September 20, 2017

The Honorable Betsy Devos

Secretary

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

Dear Secretary Devos:

As a regionally accredited institution with a track record of serving students for over a century, we remain as committed to our mission today as when we began in 1900. Founded as Rasmussen Practical Business School in St. Paul, Minnesota, the College focused on providing *women* and men with the skills needed to be secretaries, clerks, bookkeepers and stenographers at a time when few institutions provided this training. Although we have since grown to serve almost 15,000 students across 22 campuses in six states and online, our mission of providing nontraditional students a better future through education has remained unchanged.

From online education to competency based learning, we continue to push ourselves to find new and better ways to help our students reach their education and career goals in spite of the myriad obstacles facing so many of them as nontraditional students. One barrier that has hindered our efforts to support them in recent years has been costly and burdensome regulations. As participants in Senator Alexander’s 2013 Task Force on Higher Education Regulations, we know firsthand the costs borne by colleges under the existing matrix of regulations.[[1]](#footnote-1) We recognize and support sensible policies that help to weed out unscrupulous actors while still allowing schools to do what they do best—serve students.

Pursuant to the Department of Education’s (“the Department”) recent request for input on regulations that may be appropriate for repeal, replacement, or modification, we wanted to offer our thoughts on several higher education policies. See 28 CFR 28431. We applaud the Department’s efforts to review, revise, and improve regulations such as the Gainful Employment and Borrower Defense to Repayment rules.

As written, the former applies almost exclusively to programs at proprietary institutions, drawing upon inaccurate and often misleading data to paint a picture of outcomes for graduates in just the first few years after graduation. The latter, although ostensibly applying across sectors, singles out career-focused institutions with regard to a mandatory Loan Repayment Rate disclosure, with no analogous requirement for other sectors. This requirement not only replicates a provision of the 2009 Gainful Employment Rule struck down by the courts, but also has no place in a rule already duplicative of existing statutory protections. We hope a fresh look at both regulations will yield sensible policies that provide sector agnostic protections for students without unduly burdening their schools.

With regard to outcomes, the data on which the Department has relied for its regulatory schemes has proven staggeringly inaccurate, particularly in terms of salaries. Under the current rule, institutions are precluded from using Bureau of Labor Statistics figures to provide a more accurate depiction of what students in a given field will earn. Unfortunately, the unreliable salary data and short window of time in which GE outcomes are measured harms important mission-centric programs the most.

Two examples of the Gainful Employment rule’s disproportionate impact on these sorts of programs can be seen in the areas of early childhood education and law enforcement. For graduates of these programs, the drive to serve children and the public compels students to enter fields where the return on their investment may take place over a longer period than more lucrative career tracks. This should not mean programs devoted to their preparation become any scarcer or less rigorous, yet the existing rule risks doing just that. A revised Gainful Employment rule should strive to employ better data, a longer measurement period to more accurately capture graduates’ income gains post-graduation, and also take account of the many programs whose benefits to graduates and those they impact may not be so easily reduced to numbers on a page.

As envisioned by Congress, the Federal Triad entrusts accreditors with ensuring quality among institutions. We continue to believe this division of labor between the states, federal government, and accreditors serves as a robust safeguard of student interests. Moving forward, we hope the Department will consider policies which reward regionally accredited institutions in good standing with their accreditors. One such policy might give schools who have earned this status an exemption or path to bypass superfluous regulatory and technical compliance regimes, as appropriate. We believe this approach, analogous to licensure by means of accreditation at a state level, would serve as a meaningful reward for institutions who demonstrate a commitment to student success without sacrificing important consumer protections central to the Department’s mission.

Finally, we encourage the Department to embrace policies that unshackle innovators from policies and pedagogies unsuited to the modern student’s needs and expectations. To this end, we believe Competency-Based Education and related modalities should be embraced by the Federal Government as important tools in the march towards broader access to postsecondary education for students of all ages, backgrounds, and means.

At Rasmussen, we remain committed to high standards and hope the Department takes this opportunity to ensure the Gainful Employment and Borrower Defense to Repayment rules apply to all schools, regardless of tax status, and that they do not penalize students for pursuing their passions or schools for helping them to do so.

Thank you for your time and commitment to improving all of American higher education.

Sincerely,



Trenda Boyum-Breen, President



Thomas M. Slagle, Chief Executive Officer

1. Using publicly available data, the Task Force determined that institutions spend 26.1 million hours annually completing Department of Education-mandated forms alone. See full report at: http://www.acenet.edu/news-room/Documents/Higher-Education-Regulations-Task-Force-Report.pdf [↑](#footnote-ref-1)