

U.S. DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

PUBLIC REGIONAL HEARING ON
NEGOTIATED RULEMAKING

Monday, September 29, 2008

9:00 a.m. - 4:00 p.m.
Paff Auditorium
80 Washington Street
Providence, Rhode Island

P R O C E E D I N G S

MR. BERGERON: We're going to go ahead and get started. It's 9:00. I'm happy to be here at the University of Rhode Island. Let me first introduce myself. I'm David Bergeron. I direct policy for the Office of Postsecondary Education at the U.S. Department of Education. I know Rhode Island well, having been born in Providence, and then growing up in Warwick, and then going to the University of Rhode Island. So, I was happy to have the opportunity to come and have one of our hearings here at the University of Rhode Island.

I'm glad we're here in Providence. I love Kingston, but Providence has--is a lot more convenient for folks, particularly from other institutions. I want to thank Bob Cruthers and Andrea Hopkins and everybody else at the University of Rhode Island who made it possible for us to be here. And let me take a minute and I'll introduce my colleagues.

I'll start with Sophia McArdle, who I think you met as you came in. If you didn't see her and sign up to testify, you can do that at any time during the day.

Right now, we are--have people signed up for the whole morning, and we will be looking for people to sign up for the afternoon. And it's possible we may have some time, still, this morning, depending on how the schedule goes. You

never quite know when people sign up how long they'll really speak for. So, we can see what we do have in terms of time at the end of the day. So, see Sophia if you want to do that.

With me on the Panel is Kay Gilcher. Kay is on my staff and is an Education Programs Specialist, and particularly knowledgeable in areas like distance learning. And you probably have seen her name if you follow issues around distance learning or accreditation or those kinds of things--a great asset to us.

Also with me on the Panel is Sally Warner. Sally is in our Office of General Counsel. When we do these things, we like to have our lawyers along. They help us keep on track and make sure we do things correctly.

This is a part of an important process for us as we begin to think about the regulations that we will develop coming out of the Higher Education Opportunity Act of 2008. That Act makes substantial changes to nearly every program in the Higher Education Act, as well as extending those programs. It's not a minor set of changes. In some programs, there are just tinkering, but in others, you know, it's wholesale rewrites, and I know that some of you are going to be talking about some of those program areas where there are substantial rewriting that has occurred.

We will be having additional hearings after this one here. We have four. We did have our first hearing at Texas Christian University on the 19th of September. The hearing transcript for that hearing is already available on the Department's Web site.

We have a Web site specifically for the implementation of the Higher Education Opportunities Act, which is WWW.ED.GOV/HEOA. That Web site will be where we post the hearing transcripts, and then the follow-up activities related to the implementation of the Higher Education Opportunity Act.

After we complete our hearings, we will take some time and make some decisions about what kinds of regulatory activity we will be undertaking, and what the specific timeframes are.

We will then publish a notice in the Federal Register, which will announce the committees that we will be creating and soliciting nominations for people to serve on those negotiating committees. And it's expected that that process will likely begin early in next calendar year. We may do the notice. We may solicit people to serve as non-federal negotiators before the end of the year, but the negotiations themselves will likely begin sometime next year.

With that, I will see if Kay or Sally have anything they would like to add. Otherwise, we'll go ahead and have the first person come and testify. Ed

Comeau. And if I mispronounce names, please let me know. We do have a sign interpreter with us today. If anyone needs her services, please let us know. Otherwise, she'll sit down for a little while. Okay? Go ahead, Ed.

MR. COMEAU: Thank you for the opportunity to be here this morning. My name is Ed Comeau. I'm the publisher of Campus Firewatch, which I've done since 2000. I'm also the former Director and founding Director of the Center for Campus Fire Safety. I am also the former Chief Fire Investigator for the National Fire Protection Association, who are investigating a number of campus-related fires. And I also wrote the chapters for the current and the previous handbook, NFPA Handbook, on campus fire safety.

The reason I'm here today is that in the Higher Education Opportunity Act are provisions from the Campus Fire Safety Right to Know Act, which were first introduced in 2000 in Congress. At that time and since then I've had the opportunity to work with the legislators who introduced that to try to get it moving through Congress. What these will do is require colleges and universities to report fire safety information and make it publicly available, that'll include how many fires they have on campuses, how many people have been injured or killed by these fires, how much damage they've caused and how many beds are protected by sprinklers and fire alarm systems, and also how much fire education they're providing to the students and the staff.

This legislation was born out of the tragic fire in 2000 at St. Helens University that killed three students, and since that time we've documented about 130 people have been killed at campuses across the country. A vast majority of them happened off-campus, but a number of them have also happened in residence halls and Greek housing.

What makes this so important is the fact that it does call, for example, for the inclusion of education--reporting how much education they're providing to students on fire safety, which can be absolutely instrumental in making a change when it comes to losing the lives of students across the country, either on-campus or off-campus.

The reason I'm here today is to try to make sure and emphasize the importance of this legislation. It was a long time coming. We have had a lot of support on it--both bipartisan support--we've had the support of national organizations across the country, the International Association of Fire Chiefs, the International Association of Firefighters, the International Association of State Fire Marshals. I can go on and on. There are a lot of organizations there that did support this legislation that finally was signed into law this year.

Coincidentally, on the heels of this, too, I believe today the Senate is also debating legislation--the Stephanie Tubbs Jones College Fire Prevention Act that passed the House already and is now--looks like it's going to pass the Senate as well--that'll provide grants for colleges and universities to install sprinkler systems, fire alarm systems, and provide other systems, too.

So, it's kind of nice that these go hand-in-hand with one another. The first one's only a reporting, but also there's the possibility of funding coming out as well in terms of matching grants that help colleges and universities.

So, I'd really like to emphasize the importance of this legislation. It's been a long time coming, a lot of people are supporting, and as the regulation phase goes forward, we'd really like to make sure that the intent of the law was carried through in terms of the regulation phase, and certainly Campus Firewatch, myself, and the other people that I work with a lot across the country are more than happy to work with the Department of Education in helping to craft these regulations. With that, that's my statement here for you today.

MR. BERGERON: Thank you very much.

MR. COMEAU: Thank you.

MR. BERGERON: Caroline Aspinwall.

MS. ASPINWALL: I really appreciate the opportunity today to be able to share with you some of the wonderful things Rhode Island has done.

I'm Caroline Aspinwall. I'm the Director of Special Services at the East Bay Collaborative, and I'm providing information today on behalf of the Rhode Island Transition Academies here in Rhode Island, and on behalf of the Rhode Island Transition Centers here in Rhode Island. We have five such Centers in the state. They are a unique situation here in Rhode Island, and we're concerned and want to provide information about Section 769, The Model Comprehensive Transition and Postsecondary Programs for Students with Disabilities.

For about six years now, we've developed and operated these innovative programs for students with disabilities on our college campuses, and fortunately, today, we've also brought some alumni students who have actually completed these programs on the college campuses with us today, and they'll be able to share their success with you as well. Rhode Island is the only state in New England that has successfully secured cooperative funding between our school districts, between the Office of Rehab Services, and the Division of Developmental Disabilities in funding programs for students on college campuses, and before they graduate high school. So, this is a unique program.

We call these programs Transition Academies. Presently Salve Regina University, CCRI in Warwick, Roger Williams University, and Johnson and Wales have participated in these unique programs.

The programs are for students 18 to 21. They are for students who need one more year to transition--to get ready for adulthood. These are opportunities for kids in age-appropriate settings. So, we are thrilled--when you look at Section 769, you see, it was almost written just for us. And if you look at those programs, it's exactly what we've been doing here in Rhode Island. So, we are thrilled, and when this passed, I think there were phone calls going around, screaming, how this can open up doors and continue our success here.

Students are able, through these programs, to access college courses, develop social skills that they weren't able to do in high school, and receive job training. All of our students leave these programs either matriculated at the college level, whether at--it was at the program they were at--or a different college. They have jobs. They are ready for adult life. We are thrilled. We've been around to different venues, whether they were national or local, speaking about these programs. We've had several states that are interesting in repeating these models, replicating these model programs.

We are concerned, however, and this is our point to be here today, is that, as we look at grants that are going to be funded through this initiative, that there are certain pieces or elements that are added to those regulations. We are concerned that colleges and universities who create these programs have the appropriate partnerships with agencies around their state, national agencies. Some of those--and I will provide you with written testimony today so that you can have that list of the key players. We want to make sure that colleges and universities, when creating these programs, include parents in the development, that they include the Office of Secondary Education, that they make partnerships with the offices of career and technical education in their state, and association of higher education, workforce development, which would be the Department of Labor and Training in any state, the Office of Rehabilitation, independent living centers, state agencies for mental health for developmental disabilities, behavioral health, adolescent health issues, child protection agencies, Department of Children, Youth, and Families, and private nonprofits who truly have a track record in providing these programs for students with disabilities.

We are also concerned that these projects have a clear plan for sustainability. The only way these programs are successful, and how we've been able to make them successful, is to make them part of the campus. The college

must own the program. They must be able to accredit the program. They must be able to provide some certificate of completion for those programs. Without a tangible certificate, students will leave with no job opportunities. They will not be able to fund their participation in the program. Right now, most of our programs are funded through a cooperative effort from our school districts who pay tuition and from our Office of Rehab Services. It's a very unique arrangement. But when we look at maybe expanding those programs to look at a certificate program for students, it really needs to be part of that college experience. The college needs to own it, and we need to open up avenues for financial support for those kids.

