fit the particular definition of distance education created in this regulation. If such a requirement is retained, the Department should be responsible for producing a national list of the covered programs.
- One state can veto distance education program TEACH Grant eligibility over all others by rating a program “low-performing” or “at-risk of low-performing” in two out of three years, regardless of whether that program received higher ratings from any other state. Such low-performing ratings would prohibit students in that program from receiving TEACH Grants, regardless of the state in which that student resides.

For a number of important reasons, we are also disappointed that this supplemental NPRM does not address the profession’s concerns with the underlying December 3, 2014, NPRM it attempts to amend. That NPRM rates the quality of teacher preparation programs based on federally determined student learning outcomes, and ties that rating to Title IV TEACH Grant eligibility. The major concerns we have with the underlying NPRM are:

- Most importantly, it does not reflect cutting edge practices in the profession. The underlying NPRM will undermine the significant progress being made in the field to reform teacher preparation programs by relying on measures developed more than a decade ago that have proven to be invalid and unreliable.

Ms. Sophia McArdle

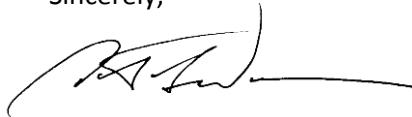
April 22, 2016

Page 3

- The proposed regulations are now incongruent with the new Every Student Succeeds Act governing elementary and secondary education, which prohibits the Secretary from mandating state teacher evaluation systems.
- The evaluation of teacher preparation programs provided through distance education continues to rely on the federally-mandated, four-tier rating system for teacher preparation programs based on federal quality standards proposed in the underlying regulation. We believe this requirement was not envisioned by the Higher Education Act; and that the rating system violates Title II, Section 207 of the Higher Education Act, which states “levels of performance shall be determined solely by the state.”
- It is inappropriate to use the regulatory process to fundamentally change Title IV eligibility requirements by expanding them to include the federal government’s assessment of a program’s academic quality.

We strongly recommend the Department withdraw both sets of proposed regulations.

Sincerely,

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

David L. Warren  
President