

April 28, 2016

Sophia McArdle  
U.S. Department of Education  
1990 K Street, N.W.  
Room 8017  
Washington, DC 20006

Dear Ms. McArdle:

On behalf of the higher education associations listed below, I write to offer comments on the Supplemental Notice of Proposed Rulemaking (NPRM) regarding the treatment of distance education programs of teacher preparation that was published in the Federal Register on April 1, 2016 (Docket ID ED-2014-OPE-0057).

The supplemental NPRM attempts to provide clarity on the handling of state reporting and TEACH Grant eligibility for distance education teacher preparation programs. Our members appreciate the Department's willingness to acknowledge the concerns identified in the earlier round of public comment, and seek additional feedback on their proposed remedies. Unfortunately (and similarly to the broader NPRM) the approaches taken in the supplemental NPRM will result in significant new administrative burden for institutions and substantial confusion for students and financial aid offices, with no clear benefit added.

There are three broad areas of concern we have with the treatment of distance education programs of teacher preparation in the supplemental NPRM:

**TEACH Grant Eligibility Determinations:** Under the supplemental NPRM, TEACH Grant eligibility is dependent on not being classified by any single state as low-performing or at risk of being low-performing. As a result, the NPRM gives individual states a unilateral veto on TEACH eligibility across the country. It is not difficult to foresee states with conflicting assessments of the same program, and multiple states' positive evaluations rendered meaningless by one outlier assessment. Institutions attempting to determine student eligibility for TEACH Grants would need to annually determine program standing in every state in which they may enroll students, with the likely outcome that institutions would choose to forego the usage of TEACH Grants rather than assume the enormous compliance burden and substantial increase in risk.

**Institutional Burden In Respect to State Reporting:** State reporting introduces equally convoluted and burdensome requirements in its attempt to provide clarity. While the process identifies a clear threshold of twenty-five

teachers certified in a given state as the trigger for state reporting, that threshold can be reached by aggregation across multiple years or through consolidation of similar programs. In addition, the NPRM would allow states to set their own thresholds, so long as they are lower than twenty-five.

Institutions would therefore be responsible for not merely attempting to keep track of the assessment of their programs in the states in which their programs have reached a threshold high enough to be assessed (keeping in mind variable state thresholds), but also attempting to keep track (across a spectrum of multiple years and/or multiple programs) of states in which they may be assessed. After this massive annual undertaking is completed, they would then need to interpret the consequences of those determinations for all their distance education teacher preparation programs. The administrative burden involved would provide a strong disincentive to offer these programs at a time when we are facing a dramatic and growing shortage of qualified educators.

**Lack of Clarity in Key Provisions:** The supplemental NPRM fails to add needed clarity in a number of areas, and is likely to create new areas of uncertainty for students and institutions. As one example, the definition of “distance education” referenced in the supplemental NPRM would include hybrid or blended models of instruction, where instruction is delivered both in-person and online. It is unclear what criteria should be used to determine state reporting for these programs and what that means for TEACH Grant eligibility.

While we strongly share the Department’s goals of improving teacher preparation and ensuring that America’s educators succeed, the proposals contained in the supplemental NPRM would undermine those aims and instead result in the introduction of significant confusion and negative unintended consequences. In this way, the approaches identified in the supplemental NPRM mirror the broader regulatory package, and we would repeat the request made in our earlier comments that this effort be abandoned. This is particularly relevant in light of the recent passage of the Every Student Succeeds Act, which bars the Department from prescribing the structure of state teacher evaluation systems.

Thank you for the opportunity to comment on this supplemental NPRM and we appreciate your attention to our concerns.

Sincerely,



Molly Corbett Broad  
President

MCB/ldw

On behalf of:

American Association of Community Colleges  
American Association of State Colleges and Universities  
American Council on Education  
Association of American Universities  
Association of Public and Land-grant Universities  
National Association of Independent Colleges and Universities