They have to be given all access to all the resources on the campus. The course should be listed in their bulletin, course bulletin, and they should receive a certificate, and financial aid is a must. Without that, students will--families will not be able to access such programs.

So, we leave you today with the thought that we are in a position, I think, in Rhode Island, to be a model for the rest of the country. And I think that we'd like to be represented on maybe a rulemaking committee as a state with experience and a proven track record for the last seven years of what we've done. So, I thank you for your time.

MR. BERGERON: Thank you. Kyle Wilbur.

MR. WILBUR: Here I am.

MR. BERGERON: How are you this morning?

MR. WILBUR: Oh, fine.

MR. BERGERON: Good, good. Thank you for coming.

MR. WILBUR: Oh, you're welcome. Is this thing on? Testing one, two, three. Okay. Mr. Chairman and members of the Board, my name is Kyle Matthew Wilbur, and I live in Barrington, Rhode Island. I'm here representing myself and the many other students who struggle in high school and would like to have some of the same choices as others students, such as to be able to go to college and take classes and to have a job with a paycheck.

I support Sections 767, 768, and 769--let me see if I got that right--767, 768, and 769--yeah, I got that--of the Higher Education Opportunity Act.

The Rhode Island Transition Academy opened many doors for me, like to be on a college campus and take classes with other students--you know, kids--folks my own age--such as life--to try out different jobs. I've had a lot of jobs. I've had quite a few jobs over the years. Of course, I've had the same job at Ace Hardware for four years. To think, at the beginning I never even got paid for it. Now, I'm getting paid for it. It also taught me how to ride the public

buses, and successfully learn the bus system, and also told me how to speak up for myself and give me some independence. I would like this community to open the doors for other students like myself, so please give this federal money to the State of Rhode Island for the Transition Academy. I'm not sure if you guys have a good sense of humor, but I'll read it, anyway. As Porky Pig would say, "That's all, folks."

[Laughter.]

MR. WILBUR: You know, they do have a sense of humor. Thank you, and thank you for letting me speak today.

[Applause.]

MR. BERGERON: Thank you.

MR. WILBUR: Yeah, don't mention it.

MR. BERGERON: Barbara Brittingham, please. Good morning, Barbara.

MS. BRITTINGHAM: Good morning. That's a tough act to follow. That was very good. Good morning. My name is Barbara Brittingham, and I am the Director and President of the Commission on Institutions of Higher Education of the New England Association of Schools and Colleges. We're the regional accrediting agency for over 240 colleges and universities in the six New England states, and the Commission has been continuously recognized by the Secretary of Education since that process began.

We're a member of C-RAC, the Council of Regional Accrediting Agencies, the group that links and coordinates the seven regional accrediting commissions in the six regions. Collectively, these commissions oversee the accreditation of approximately 3,000 colleges and universities that serve more than 17 million students throughout our country. Through C-RAC, regional accreditation has strengthened and aligned our efforts in a variety of areas, including distance learning and assessment.

On behalf of the Commission and C-RAC, thank you for the opportunity to testify this morning. The renewal of the Higher Education Act was a long and complex process. During that time, regional accreditation has continued to evolve and now reflects many of the changes in the law. We're pleased that there will not be further regulation regarding the standards an accrediting agency uses with respect to academic quality.

Further, we believe that some of the new provisions of the law are clearly stated, and will not require further regulation, such as the requirement that institutions make publicly available their transfer of credit policy, including the criteria established by the institution, and that accreditors confirm this matter. With respect to regulation, I wish to make four additional points. One,

participation. We ask that the Department include regional accreditors at the table of negotiated rulemaking on any matters related to accreditation. The members of C-RAC stand ready to be helpful and active participation in the negotiated rulemaking process, and to work formally and informally with the Department of Education throughout this process.

Two, distance education. We urge the Department to tread carefully on regulating the requirement that accreditors verify that institutions have measures in place to ensure that students enrolled in distance education are the ones doing the work and receiving the credit. While institutions must assume these responsibilities of academic integrity, we concur with WCET that good pedagogical practices must be at the heart of any effort to meet this requirement of the law. We note that the report language did not intend that a certain type of technology be specified as required, at least at this time, and we believe that this aspect of the law should be implemented in a way that does not represent a cost burden to institutions or students.

Third, due process. The law includes considerable new language in this regard, [with] most of the requirements already being met by regional accreditors. We urge a light touch in regulating the due process requirements. Clearly, institutions appealing the denial or termination of accreditation deserve a careful process; their rights must be protected. But accreditors do not make such decisions lightly or casually, and the appeal process should not become lengthy, burdensome, or expensive. We know that our member institutions are already concerned about the cost to them in implementing the requirements of the Higher Education Act, and we ask the regulations around due process in an accreditation denial or termination not add to that collective cost. We are also concerned about time. We must not have so many stringent process protections that we lose our ability to take decisive action to protect the best interests of students and their families when we find wrongdoing or a clear failure to meet one or more of our standards.

Fourth, transfer of credit. We would note that the new law requires accreditors to confirm that an institution has transfer of credit policies that are publicly disclosed and include a statement of the criteria established by the institution. These provisions give clear direction to institutions and accreditors, and we do not believe they need to be further refined in the regulatory process.

We look forward to working with the Department of Education as we fulfill our responsibilities as a recognized, reliable authority on the quality of education under the regulations that respect the intentions of the Congress, and

do not place undue regulation on either accreditation or institutions of higher education. Thank you very much.

MR. BERGERON: Thank you, Barbara. Jill Wilbur. You sure you want to do this, Jill?

[Laughter.]

MS. WILBUR: I don't know if I can even keep up with him. But Mr. Chairman and members of the Committee, my name is Jill Wilbur, and I live in Barrington, Rhode Island. I'm here representing our son, Kyle, who has developmental disabilities, as well as other young people with comparable challenges who struggle to find postsecondary programs, educational or vocational development and opportunities so they can further their development. I wholeheartedly support Sections 767, 768, and 769 of the Higher Education Opportunity Act.

Our son Kyle attended the Rhode Island Transition Academy that was located at Salve Regina University in Newport. Quite simply, this program gave him wings. The Rhode Island Transition Academy afforded Kyle with a postsecondary environment that allowed him to experience real life situations. On a level of job and career exploration, Kyle applied his computer skills he gained through the courses at Salve, and developed a basic resume for possible employment.

Furthermore, upon obtaining this non-paying job, as he mentioned, at Ace Hardware in Newport, over the past few years, he has transitioned that opportunity into a part-time, independent, hourly paying position with the same employer. He has also enhanced and developed his abilities to interact in-- appropriately with his fellow employees and supervisors. On a second academic note, Kyle has developed a wonderful relationship with one of his professors at Salve Regina. He's had the opportunity to audit a number of her courses, and is currently enrolled at one at this moment.

Kyle's desire and willingness to participate in this venue has rewarded him with age-appropriate peer interactions and involving social skills that complement his educational experience. The logistics of transportation from Barrington to Newport were addressed by the Rhode Island Transition Academy, thus enabling him to successfully navigate the RIPTA bus system. And like so many other life experiences, this has been a process of evolution rather than revolution.

The State of Rhode Island has, over the past several years, been the beneficiary of local communities funding these model programs. And, given their success and our programs have demonstrated, I believe that additional federal funding should be given to the State of Rhode Island to ensure that this continued level of achievement is afforded by these programs. Only through our

perseverance and vigilance can we actually provide the tools necessary for these individuals, fellow citizens, to truly embrace their potential for a full life, a degree of liberty, and the pursuit of happiness.

I would like this Committee to embrace this opportunity that is being afforded to these individuals by expressing their support for the aforementioned programs. Thank you for this opportunity to speak.

MR. BERGERON: Thank you.

[Applause.]

MR. BERGERON: Ms. Miller. Good morning.

MS. MILLER: Hi. My name is Megan Miller, and I'm one of the alumni from the Rhode Island Transition Academy. What the Rhode Island Transition Academy has done for me is so much that I can't even--if I start to talk about how much it's done for me, you guys would be sitting there tapping your fingers on the table because you would probably be so bored of hearing me talk about it.

But I've grown up a lot with it. When I was in high school, high school wasn't that good, junior high school wasn't, and grade school wasn't, because I've gotten made fun of and teased a lot. When I was at CCRI with the Rhode Island Transition Academy for the two years that I was, I never got made fun of once, And that was, like, a big break for me. Like, finally, because I've gone through a lot. And we'd go to an apartment, we'd rent one, and doing that is a fun experience. We get to cook. We get to learn how to clean. We get to budget money, learn how to do math--all different kinds of stuff. And one of my favorite things was we got to go to IKEA and we got to pretend that we had \$1,000, and we got to make our own room. And that made me feel like I was regular college student, like, getting to find, "Oh, I would like that if I had a dorm." "Oh, let's go over here and see what's over there," you know? And it was really, really, really fun. And it's a really good program. I mean, I don't know that--I don't know any other programs that are like the Rhode Island Transition Academy that are out there. I mean, my mom and I and my dad have a time--well, you know, for programs, and that's the one that we chose, and I'm glad I chose it.

And kids who have what I have--Williams Syndrome--only one in 25,000 people have it. It's a rare genetic disorder. And sometimes we tend to be over-social--sometimes--and they've helped me to kind of lower it a little so I can go to different places and not act too over-social.

And when I was with them, I got to do a lot of job opportunities and go to different places, and I volunteered at a nursing home doing--being the activities assistant, and I had the best time of my life over there. The people

there were surprised at how excited I was to wake up and get to go to volunteer work because I could, you know? And it's a good program, and I hope that it stays around for a while. It really needs to. So, thank you for letting me speak.

