



July 10, 2017

Ms. Wendy Macias  
U.S. Department of Education  
400 Maryland Ave. SW., Room 6C111  
Washington, DC 20202

Re: Docket ID ED-2017-OPE-0076

The Association of Public and Land-grant Universities (APLU) appreciates the opportunity to comment in response to the Department of Education’s announcement of new rulemaking on Gainful Employment (GE) and Borrower Defense to Repayment (BDR).

APLU is a research, policy, and advocacy organization dedicated to strengthening and advancing the work of public universities in the U.S., Canada, and Mexico. With public research universities, land-grant institutions, state university systems, and affiliated organizations, APLU's agenda is built on the three pillars of increasing degree completion and academic success, advancing scientific research, and expanding engagement. Annually, its 195 U.S. member campuses enroll 4 million undergraduates and 1.2 million graduate students, award 1.1 million degrees, employ 1.1 million faculty and staff, and conduct \$40.8 billion in university-based research.

APLU looks forward to engaging throughout the rulemaking process to provide our perspective on the details of proposed changes. At this time, we comment to broadly share our views on higher education accountability vis-à-vis GE and BDR. In general, we see both rules as containing critical but imperfect consumer protections. Changes can be considered. In fact, APLU commented on both rules during the regulatory process to suggest improvements. However, we urge the Department of Education to not go backward in protecting students from fraudulent practices of unscrupulous actors and institutions with terrible outcomes. We caution against changes that might be a relief to some colleges and universities but ultimately would leave students more vulnerable to taking on debt for academic credentials of little value. On GE, we think it is appropriate for the Department to hold “gainful employment” programs accountable for delivering on implicit promises made to students. Programs that saddle students with overwhelming debt while failing to prepare them for meaningful and expected careers should not benefit from lack of transparency of results or federal funding that can seemingly flow as long as students enroll.

We understand that institutions and associations most impacted by GE have voiced concerns about reporting burden and quality of data. The Department is right to consider these concerns. Some changes may be appropriate. But, we also note that transparency of outcomes from the GE rule have already resulted in institutions ending programs because of data showing

poor outcomes for students. As a result, students have been protected from enrolling in poorly performing programs and the integrity of the Title IV system is stronger.

On Borrower Defense to Repayment, we hope policymakers recognize it would be much more effective for the federal government to have and to abide by strong policies that would prevent schools like Corinthian from receiving Title IV funding in the first place. Institutions that are chronically terrible performers and burden students with debt without improving their career and life prospects should be identified and subjected to greater scrutiny and the looming specter of sanctions, including the potential loss of access to federal financial aid. Unfortunately, BDR is still necessary to address circumstances in which students are victims of fraud. Though attempts to recover sums from the institutions that defrauded students are creditable, students can never truly be made whole again given loss of time, effort, and money. Hence, BDR should be a last resort.

APLU submitted comments to the proposed BDR rule expressing concerns that vague definitions failed to provide a clear scope of the kinds of claims that would be successful. The Department can undoubtedly improve BDR to more appropriately clarify the grounds for a successful claim. But, we urge the Department to not go too far in narrowing opportunities for students, whom may be victims of unscrupulous practices, to receive the loan forgiveness they deserve. APLU appreciates the opportunity to comment and looks forward to further engagement on GE and BDR as the Department of Education moves forward with rulemaking.