



SUBMITTED ELECTRONICALLY

May 2, 2016

Sophia McArdle, Ph.D.
U.S. Department of Education
400 Maryland Avenue, S.W.
Room 6W256
Washington, DC 20202

RE: Docket ID ED-2014-OPE-0057

Dear Dr. McArdle,

I write on behalf of the 420 public four-year colleges, universities, and state systems of higher education that comprise the membership of the American Association of State Colleges and Universities (AASCU) to submit comments on the supplemental notice of proposed rulemaking (NPRM) referenced above.

AASCU institutions, many of which were founded as teacher training colleges, play an outsized role in teacher preparation and graduate some 50 percent of the nation's new teachers every year. Our members are understandably concerned about the extraordinary complexity of the Department's approach to evaluation of teacher preparation programs, and are quite alarmed that the supplemental NPRM, far from reducing the costs and complexity associated with the original proposal, would actually compound them.

As instructed in the supplemental notice, we will limit our comments to the approach the Department is proposing for the evaluation of distance education programs. As you are aware, AASCU joined a broad coalition of higher education organizations to express opposition to the Department's December 3, 2014 NPRM. Those comments objected to the methodology outlined in the proposed regulations as unscientific, arbitrary, and dependent on inputs that are functions of criteria that are entirely unrelated to the quality of teacher preparation programs. Beyond that substantive and fundamental objection, however, we also raised concerns about the inordinate complexity and prohibitive costs of the Department's proposed system. Chief among these was the problem of tracking program graduates into the labor market in order to execute the Department's proposed algorithm on how their circumstances allegedly revealed fundamental facts about the quality of the programs from which they graduated. We pointed out that few states have the data infrastructure needed to operationalize the Department's proposed approach, and specifically flagged the issue of interstate movement of graduates as an intractable problem. To the extent

that the supplemental NPRM is an attempt to resolve that concern, we respectfully suggest that it falls short for three reasons.

First, distance delivery and interstate mobility are two distinct phenomena that do not overlap as perfectly as the Department seems to assume. There are numerous “brick-and-mortar” teacher preparation programs that regularly export a significant number of their graduates to other states. The challenge of how such programs are to be assessed by their respective state remains unresolved by the supplemental NPRM, even though we suspect that they produce more out-of-state placements than distance education programs do at the present time. In addition, the proposed approach would force the states to create a duplicative and unnecessary second tracking system through their licensure process for graduates of their own distance-delivered teacher training programs who remain in the state. An obvious work-around would be to subject all out-of-state credentials to the licensure track described in the supplemental NPRM and all in-state placements—regardless of mode of delivery—to the program-graduation track described in the original NPRM. While such an approach may make formation of cohorts somewhat more rational, it would significantly expand the size of the licensure-tracked population, and more ominously, potentially subject TEACH Grant eligibility of all teacher preparation programs to the ill-advised “single state veto” model described in the supplemental NPRM.

Second, since the mode of program delivery is not transcribed or officially recorded on educational credentials, receiving states have no way of identifying distance-delivered programs from brick-and-mortar programs. In addition, receiving states cannot readily distinguish individual distance-delivered teacher training programs from one another, partially because the proposal does not adequately define these, and partially because many institutions award identical credentials for different programs. The Department has significant first-hand experience with the challenge of connecting credentials to labor-market outcomes in its “gainful employment” initiative. As is the case with that regulation, the only reliable methodology to implement what is required of states here would be for the Department to nationally capture individual student enrollments by eligible program. Unlike the gainful employment framework, however, the approach outlined in the supplemental NPRM would require the Department to collect information on every graduate of eligible programs, regardless of whether they receive a TEACH Grant or, for that matter, any federal aid. The Department should explore its legal authority to implement such an information collection activity, and ensure its compliance with all applicable federal laws, including FERPA and the Privacy Act. This latter item is especially important, since, unlike the gainful employment information collection, the data collected for distance-delivered teacher preparation programs would need to be made available to the states.

Third, the proposal would allow any one of the 58 affected states and jurisdictions to single-handedly terminate TEACH Grant eligibility of distance-delivered programs in other states by rating them as either low-performing or at-risk two out of three years. As we have previously stated, external factors—such as local economic differences, state or district fiscal conditions, and student demographics—are the primary determinants of the programmatic ratings that the proposed framework would produce. The independence of the ratings algorithm from program quality makes it inevitable that programs will receive wildly different ratings, including adverse ones, solely based on outside factors. The proposed regulation does not require states to provide any notice of their rating, nor does it articulate an appeal process to enable institutions to challenge, inspect, or correct the data and information on the basis of which they might

have received an adverse rating. Absent such assurances, we are puzzled by the Department's confidence that the process it envisions would foster programmatic improvements. Some of these operational concerns could be mitigated through a more careful articulation of the mechanics of the state evaluation process, for example, by requiring the states to notify programs, provide them with detailed data and a right of appeal.

Based on the concerns expressed above, we strongly urge the Department to reconsider its approach to evaluation of teacher preparation programs. We view the proposed framework as theoretically flawed and practically unworkable. We assure you that we and our members share the Department's goals regarding quality assurance and programmatic improvement, and stand ready to work with you to promote these through collaboration and consensus.

Sincerely,

A handwritten signature in black ink that reads "Edward M. Elmendorf". The signature is written in a cursive style with a prominent loop at the end of the last name.

Edward M. Elmendorf
Senior Vice President
Government Relations and Policy Analysis