[Applause.]

MR. BERGERON: Thank you, Megan. Melissa Elliot. Good morning.

MS. ELLIOT: Sorry. Just give me a second.

MR. BERGERON: It's okay. Take your time.

MS. ELLIOT: I didn't know I was next. Hi. My name is Melissa Elliot, and I support Section 767, 768, and 769 of the Higher Education Opportunity Act. I'm here representing myself and my fellow students who have benefited from the Rhode Island Transition Academy. This program not only helped us find a job or volunteer positions, it has helped us find out who we really were and what our strengths were. It helped me personally find out what difficulties I would have in a job, and in turn, I looked for different jobs that played on my strengths instead of weaknesses. The Transition Academy also helped me with things such as cooking, money management, how to keep an apartment, and what products to use while cleaning. They helped me feel confident and that my goals were actually within reach. They did mock interviews with us, and now I feel great about going into one and feeling that I may get the job. I think more people would benefit from the Rhode Island Transition Academy and programs like it. Thank you for letting me speak.

[Applause.]

MR. BERGERON: Thank you, Melissa. Christine McGuire. Good morning.

MS. MCGUIRE: Good morning. Thank you. I'm Christine McGuire, the Executive Director of Financial Assistance at Boston University.

I speak to you today on behalf of the Massachusetts Association of Student Financial Aid Administrators, MASFA. MASFA's more than 800 members are from schools in all sectors of higher education, including public, private, and proprietary institutions, and range in size from very small colleges to very large research institutions. I want to thank the Secretary for the opportunity to provide the Department of Education with areas of specific concern within the Higher Education Opportunity Act. My comments today are intended as a brief outline of MASFA's concerns. A more detailed version will be submitted in writing to the Department of Education.

First, we'd like to encourage the Department to include the following Sections of the Title IV legislation as part of the agenda for the negotiated rulemaking process.

Number 1, Part a, Grants to Students, Section 401, Federal Pell Grants. Implementation of the elimination of eligibility for persons subject to involuntary civil commitment for a sexual offense and implementation of an automatic Zero EFC for students for whom a parent or guardian was killed in Iraq or Afghanistan after September 11, 2001.

Number two, Part b, Family Federal Educational Loan program, Section 436, definition of eligible institution and eligible lender, implementation of the new standard for cohort default rate, CDR, and the appeal process for noncompliance.

Number three, Part d, Federal Direct Student Loans, Section 451, specific disclosures about loans to borrowers that will be required of institutions participating in the direct loan program.

Number four, Part f, Need Analysis, Section 472, discretion to make adjustments, inclusion of parental refusal to complete a FAFSA as a basis for professional judgment to award an unsubsidized Stafford Loan.

Part f, Need Analysis, Section 473, exclusion of veterans' educational benefits in determining eligibility for federal student aid.

Part g, General Provisions Relating to Student Assistance, Section 488, institutional and financial assistance information for students.

There are several parts to this.

A. require disclosure of information about plans to improve the academic programs.

B. require development of plans to detect and prevent unauthorized distribution of copyrighted material on information technology systems, including the offering of alternative software for legal downloading of intellectual property.

C. require disclosure of information on student body diversity, the placement in employment, and types of employment obtained by graduates.

D. require disaggregation of institutional data on completion and graduation rates based on student gender, race ethnicity, and combinations of Pell Grant and federal loan recipients.

E, require parental notification of students missing for greater than 24 hours.

F. institutional requirement to separately notify a student of the loss of aid eligibility due to a drug-related offense and ways to regain eligibility.

Number seven, Part g, General Provisions Relating to Student Assistance, Section 493, program participation agreements, relocation of the 90-10 Rule for proprietary institutions to the program participation agreement, and the

redefinition of countable, non-Title IV revenue toward the required 10 percent, consideration of safeguards for schools immediately at risk for noncompliance. For the other Titles of the Higher Education Opportunity Act not subject to negotiated rulemaking, the members of MAFSA urge the Department to carefully consider constituency feedback before issuing regulations regarding the following Titles and subsections.

Number one, from Title I, General Provision Section 111, Transparency and College Tuition for Consumers. Specific concerns include the definition of net price, the development of a net price calculator, and the purpose of an individual student to estimate an award, and including merit-based aid in this calculation.

Number two, Title I, General Provisions, Section 112, Textbook Information. Specific concerns include the requirements to incorporate ISBN information within course schedules, and how this will be defined within the regulations and encouragement, in quotes, of the institution to disseminate information to students on how to save money on textbooks.

Number three, Title VIII, Additional Programs, Section 803, business workforce partnerships for job skill training and high growth occupations or industries, authorization for competitive grant awards for development of job training programs in high growth industries should include proprietary institutions.

Number four, Title X, Private Student Loan Improvement, Section 1021, private education loan disclosures and limitations, development of a self-certification form for private educational loans.

Thank you for the opportunity to speak with you today and share some of the collective concerns of the Massachusetts Association of Financial Aid Administrators. MAFSA looks forward to our continued dialogue with the Department as we collaboratively proceed with the negotiated rulemaking process and implementation of the Higher Education Opportunity Act. Thanks.

MR. BERGERON: Thank you. A couple things, and then we're going to take a short break. You can sit down. I just wanted--there are certain things that, in the Higher Education Opportunity Act and the base law of the Higher Education Act that we can't regulate around.

One of the ones in the base law is around need analysis. So, things where they've called on us to do things on need analysis--Congress really tied our hands. We really can't regulate. Another area where they specifically said we can't regulate is around textbooks--textbooks' pricing, information. So, there are going to be some areas where we're going to have to work very hard to try to

work with the community in ways that don't result in or rise to the level where we're doing regulatory activity. We're going to reconvene, I think, in about five minutes. We're running ahead of schedule, but I do want to take a minute before we continue. And next--so, probably at 9:50, it will be Eric Klein. And so, we'll reconvene in about five minutes. Thank you.

[Brief recess]

MR. BERGERON: Good morning, again. We're going to try to reconvene, if folks are ready. Before we go to our next witness, I wanted to say that there are--because we're running a little ahead of schedule, there are additional time slots this morning for people to sign up for if anyone wanted to do that--or even if they had signed up for the afternoon, we certainly could move you to the morning, I think, if you are interested in doing that. But just go out and see Sophia to do--to reschedule, if you wanted to do that.

Also, as I mentioned before, we do have a sign interpreter. If anyone needs the interpreter, let us know, let her know, and she'll interpret. And with that, Eric Klein, if you're ready, come on up and we'll hear your testimony.

MR. KLEIN: Thank you very much. All right. My name is Eric Klein. I am this year's President of the Rhode Island Educational Opportunity Association. We're a professional association for TRIO Programs in the state of Rhode Island. We belong to the New England Educational Opportunity Association, and are represented on the national level by the Council of Opportunity and Education.

Here with me today are Philomena Fayanjuola, who is the Director of the Talent Search and the Educational Opportunity Centers here in the State of Rhode Island, and Joe Costa, who is the Director of the SSS Program at Rhode Island College. I would just like to make a couple of points specifically relating to three TRIO Programs, and then one point relating to the annual performance report for TRIO Programs. Specifically, first of all, for the Upward Bound Program, there's not a lot in HEA that affects Upward Bound, because a lot of work has been done, and I'd just like to applaud the Department for the abolition--the absolute priority as regard to the Upward Bound Program. That was fantastic. A lot of work got done on that in the spring. So, nothing in HEA about that, but thank you.

Number two, Talent Search. We request a reduction in the minimum number of students served from 600. That would allow more targeted services to students, and I'm going to let Philomena talk more specifically about that.

The Student Support Services Program, the big issue there is the delay in the competition for the Student Support Services Grant Competition. It was originally due this fall--originally due in the end of this month, actually. And

although HEA allows for a one-time extension to bring--to synchronize all grants into the same cycle, we believe, and so does the Council of Opportunity in Education, that extending that date beyond a year is not good for the TRIO Programs, or for SSS in general. The HEA allowed for multiple campuses for the same university--college or university to apply for individual grants, and that's a change from prior years, so that basically it, in effect, opens up the amount of grants that can--students that can be served over areas and delaying the grant application is postponing the service of additional participants, as well as continuing to perpetuate the stereotype of TRIO--it's, to some degree, a closed shop. We already have the prior experience points which kind of give that impression of--it serves to--tends to serve to keep grants that are functioning, it gives them the extra edge, and delaying--there's some rumors out there that it might get delayed all the way up until 2012 or the--for new money in 2012, and that would be, really, way too long. One other issue with Student Support Services, and I bring this from Len Lamberti, who is the Director of Student Support Services up at the University of New Hampshire. He called me Friday and said, "Eric, when you're talking to them, please say that the move to required services for TRIO Programs, the"--let me just get this right--SSS Programs are now required to assist students in the completion of financial aid applications. And there was some concern that that could cause--there are offices on many campuses doing that already, like the financial aid office, and if TRIO Programs are prevented from duplicating services that already exist at the institution, requiring them to help students complete--so, there's just a--there was a question. There was a question, there--some ambiguity.

And just one further point: The annual performance reports for all TRIO Programs, we really encourage the Department to revise and get those out to programs as soon as possible. There was prescribed--the new required services and the amending of the existing permissible services are going to need some work or changes from years past. So, as soon as we can get those--you get those to us, we'll get them back to you as soon as possible. And--but that concludes, basically, what I have to say.

MR. BERGERON: Thank you, Eric. Philomena Fayanjuola. How'd I do?

MS. FAYANJUOLA: Good.

MR. BERGERON: Good morning.

