



The Education Trust

Closing the gaps in opportunity and achievement, pre-k through college.

Good afternoon. My name is Denise Forte; I'm the senior vice president for Partnerships and Engagement at The Education Trust.

Thank you to the Department and negotiators for the opportunity to provide public comment as part of this negotiated rulemaking session.

As an organization working to close the gaps in achievement and opportunity that separate low income students and students of color from their peers, The Education Trust is alarmed this process is another chance for the Department to weaken existing protections for students and taxpayers and to roll back the clock so that waste and abuse of student and taxpayer dollars can begin again.

The negotiated rulemaking process should be used for a singular purpose: to improve outcomes for students, especially low-income students and students of color.

Citing "innovation" as a means to put deregulation before quality and outcomes will only waste taxpayer money and shortchange students seeking to benefit from Federal student aid programs that help finance their education.

To put it simply: **This negotiated rulemaking session is bad for equity and the Department's proposals will exacerbate the already devastating gaps in opportunity and achievement that currently exist for low income students and students of color in higher education.**

First and foremost, given the recent reinstatement of failed accreditor ACICS, we are concerned that the Department's efforts to lower the bar to recognize new accrediting agencies, weaken the role of regional accreditors, and water-down requirements for how accreditors hold institutions accountable is dangerous to ensuring high-quality student outcomes.

Accreditors must currently demonstrate they have the necessary experience to approve institutions offering certain types of degrees, but under the proposed regulations, agencies would be allowed to change most types of programs they accredit with minimal oversight and without a focus on quality.



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Additionally, in the Department's latest proposal, institutions could outsource up to half of an educational program without seeking approval, and up to 75% of a program with accreditor approval.

These proposed changes throw open the back door to federal financial aid for entities that can't or won't get accreditation, and undermines the laws Congress has put in place to protect students and ensure their programs are high-quality.

The Department's proposal would also defer accreditors to redefine the "credit hour," potentially opening the floodgates to undermine the amount of learning a student pays for, particularly using federal financial aid.

Secondly, we find the Department's newest proposal around distance education and the requirements for "regular and substantive interaction" problematic.

The proposed definition of "distance education" allows institutions to skirt requirements that qualified experts regularly interact with students through the use of "instructional teams."

A weakening of these requirements could mean those students most in need of support from their instructors, are pushed into online classes where they are less likely to be successful.

Lastly, state authorization requirements for online programs.

A strong, functioning oversight system requires the active engagement of states, and the regulations published two years ago ensure states are aware of and responsible for the institutions operating within their borders.

The Department's effort to eliminate state authorization protections will limit information available to students, making it more difficult for them to obtain necessary knowledge around program licensure requirements.

We have also noticed ED's proposal to amend the definition of incarcerated student to include those in youth correctional facilities.



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At Ed Trust, we are highly supportive of the Second Chance Pell experimental site, and lifting the statutory ban on Pell eligibility for incarcerated individuals.

There has been little discussion as to the impact of this change; and [we urge the Department to further clarify](#) that such students remain eligible for Pell Grants, as is current policy.

We look forward to additional clarification from the Department on this matter.

In closing, we call on the Department to reverse course on these proposals and the many others that do not strengthen protections and ensure students have access to high-quality education opportunities in higher education.

Thank you.