

JAMES N. BALDWIN, JD, EdD
PRESIDENT

August 17, 2017

Hilary Malawer
Assistant General Counsel, Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue SW Rm 6E231
Washington, DC 20202

Dear Ms. Malawer:

This letter is in response to the Department of Education's June 2017 request for comment on regulations to potentially repeal, replacement, or reform. On behalf of Excelsior College, I express our support for the National Council for State Authorization Reciprocity Agreements (NC-SARA) and the amendments to the state authorization sections of the Institutional Eligibility regulations (34 CFR – Part 600) and the Student Assistance General Provisions regulations (34 CFR – Part 668).

As a private, nonprofit leader in adult higher education, Excelsior understands and supports regulatory efforts that seek to strike a balance between protecting consumers and fostering innovation. We support rules that require Title IV programs to demonstrate state authorization to offer distance education within each state and that compliance can be met through reciprocity agreements. Additionally, we support institutional disclosure requirements confirming institutional programs meet educational standards for professional licensure.

However, we do share NC-SARA's concern with the definition of "state authorization reciprocity agreement," in particular with the final line, marked in bold:

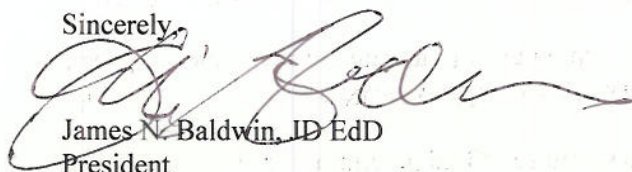
34 CFR Section 600.2 Definitions State authorization reciprocity agreement: An agreement between two or more States that authorizes an institution located and legally authorized in a State covered by the agreement to provide postsecondary education through distance education or correspondence courses to students residing in other States covered by the agreement and **does not prohibit any State in the agreement from enforcing its own statutes and regulations, whether general or specifically directed at all or a subgroup of educational institutions.**

This language may be interpreted in a manner that undermines SARA with member states having the ability to enact statutes and regulations which conflict and supersede the provisions of the reciprocity agreement. This is unacceptable and inconsistent with the Department's intent to expand access to higher education opportunities.

We request the Department remove the subject language from the state authorization agreement definition. This corrective action will ease the concerns of institutions like Excelsior who support reciprocity agreements as a way to expand access to higher education in member states.

Please contact me if we can provide additional information or answer any questions.

Sincerely,



James N. Baldwin, JD EdD
President