MS. FAYANJUOLA: Good morning. Thank you for giving me this opportunity to address the forum. Again, my name is Philomena Fayanjuola. I am the Director of two TRIO Programs at the Community College of Rhode Island, the Educational Opportunity Center Program, and the Educational Talent Search.

I am here this morning, and may show up later on this afternoon, to talk about EOC. But this morning I am here to talk to you about the impact of the new law on the Talent Search Program, in two areas.

One, mandated services and the demand of high performance outcome. In other words, prior experience requirements for Talent Search. As someone, who, for the past four years who has been "level" funded to serve 750 students in some of the poorest and lowest performing schools in Rhode Island, we've really had to stretch--and I mean stretch--our resources to make sure that the students we serve meet all of the current--I mean, current before August 14--requirements and provide services so that they'll stay in school, graduate, and enroll.

Now, the new law mandates, amongst other things, another service that we all know it is really very expensive. The law now "stress"--requires that we provide a high-quality academic tutoring--services to our students. If we are struggling to provide services now at the funding level we are, I'm not sure how we can do that in addition to all of the other services that we have to provide.

My other area of concern, really, speaks to the prior experience requirements that are now--in addition to the current ones, the new law imposes four that I really have a big concern about. One of them really talks about the rigorous secondary school program of study that will make our students eligible for the Academic Competitive Grant Program. If we're serving the lowest performing schools in the state--and all Talent Search Programs--that's really why we selected them as target schools, because they have the highest dropout rate, they have the lowest graduation rates, and the lowest postsecondary enrollment rates.

Some of these schools do not offer honor programs, not to talk about AP programs. So, to require that we recruit students that will meet this requirement will, in my mind, speak about the very students that we--that need the services--may not be the ones that programs will end up recruiting because they're concerned about meeting the prior experience criteria.

The second one--it's the graduation from school of our students of a regular diploma in the standard number of years. For me, it says, "Okay. If a student has ever repeated a class, does that mean I can't recruit that student, or would I be forced to recruit only students that I know are going to graduate in four years, even if we have students that really do need the services of Talent Search in order for them to continue to stay in school and graduate." That's another area of concern for me.

This one, it's really big for us in Talent Search, because we've never had to do this before, none of these three that I've mentioned have we ever had to

do. It's to track the postsecondary completion of students that we assist in enrolling in postsecondary institutions. We have a difficult enough time getting our students to graduate and enroll. Now, the law requires us to track them. And as students, low-income, first generation students, we all know take much longer than the average student to graduate.

My other concern about the one about graduating on time or rigorous--we have students that enroll in community colleges. They enroll in community colleges because they haven't met the rigorous--so, what do we do with those students? In my mind, in order to--in the implementation of these current requirements on top of the existing ones--because those still exist. These are in addition to existing prior experience criteria--we make an already difficult job near impossible to do. And I'm afraid the very students that the program is designed to serve--if programs are now concerned about meeting prior experience requirements, we may have to "cream" students, and that's really not what we want.

So, my recommendation would be a drastic reduction in the number of students that the Talent Search Program is mandated to serve. Currently, the minimum is 600. We serve 750 in Rhode Island. And in addition to that--concurrent with that, not one or the other, is to greatly increase the cost per participant. An average Talent Search Program cost per participant is under \$500. And incidentally, these three areas of concern that I listed are identical to what the new requires of another TRIO Program, Upward Bound, that serves maybe a maximum of 125 students at the cost per participant of anywhere from \$2,000 to \$5,000. So, I would hope that you will seriously consider those two areas of my recommendation. Thank you.

[Applause.]

MR. BERGERON: Joe Costa, please. How are you this morning, Joe?

MR. COSTA: Fine. Good morning. How are you?

MR. BERGERON: Doing great, thanks.

MR. COSTA: I'm not going to be speaking for very long. I'm Joseph Costa, Director of the Student Support Services Program at Rhode Island College.

I just want to follow up with my colleague Eric gave in terms of the extension of the process or participation in the grant writing for a year. But I wanted to offer suggestions for those programs that have two to three years left on the books. My suggestion would be that, when these programs--if we extend it a year, these programs can participate next year, and they still have three years "out of book." And if they are successful in the competition, those three

years--we should take those three years and divide those monies over a five-year period for those programs that are successful.

We know if they're not successful, then they just play out the string, but if they are successful, then I would suggest that we take the three years that they have on the books and spread it out, spread those monies over the five-year period of the grant that they're going to receive if they're successful. That would be my suggestion for that, rather than keep playing along and playing along, et cetera, et cetera. And that's what I have to say.

MR. BERGERON: Thank you, Joe.

[Applause.]

MR. BERGERON: Dan Egan.

CROWD: He's not here.

MR. BERGERON: Yeah, we're way ahead of our schedule. So, why don't we just take a minute and--well, Tim Leshan, then. Good morning, Tim.

MR. LESHAN: Good morning. My name is Tim Leshan. I am the Director of Government Relations and Community Affairs at Brown University. I'm here today to speak a little bit about the impact of the Higher Education Opportunity Act on our university, and urge the Department to use the regulatory process to take advantage of the existing reporting mechanisms to promote efficiency for both institutions and the public who access that information.

Brown University thanks the Department for having these meetings to seek out input on the implementation of the HEOA. Brown was supportive of the passage of the legislation, but we are concerned about some of the implementation and the burden of this law. In terms of the reporting requirements, from our perspective, at the same time that universities are being urged to control costs to ensure access to higher education, the law has a myriad of new reporting requirements with no federal funding to offset the expense of these mandates.

Detailed new reporting requirements have been imposed in such areas as campus crime, fire safety, textbooks, net price income, peer-to-peer file sharing, and receipt of gifts from foreign donors, and I'll talk about a couple of these specific ideas. We support greater transparency and in fact have participated in the You Can Project, which provides for information about universities like ours to all students.

But at the same time, we hope that the Department works to develop implementation of regulations around this new law that will funnel these new reporting requirements through existing reporting structures to the fullest extent possible. Doing so will benefit both the institutions that are educating the next generation of students as well as consumers. One of our areas of

concern is campus safety. The law requires institutions to notify students immediately of the dangerous situations on campus. We at Brown believe that safety of our students is paramount. We have taken many steps since the tragic events of Virginia Tech to further enhance our efforts to notify our students when emergencies occur, such as adding an MRI3 mass communication system, and a campus siren in consultation with our city and our neighborhood.

But we are concerned that implementation and compliance with the immediate requirement may be difficult to comply with. Some clarity around what is meant by "immediate and significant campus emergency" in the rulemaking process would be helpful. We suggest the Department work closely with those appropriate professional organizations and experts in the field to come up with something that is both practical to implement and comply with, and serves the ultimate goal of protecting our students, faculty and our visitors.

Peer-to-peer file sharing. We're also concerned about the provisions in the HEOA on illegal peer-to-peer file sharing, especially Section 493, related to combating infringement on our campus networks, and offering alternative unauthorized content distribution.

The detailed rules for this Section will have an impact on our operation of our networks, and in terms of staff time, cost, network stability. It's important that the Department get it right and avoid a one-size-fits-all approach. We hope that you will err on the side of flexibility.

Student aid. While Brown was pleased with many of the student aid provisions in the HEOA, the law does make some changes to the programs that may cause some problems.

An example, seemingly simple, is a date change from the Academic Competitiveness Grant, and the SMART Grant Program from January 1, 2009, to July 1, 2009. As the Department issues guidance about these changes, we urge you to follow an orderly transition to these new dates in a responsible and easy to manage fashion.

In conclusion, I have tried to outline a few examples of the impact of the HEOA on institutions like Brown. My main point is that we urge that you take into account many of the new requirements of this law, and the impact it will have on the diverse institutions across the country.

We will, of course, fully comply with the law, and we will--we think many of its revisions are good. It does impose a burden, though, and we hope that you will try to create regulations that are efficient and based on common sense. The goal of implementing this law should be to enhance higher education for all

students. I have written remarks, and I can submit those as well. Thank you very much.

MR. BERGERON: Yes. If you'd leave it with Sophia--well, Sally. Thank you. Thank you. Michael Joyce. Good morning, Michael.

MR. JOYCE: Good morning. How are you all doing?

MR. BERGERON: Doing great, thanks.

MR. JOYCE: My name is Michael Joyce. I am Interim Director of Program Administration at the Rhode Island Higher Education Assistance Authority, and I'm here today representing the National Association of State Student Grant and Aid Programs, NASSGAP, and I thank you in advance for your consideration.

I'm going to focus on financial aid application simplification, specifically Section 483. NASSGAP would like the Department to keep in mind that states do use the FAFSA as a primary application for state need-based grants, that state financial resources are finite, but the population of needy students is growing, as is their cost. Simplification is a relative term. Efforts in its name should be done knowing that there is a very delicate balance between reducing complexity and sacrificing good stewardship of public funding.

If questions important to state grant agencies are eliminated from the FAFSA, then states will have no choice but to create additional forms for students to complete in order to capture the missing FAFSA data. It's essential to understand that FAFSA is not just a form used by the federal government to distribute federal aid, it is the primary form used by state agencies in awarding non-federal aid as well. It is for this reason that states have vested interest in the development of this document and any related replacement vehicles.

For example, one of the most critical questions to the state programs that has recently been discussed as an item that could possibly be dropped is the applicant's state of legal residence. Some assume that an address is a clear proxy for that question. Let me assure it's not. Students do not often live in their states of residence while they are in college, and often confuse the two when completing the address line, neither do a huge number of others, such as those who serve in the military. So, it is a question that, if dropped from the FAFSA, is likely to create significant turmoil. We believe HEOA provides abundant opportunity to achieve a more accessible and successful application system through the development of several provisions. We seek every opportunity to support the work that is needed, whether it is through negotiated rulemaking or other engagements such as committees and focus groups to work with the Secretary. Again, I thank you for your time and consideration.

MR. BERGERON: Is Dan Egan in the room? If not, we'll go to Eileen O'Leary, because I see her sitting in the room. Thank you.

MS. O'LEARY: Thank you.

MR. BERGERON: We're way early, see.

MS. O'LEARY: I guess you are. My name is Eileen O'Leary, and I'm the Assistant Vice President for Student Financial Services at Stonehill College in Massachusetts, and past Chair and a member of the Executive Board of the National Direct Student Loan Coalition, and I speak to you today on behalf of the National Direct Student Loan Coalition, which is a grassroots organization representing over 1,300 schools nationwide who participate in the Federal Direct Student Loan Program.

Our mission is to promote the success of the Federal Direct Student Loan Program in serving the interests of students, taxpayers, and institutions. I want to thank the Secretary for the opportunity to provide the Department with comments on our areas of concern within the Higher Education Opportunity Act. We hope that the negotiated rulemaking process will consider all aspects involved in the implementation of the new legislation, taking into account the repercussions of the various means of putting a law into action. In this way, the best possible outcomes will be achieved. Please note that, although this testimony is on behalf of the Direct Loan Coalition, because we are an organization of practicing financial aid administrators, we are also addressing areas of interest beyond the student loan program. We are concerned that any rules promulgated to interpret and implement the following Sections will prove onerous and virtually impossible to manage if the rules are not created with a comprehensive feedback from appropriate college and university personnel throughout the process.

First, I'd like to address the area about the Direct Student Loan Program. Specific disclosures about loans to borrowers that will be required of institutions participating in the direct loan program, given the conference committee comments, it is essential that the Secretary promulgate rules that provide for disclosure statements that are formulated and disseminated by the Secretary to schools or, more appropriately, to borrowers by the Secretary's designated servicer on behalf of schools. This would prevent variations in process among the many direct loan schools, prevent burdensome requirements, and ensure that direct loan borrowers receive the best and most consistent information possible. Within the Federal Family Education Loan Program, the areas of concern are the definition of the eligible institution and eligible lender, as well as something that I assume also affects the Direct Loan Program,

and that is the implementation for the new standard for the cohort default rate and the appeal process for noncompliance. In the private student loan area, we ask that, when crafting disclosures and certifications in this Section, that it be essential to get feedback not only from the lending industry, but from student groups and from financial aid administrators as well. The whole process of the disclosures of existing financial aid when applying for private loans should not prove a barrier to students but should make sense from their perspective, and be as streamlined as possible.

The requirement that there be a disaggregation of institutional data on completion and graduation rates based on student gender, race, and ethnicity, and combinations of Pell Grant and federal loan recipients must be carefully regulated, particularly as it applies to schools that have very small cohorts of students in any of those tracked areas. The required disclosures of information on student body diversity and placement in employment and types of employment obtained by graduates must be carefully clarified in regulation, particularly as it applies to schools who also have very small cohorts in these areas.

The requirement to notify parents of students missing for greater than 24 hours could be extremely difficult to administer, given the privacy and freedom of movement afforded to students living in campus housing. So, we ask that great care be taken when crafting the rules associated with this provision, taking into account the realities of what schools are dealing with on a daily basis.

The institutional requirement to separately notify a student of the loss of aid eligibility due to a drug-related offense and ways to regain eligibility will also be a provision that's difficult to administer. If the differences in institutional type, control, and administration are not taken into account when the rules are created. In addition, it needs to be clarified how financial aid administrators would obtain the information in reasonable manner.

In the area of transparency and college tuition for consumers, the goal of having that type of information available for potential students and their parents is very good. The definition of net price, development of a net price calculator, to allow students to estimate their awards, including merit-based institutional awards must be carefully crafted in order to take into account the many and various ways that colleges and universities award their students their own institutional need-based and merit-based scholarships and grants. It's not a one-size-fits-all environment, and the rules need to take that into account.

In closing, I'd like to thank you once again for the opportunity to present this testimony at today's hearing at URI and on behalf of the Direct Loan Coalition. We look forward to continuing our commitment to the Department

to collaborate to achieve the best possible rules and regulations to manage not only the Direct Loan Program, but all the financial assistance programs for our students. Thank you.

MR. BERGERON: Thank you. Dianne Oure. Good morning.

MS. OURE: Good morning.

Thank you very much for the opportunity to speak with this morning. My name is Dianne Oure, and it's great you pronounced it right. Nobody ever gets that spelling. I am representing the American Speech Language Hearing Association, an organization of 130,000-plus members, speech language pathologists and audiologists, and they're based in Rockville, Maryland. And I am the ASHA Vice President for Government Relations and Public Policies, and I am employed here in Rhode Island as a speech language pathologist in the Woonsocket school system, and I'm a department chair there.

And I would like to address the major issues for speech language pathologists and audiologists under the Higher Education Opportunity Act, and the first one is loan forgiveness. We view this as one tool that states and school districts can use to help recruit and retain qualified speech language pathologists and audiologists. There is a growing need for school-based--we call them SLPs, speech language pathologists, and audiologists, nationwide, actually, and also in Rhode Island. The Bureau of Labor Statistics estimates that between 2004 and 2014, more than 14,000 additional SLPs and 3,000 additional audiologists will be needed to fill the demand. Many Title I schools fight a constant battle to recruit and retain qualified speech language pathologists and audiologists. I know that from personal experience. The U.S. Department of Education's annual report to Congress on the implementation of the IDEA states that almost half of all school-based SLPs will be eligible for retirement by 2017. I wonder if that's ever going to happen.

The study concludes that, unless the number of newly prepared SLPs increases substantially, a severe shortage will be unavoidable, including the SLPs and the audiologists in the new loan forgiveness program under the HEOA and Title IV would encourage students to enter our fields and to accept positions in school-based settings. The second issue is accreditation, and ASHA supports the current statutory requirements related to accreditation, and requests that the Department of the Education not consider accreditation as part of the negotiated rulemaking. We believe that judgments about student achievement should remain in the hands of institutions, and should not be shifted to the federal government through the Department of Ed's role in recognizing accrediting organizations.

The current accreditation is highly successful for speech language pathologist and audiologist programs, and it's very well tested in quality insurance and quality improvement. The third issue, inclusion in teacher preparation. ASHA requests that the Department of Ed include SLPs and audiologists among the providers eligible for funds under professional preparation programs in Title II. Allowing SLPs and audiologists access to professional preparation funds under Title II is another means by which to retain and recruit these professionals.

So, in conclusion, speech language pathologists and audiologists, as you know, are an integral part of a child's success in school in such areas as literacy, communication, et cetera. We are facing dire shortages in the near future, and we are asking for funding of and inclusion in the loan forgiveness program under Title IV to attract and retain SLPs and audiologists in the school setting. We're asking for access to professional preparation funds under Title II. And we're asking for accreditation requirements to remain in the hands of institutions rather than shifting them to the federal government. Thank you very much.

MR. BERGERON: Is George Loftus in the room? Tim McGovern.

MR. MCGOVERN: Good morning. You are running a lot early.

MR. BERGERON: Yes. This is the way these things go... People think that--

MR. MCGOVERN: I'm a rookie.

MR. BERGERON: But one of the things we've learned about this is you tell people they can speak for five minutes and that's not enough time. So, we said, "Well, it's not enough time." And we always allow ten, because people say, "We can only speak for five? That's not enough time." And we say, "Oh, yeah. We always run early. If we have lots of people, we run early. If we have a few people, we run early." But thank you, Tim, for coming early.

MR. MCGOVERN: No, that's not a problem. I may run long.

[Laughter.]

MR. MCGOVERN: I don't think I have any friends or colleagues in the audience. They know I run long, sometimes. So, I'm actually going to try to keep it short. My name is Tim McGovern. I am from MIT in Cambridge, Mass., and yeah, a specific area of my work is in information technology. So, I'm going to speak to the 493 provisions, or Section, and not talk to many of the other areas that MIT has concerns in. I'm not in government relations, and I'm sure that they'll be submitting some suggestions. We're also part of a number of other associations, one of whom has already spoken this morning. We also are a very active member of groups that represent higher ed. generally in information

technology and policy in Washington. So, I'm sure you'll be hearing from us directly and/or indirectly. The area of my work in particular over the last ten years has been IT security, IT policy, and, within that, the work within the DMCA of enforcing U.S. copyright law on our campus. So, I've been a very active and involved and interested member of the MIT community in terms of what we've been doing, how we've been doing what we've been doing. We've been engaged in the legislative effort up to date. We think the legislation is as good as we probably could have hoped for and so we're glad for that. In particular, and others have risen this morning to talk about this, and we want to reinforce that, flexibility on the campus is critical as we move forward.

Certainly, we've already heard, and you've heard, and I've learned a lot this morning even in the last hour, about the number of different institutions and the kinds of challenges that are going on on different institutional campuses. Our challenges are not unique, but they're different than others. Certainly, we have already, in terms of trying to offer alternatives on our own campus, have found it extremely difficult to find a vendor who will still exist a month or two or three or four or five after we started to engage with them in terms of alternatives. We've attempted to engage with vendors of products that, in their minds, will combat or completely block infringement on our network, and have found those vendor relationships to be very wanting in terms of their being interesting in sharing with us what the impact of their products will be on our infrastructure. We have, certainly, by most people's standards, by most campus standards a large, very fast, very resource-rich environment, very resource-rich campus network.

On the other hand, the things that we're doing with that network in support of teaching and research to our experience and through our research to date, we have certainly determined that those missions will be seriously impacted should we implement the wrong product to try to do what some parties in the entertainment industry would like to see done. Should the Department decide, therefore, to go forward with rulemaking in the area of 493, we would hope that nothing would happen that would remove from our ability to sort of approach this in a flexible way, one that would balance our desire to maintain a rich resource environment for our faculty and our students. And at the same time, as seriously as we have done for the past ten years since the passage of DMCA, to continue to try to educate those students and those faculty and those staff who come to our campus about appropriate use of copyrighted materials, and to continue to explore alternative opportunities for them. So, I thank you for this opportunity.

MR. BERGERON: Thank you. Has George Loftus come into the room? If he hasn't, we will go ahead and take a break until 11:00, unless somebody else signs up. And if they do, we'll let you know, but we'll take a break for about a half an hour. Thank you.

[Brief recess.]

MR. BERGERON: We're going to go ahead and reconvene. As you know, we have a sign interpreter up at the front. If you let us know, she'll continue to interpret. Otherwise, we'll let her sit down until we need her. We're going to go and ask Dan Egan, if he's in the room, if he wants to come on up. Good morning, Dan.

MR. EGAN: Good morning. I apologize for not being here when I was called twice earlier. Rhode Island, when you register to sign up at 11:10, you usually get heard about 5:00.

[Laughter.]

MR. EGAN: So, I went back and did a little more work. But thank you for your time this morning. My name is Dan Egan, President of the Association of Independent Colleges and Universities of Rhode Island, affectionately known as AICU Rhode Island. Thank you for the opportunity to share the thoughts on behalf of my membership, Brown University, Bryant University, Johnson and Wales University, New England Institute of Technology, Providence College, Rhode Island School of Design, Roger Williams University, and Salve Regina University.

I'm President of a diverse organization which represents differing independent traditional colleges and universities. I represent an Ivy League university, two faith-based institutions, a technical institute, a world-leading art and design school, a diverse university with outstanding business programs, a diverse university with a world-class culinary reputation, and a diverse university housing Rhode Island's only law school. Our membership welcomes the opportunity to share our views today.

Knowing the points of the task before you, recognizing that there's many other speakers, and I have a time limit, I would like to briefly offer some suggestions on issues of particular importance to AICU Rhode Island and its memberships. Many of these views parallel those views expressed by Texas Christian University, Victor Boschini, who I know hosted you in Fort Worth just ten days ago. He was also the Chair of NAICU, our membership organization.

First, on the Student Loan Sunshine. This is a complex area of legislation. We understand that. It will address the conflict of interest between colleges and lenders. Our membership welcomes the new guidelines that are set forth in this legislation.

Although the legislative language is unclear in several areas, we hope that the process will be patient in clarifying these guidelines. As you know, this is additionally complicated as some of the Sections are in Title V, which is subject to negotiated rulemaking, yet others are in Title I which is not subject to rulemaking. Restoring public confidence in our student loans lending practices will most certainly occur through thoughtful consideration of these guidelines.

Secondly, on transfer of credit, one of the most contentious areas of the debate and reauthorization over the past five years calls for every college to publish its transfer of credit policy and articulation its agreements on its Web sites. Postsecondary institutions should be required to post this information on the Web site in a manner that is appropriate to the institutions. Consistent with requirements for College Navigator in Title I, which is not subject to negotiated rulemaking, we would support College Navigator simply provide a link to the section of each institution's Web site for further ease of reference.

A third issue, and probably our most important is the new reporting disclosure requirements, and obviously you've heard from others in terms of the length and size and number of these requirements. In addition to the transfer of credit provision, the new law includes numerous new reports and disclosure in areas such as fire safety, campus emergency response, and peer-to-peer file sharing. Others will speak specifically to those areas. But during the debate over the past five years on reauthorization, these provisions have been refined to respond to the concerns of cost and complexity such would impose on any colleges and universities. That's another area where further regulatory changes should be kept to a minimum, as a five-year dialogue has addressed many of these concerns directly.

Additional issues that are not a subject to negotiated rulemaking but I will mention briefly are the various provisions related to college cost and the new disclosure on College Navigator. These provisions include the development of a college cost watch list and definition of net price in the creation of a net price and multiyear tuition calculator. I'll mention them only briefly, because these new provisions are enormously complex, and yet all of them carry enormously high stakes, and that they will have significant impact in shaping public perception of individual institutions. Through the core Section of the Bill, the new law directs the Department to consult with institutions of higher education and the development of these new tools.

While following this directive will not entail a negotiated rulemaking process, my membership does believe in inclusion of all higher education

representatives, and such planning is imperative to achieve a functional process of these provisions. We urge the Department officials to be inclusive, follow Congress's intent, and work toward a clear and simple process which is consumer friendly.

Finally, whether we support or are uncomfortable with particular provisions of this law, we will need some guidance regarding what is expected of us, in particular, as Victor mentioned last week, regarding the new provisions that went into effect on August 14th. The rulemaking process that will produce more specific directions for us understanding takes some time, but in the interim, we request the Department provide a list of things that colleges should do now, and a sense of how we should approach these rules in the absence of regulatory guidance. Again, many thanks for allowing me this opportunity to speak in this productive and collaborative process.

MR. BERGERON: Thank you, Dan. Let me just make a couple of points related to the last two things you talked about. One is there is a process the Department has in place for consulting, working with the higher education community to develop new reporting requirements within the framework of the IPEDS data collection. And so, if you go to our Web site at WWW.ED.GOV/HEOA, there's a link there to the--what's going on with regard to the IPEDS data collection, and I know they're having some technical review panels to work on some of those issues beginning as early as October.

And the other thing I would mention is that we're in the process of developing a "dear colleague" letter that will address the requirements of the HEOA overall. You know, the last time I asked anybody this, the staff person who's kind of bringing that all together was over 114 pages in length and growing by the day. So, but look for that. It will provide you interim guidance, and we'll get it out as quickly as we can, but it's a fairly extensive piece of legislation that we're trying to summarize and get some guidance around. So, look forward to that, and I look forward to working with you, Dan.

MR. EGAN: Same here. Thank you.

MR. BERGERON: George Loftus. Good morning, George.

MR. LOFTUS: Good morning, and thank you for the opportunity to speak with you. My name is George Loftus. I'm the Executive Director of OSHEN, which is the Ocean State Higher Education Network. We provide network services to all the universities and colleges in the State of Rhode Island, as well as several healthcare organizations, and other nonprofits dedicated to research and education. I'm also here as a volunteer member of the network policy council of EDUCAUSE, which is the national higher ed. IT organization.

I'd like to speak with you today about Section 493 of the HEOA, and with a couple of very specific issues.

With respect to the language that refers to combating infringement, the detailed rules will make a huge difference in the operation of our networks, in terms of the staff time that we spend on it, the issues of network stability, and the cost of implementing any unintended consequences that might happen from a not-a-well-articulated plan. So, it's very important we feel the Department get it right when we talk about the implementation rules and what we'll need to do to deal with copyright infringement.

There are also large implications for legal exposure; there are privacy violation issues. And again, we're concerned about unintended consequences, such as limiting access to legal content and legitimate content that is actually emerging greatly on our campuses as we start to look at video as a major component of how we deliver educational content to our students.

Again, it is important that the rules be carefully considered and reviewed in order to put the implementation rules in place.

The report language discusses a number of considerations and issues. The major conclusion is that the campuses should be provided plenty of flexibility in how they deploy these technologies to combat infringement.

Now, this is market that is rapidly changing. There is much discussion and concern that there is not today an adequate technology to handle the kind of infringement requests that are being made by the recording and motion picture industry.

Peer-to-peer systems are rapidly changing as we're starting to see commercial entities utilizing those heavily. Specifically, Verizon has been looking to implement peer-to-peer implementations for their delivery of video to the consumer market. So, we want to note that whatever is put in place today might quickly be out of date if we're not provided with a great deal of flexibility in how we put that together.

With respect to offering alternatives, this is an area where, again, we need--we think flexibility is quite important. Our organization, OSHEEN, every student in a higher educational institution in Rhode Island is offered a free alternative. We use the Ruckus Tool today, but even that model is changing. Ruckus has agreed in just the short time we've been using them to change their model, go to more of an advertising model, and not work with consortia but actually work directly with students. We're also starting to see the emergence of these kind of alternative tools in the social networking space with MySpace and Facebook, and we're also starting to see a real change and merger in that

marketplace. So, very dynamic marketplace. We seek to find alternative opportunities for our students, but we need some flexibility in doing that.

And this, as you can tell, is a very complex area. Of the many things that you have to consider, this is a very small component, but it really does hit to the heart of keeping the cost of education down, making sure that we can meet the requirements of this new Act and this portion of the Act, but also making sure we've got the flexibility to do it in a way that does not drive our costs up significantly to deliver the service.

We would like to respectfully request that we ensure that we have a voice at the table. I would recommend respectfully that a group such as EDUCAUSE, who has been working very closely on this issue nationally and with several national educational organizations, be considered as a party that might be invited to the table. Thank you very much.

MR. BERGERON: Thank you. While I think that we have one more person who is available to speak this morning, let me talk a bit while Kay is going to get the list--about how the process will go forward. At the conclusion of the public hearing process, we will go ahead and try to identify some families of issues that can be negotiated. And so, we will do that and then identify--put a notice in the Federal Register that's saying, you know, there are going to be these three or four or so committees established, and what the types of issues they'll be seeking to deal with.

At that time, we will also go ahead and solicit participation in those negotiating committees and obtain nominations from the community of people to serve on the negotiating committees, with a little bit of frame--with that little bit of knowledge about what those committees would be dealing with.

The last couple of times we've done negotiated rulemaking, we've had to do it under different kinds of time constraints and have done one Federal Register notice that said we're doing hearings, then we're going to create committees and solicited nominations without a real framework for those committee processes to go forward. And so, we're going to do it a little differently this time, not because we have a lot more time, but because of the different levels of issues and complexity of the Bill, and because we have other things happening in the next couple of months that change the dynamic a little bit about how we get negotiated rulemaking done. That is, changes--knowing that there will be changes in policy officials and political leadership in the coming months that we kind of have to figure out how the timing will play out.

We do have, I think, Theresa Freedman, if she's in the room and would like to speak now. You could do that--yeah, I know. We do have just the one more

person who is available to testify this morning. We do know we have somebody signed up to testify at 1:20. But if there are people who would like to testify this morning, and if you could see Sophia, that would be great. Otherwise, we will go ahead and after Theresa speaks, we'll go ahead and take a break until 1:00. So, go ahead, Theresa.

MS. FREEDMAN: Thank you. Good morning.

MR. BERGERON: Good morning.

MS. FREEDMAN: My name is Theresa Freedman, and I am the Assistant Vice President of the North Atlantic Region for Client Services at EDFUND. The North Atlantic Region includes New England and the Midwest. EDFUND is a not for profit public benefit corporation and one of the nation's leading providers of student loan guarantee services under the Federal Family Education Loan Program. EDFUND offers students a wide range of financial aid and debt management information, while supporting schools with advanced loan processing, solutions, and default prevention techniques.

EDFUND was founded in 1997, and in 2006-07, processed more than \$9.3 billion in student loans, and we manage a portfolio of outstanding loans valued at more than \$30 billion. EDFUND is based in California, and we (WORLDWIDE REPORTING, LLP, 529 14th Street, S.E. Washington, D.C. 20003, (202) 544-1903) operate with regional representatives such as myself located throughout the nation. I'm pleased to be here with you today to discuss just a few that are of particular importance--issues that are important to EDFUND and the schools, students, and the families we serve. I'll keep my comments brief today, but will let you know that we will be submitting additional written testimony covering these topics, and a few additional issues. Before I address the specific issues, we would like to take this opportunity to applaud the U.S. Congress for reauthorizing Higher Education Act through the passage of the Higher Education Opportunity Act. We at EDFUND believe the new laws contained many new provisions that will continue to open the doors of opportunity for millions of American families, and we look forward to working with you in conjunction with our trade associations to implement the new law with the best interests of the students and families we serve at the forefront.

The first topic I'd like to discuss relates to entrance and exit counseling activities performed by lenders and guarantee agencies in conjunction with school personnel. Language included in Section 493(e) of the Higher Education Opportunity Act explicitly states that entrance and exit counseling activities are not considered a gift under the gift ban Section.

The law also explicitly allows lenders and guarantors to perform exit counseling services in Section 422(d) and 436(c) under the supervision of school personnel. Conversations with congressional staff have indicated that they believe the language adopted in the HEOA permits lenders and guarantors to provide both entrance and exit counseling. Based on the legislative citations provided and the express congressional intent, we request that the Department modify its regulation position on guarantors and lenders performing both entrance counseling and exit counseling on behalf of any institution. EDFUND believes that allowing lenders and guarantors to assist both direct loan and FFEL schools with entrance and exit counseling activities is good for schools, good for the loan programs, and most importantly, good for students.

As financial aid offices are increasingly stretched for resources, lenders and guarantors are best equipped to provide the most comprehensive and accurate information to student borrowers on the specifics of their loan obligations, and what options and programs federal, state, and institutional exist to ensure a successful repayment experience, which is our goal.

Additionally, some of the new repayment options and program benefits available to borrowers will require more than sound bite type counseling for borrowers to fully understand the options available to them. The new income-based repayment option, for example, may require significant explanations from knowledgeable staff, like us, in order for borrowers to understand how to fully take advantage of the new program. We would like to help the financial aid administrators with this. We suggest the Department align its regulations with the Higher Education Opportunity Act and with congressional intent with regard to entrance and exit counseling performed for any FFEL or direct lending school that may request the assistance.

The second topic I'd like to address relates to the new provision in the law that requires schools with cohort rates of 30 percent or more to assemble a default prevention taskforce that will create a default prevention plan to be submitted to the Secretary. EDFUND, along with our guarantor colleagues, believes we can play a valuable role in this process, working directly with schools to develop strategies to lower their cohort default rates.

Guarantors have consistently demonstrated that we play an important role in assisting students to successfully manage their student loan debt. The growing importance of this role has been emphasized by increased requirements for guarantee agencies to provide financial literacy information and other resources to both schools and students, showing these agencies to be knowledgeable and affected trusted agents. A school with a higher-than-desired

default rate likely does not have the resources and experience needed to effectively assist--in particular, constituencies avoiding delinquency and default. By including the guarantee agency in the taskforce designed to help the school develop and implement its default prevention plan, the school is able to take advantage of existing resources and expertise at assisting both the school and its students achieve success, as well as ensuring that these default prevention plans become the effective tools that they are intended to be.

Guarantors could also work with the Department globally to help develop some default prevention plan best practices. The two topics I have addressed here today represent two opportunities for the Department to strengthen the student loan programs by utilizing the demonstrated experience of the guarantor community to better serve postsecondary institutions and the students we all serve.

Thank you for the opportunity to speak with you today. I am happy to answer any questions that you have.

MR. BERGERON: Thank you. David Levy. Good morning.

MR. LEVY: Good morning. My name is David Levy.

MR. BERGERON: Levy.

MR. LEVY: It's fine. I'm a Certified Public Accountant, and I represent many proprietary institutions throughout the country on the for-profit sector, and I'd like to discuss Section 493, specifically the 90-10 Rule. I've been in the industry long enough to remember when it was the old 85-15 Rule. So, there's a lot of new changes to it in which I'm very pleased to see.

First and foremost, it's leaving the institutional eligibility and going more into administrative capability in going to a two-year rule. A couple of issues that I just want to bring up and just address is, the first is the use of--it used to only be a cash basis calculation, and they're implementing a new accrual-based calculation on some specific aspects. And I want to just make sure that the institutional loans that are going to be counted as a present value of these calculations--it says in accordance with GAAP. Well, GAAP is fairly extensive and involved, you know, very large and extensive. So, it has to be addressed and implemented in a consistent manner. So, what are the Generally Accepted Accounting Principles when we discount these loans and incorporate them into the 90-10 calculation? So, I think I just want to address that and make sure that that is addressed in the rulemaking.

Secondly, I want to address that the idea of student loans and how it's to be used and how it has been used in the past. Previously, student loans were never allowed to count toward any 90-10, because they were institutional loans,

and I want to make sure that institutional loans, even at the--that they don't have to be separated from the institution and have to create a separate entity so that those loans become non-related party--distanced from the school. It appears in the regs that they're not; they can be internally generated loans and that they can be used in this calculation. In the past, that calculation was never allowed to be used. So, it's a very positive change, but I just want to make sure it doesn't get lost in the translation, here. And another part of the 90-10 change is the use of the unsubsidized loan limitations in the new regulations, effective July 1st forward. Any incremental increase in the unsubsidized loans can get used for the denominator for the 90-10, not just the numerator, which is very substantial, because many of our schools are below the institutional tuition level for the total available funds, and it's put the institutions at a very high disadvantage when the Department of Education, which fantastically increased the loan limits and the grant limits, but by doing that, they potentially increased the loan and grant limits above the level of the tuition, thus putting for-profit proprietary institutions out of business and not in compliance with this regulation. So, I'm very pleased to see that this Sunshine Provision, however, is being implemented into the regulations, and that the incremental costs can be used for the denominator.

The incremental costs, it says in the regulations, are the gross amounts, if you received a loan in excess of what the maximum limit was from the previous year. A lot of institutions are not full-time institutions: They're part-time institutions, three-quarter institutions. I just want to make sure that that provision encompasses them, too. If they weren't entitled to the full maximum supplemental loan, but only two-thirds of it in the past, that two-thirds is also going to be eligible for the calculation, and not--since the--and be used consistently as a full-time or a part-time institution. So, I want to make sure that gets encompassed as well.

And finally, in the 90-10, I'm very pleased to hear and read that programs that the institution is offering that are not Title IV eligible will now be incorporated as tuition revenue. That's a very powerful and positive change in the regulations. I just want to make sure that a lot of institutions have contractual arrangements to train out students through other institutions, that those also would be acknowledged and accounted for in the calculation as the 90-10. It's overall a very positive direction, I just want to make sure we don't lose any of the details in any of the changes, and I want to thank you for the opportunity to speak.

MR. BERGERON: Thank you. Appreciate it. That's all the folks who've signed up to testify this morning. So, unless there's someone else who would like to testify and hasn't checked in with Sophia, we will go ahead and take a break and come back at 1:00.

[Whereupon, at 11:24 a.m., the morning session was adjourned.]

AFTERNOON SESSION

MR. BERGERON: Good afternoon. I hope everyone had time for lunch, and then come back here. Again, we have a sign interpreter with us this afternoon, and if people need her interpretation, she'll continue to do that. Otherwise, she'll sit down and rest until we're ready for somebody who needs her.

We do have one person signed up at this point to testify this afternoon, and that is Jack Warner. And so, I would invite Jack to come to the microphone when he's ready, and good afternoon.

MR. WARNER: Good afternoon, and thank you for this opportunity. I am Jack Warner. I am Commissioner of Higher Education for the public system of higher education here in Rhode Island, and I appreciate the opportunity to testify on this Act. In addition to my role as Commissioner of Higher Education in Rhode Island, I currently serve as the Treasurer of the State Higher Education Executive Officers, or SHEEO. Today, I will be representing both the perspectives of SHEEO and myself in these remarks.

SHEEO represents the chief executive officers serving 28 statewide governing boards and 29 statewide coordinating boards of higher education around the country. A primary function of the organization is to speak in public and private forums, promoting the interests of the states in effectively planning and financing higher education. SHEEO has been a contributing partner to the reauthorization of the Higher Education Act and other supporting legislation since 2001. SHEEO has supported elements of the HEA reauthorization and other critical federal legislation by offering comments to bills, authoring letters from state higher education executives, and weighing in on those issues that matter most to the states. Chief among those, of course, is remaining accessible and affordable to state residents, as you know.

We believe it important to take interest in and be part of federal policies that shape higher education. We have contributed our comments, suggestions, and recommendations, in formal and informal manners, and it is in that spirit today that we come before you today to share our priorities for

consideration in the forthcoming negotiated rulemaking sessions. Consistent with our expressed views of shared responsibility, SHEEO members unanimously endorsed an open letter to presidential candidates Senator McCain and Senator Obama calling for a national movement to increase postsecondary educational attainment. A letter to the candidate outlined specific principles and ideas, many of which are embodied in the authorization act, for working together to improve the implementation of federal and state programs. It also emphasized the role and duties of the states as principle agents responsible for public higher education.

Today, I will address three primary issues of importance to SHEEO and my colleagues in the State Higher Education Executive Offices around the country. Specifically, these items focus on ensuring that educational achievement, quality, discovery, and innovation in the United States are second to no other nation.

First, as previously stated, SHEEO is committed to increasing the educational attainment of our nation. In fact, the premise of our open letter to the presidential candidates is that the United States must produce 16 million more graduates over and above the base that we produce today with an associate or bachelor's degree by 2025 to match today's leading industrialized nations.

The context for this goes something like this: There are only two countries among the industrialized nations in the world where the educational attainment of its older working cohort is superior to that of the younger cohort that follows, and the United States and Germany are those two countries, which means that our position among those countries is slipping when it comes to educational attainment. In order to do this kind of additional degree production means setting an ambitious but achievable goal of ensuring our colleges graduate an average of one million more students with degrees or certificates every year between now and 2025. The federal government is uniquely positioned to assist states and institutions with these degree completion and attainment efforts by helping states develop information systems that can track students' progress and determine whether they are at risk of dropping out.

One excellent sample is the provision in the Act for a five-state data system pilot. This pilot should be given high priority, with close attention paid to the lessons learned for application and replication in additional states. And I would certainly not be so bold as to say New England would be such a great place for a pilot like this. Additionally, we share a common national interest in better measuring the knowledge and skills of our workforce. The federal government should consider financing state-level samples of learning

measures such as the national assessment of adult literacy, the program for international student assessment, and the 12th grade national assessment of educational progress. We feel that regular administrations of those types of instruments will present a much better picture of how our residents are performing.

Second, SHEEO is committed to ensuring our policies target low-income and first-generation students. We believe that those who are least likely to succeed in college should be provided necessary resources and support in order to succeed. As such, we support efforts by Congress and the Administration to simplify the Free Application for Federal Student Aid, the FAFSA. We applaud both Congress and the Department for authorizing and implementing policies and practices that will ensure this necessary form is more user-friendly. Since over two-thirds of the FAFSA data elements can be derived from the Federal Tax Form, we believe that a simpler, more efficient process can be achieved by combining the two collection tools without adversely affecting the neediest students. In order for this effort to be successful, states and institutions must cooperate in achieving such simplification. We also support efforts by Congress and the Administration to strengthen the Pell Grant Program and increase annual maximization award levels. Given the convergence of two critical elements, one being the collective recognition for a simpler, more efficient financial aid process, and the second being a renewed commitment to the Federal Pell Grant, we believe that this is the opportune time to reexamine the calculation methodology of the Pell Grant through a lens of shared responsibility with students, states, and institutions.

SHEEO and its members realize that the strength of the Pell Grant Program is maximized when states and institutions take responsibility for calibrating state and institutional aid to their tuition policies. Equally important is students fulfilling their responsibility by taking and excelling in high school courses that will prepare them for postsecondary success, and there should be rewards in the financial aid system for such success.

Third, the Act contains numerous provisions to strengthen quality assurance and the roles of accreditation. Like the federal government, states rely on accreditation to provide a framework for effective self-regulation by colleges and universities. States rely on accreditation in their policies and practices for program review and institutional licensing decisions and increasingly to encourage better definition and assessment of student learning outcomes. Because of this involvement, SHEEO and its members need to be involved

in the proposed members to strengthen self-regulation and the functions of accreditation that go beyond those needed by the federal government.

Also, it is important to recognize that the states and institutions will be responsible for implementing the policies embodied in the higher ed. act. During its deliberations in selection of negotiators, SHEEO encourages the Department of Education to thoughtfully consider SHEEO member involvement in further developing and defining those national and federal policies.

States can serve as valuable resources in these efforts. Just as careful consideration has been paid to the impact of regulation on institutions, students, and lending partners, an equal amount of attention should be paid to the impact of regulation and undue burden on states. Regulation can support or stymie what happens with state higher education policy, and SHEEO encourages the Department to use our members as a resource as new regulations are being developed.

Thank you for giving me the opportunity to articulate the interests and views of both my association and we in Rhode Island. I appreciate your presence here today.

MR. BERGERON: Thank you, Jack. Have you or SHEEO given any thought to the new Maintenance of Effort requirements that are contained in Title I as it relates to state spending over a five-year period?

MR. WARNER: Yes. I don't know that SHEEO has taken an official position on it, and I might do so at my own peril. But I think that the principal that the federal government should see a reasonably consistent maintenance of effort on the part of state funding is a useful principal. I think I would suggest involving SHEEO in particular in the evolution of the particular ways that that plays out so as to avoid the unintended consequences that always accompany our best intended policies. But the principles that lie behind that, I certainly would support.

MR. BERGERON: Thank you. I appreciate your coming. Right now, we don't have any witnesses who have signed up. So, what we'll do is take a break until we do. So, don't go too, too far if you want to hear what's going on. So, thank you.

[Brief recess.]

MR. BERGERON: We're ready to reconvene when everybody is ready. Patricia Plummer is our next witness. Thank you, Patricia.

MS. PLUMMER: Good afternoon. So, I'm Pat Plummer. I'm from the University of Massachusetts. I've just arrived so I haven't heard previous testimony. So, I'll apologize in advance if I'm too repetitive. There are just a few things

that I wanted to bring up. I understand that other colleagues from Massachusetts are going to be submitting testimony regarding the Title IV provisions. So, I won't be addressing those at all. I'm going to leave those to more expert than I.

Some of the things that I want to address have to do with the university campus, which is a five-campus system with a medical school and four comprehensive research universities that have both teaching and nursing programs that I want to address a couple comments to. The first is on the Title II and the accountability for programs that prepare teachers. I do have a concern about the additional reporting requirements that appear to be burdensome without necessarily achieving some good outcomes, and I thought that might be part of the rulemaking that you'll be looking at. For example, while I understand that getting accurate assessment of pass rates on teacher license examinations is difficult, especially in states like Massachusetts where students must pass the test in order to complete their clinical work.

However, given this, I don't believe the change in provision to report all of those who have completed 100 percent of the non-clinical coursework will actually get to any more complete information for the Department, and will only add to some burdensome reporting. The reason I feel this way is that programs across the countries differ in definition of the major and when students declare a major, whether it's freshman, sophomore, or junior year. So, in the end, by asking for this, I'm not sure that you'll be getting to the information that you need. And that was Section 205. In Section 206, the reporting on goals to increase the number of teachers in high-need fields. I think this reporting is laudable, and that it--if only that it shines the light on the issue, and is going to commit to paper a report on what the different institutions are doing.

It is difficult to encourage the hard work for recruiting students into these high-need fields, and reminding people by having some kind of reporting I think is helpful with that. And it may even have the secondary effect of increasing the number of students who apply for some grants in that area, because it will have our institutions--be looking at both things: increasing the numbers and then also making sure students find out about the scholarship help that's available that I don't think always happens right now. So, I think that's a really good provision.

In Section 231 on preparing teachers for the digital age. I'm very pleased to see a continued emphasis on technology. And I do have one suggestion, and I'm not familiar, you know, enough to know whether it's possible to go in this direction at this point, and that is that I think it would be very helpful if

there was a way, especially for public systems, to look at multi-campus proposals for this. I feel this way, because, if you were to--I've seen a number of these grants in the past that go to individual institutions. But I think--and nothing has been as systemic as we would like it to be or we wouldn't need this right now--then I think that by going to multi-campus institutions when you're in the public sphere, you're more likely to get some sustained changes around teacher preparation programs and technology. So, if there could be a whole system within a university, or other state university system, and grants to five or six institutions at the same time, around some of the same goals, I think it would make more of an effect, and that also may encourage states to then put some more funds into infrastructure, especially into the amount that--the type of technology that's needed in K-12 schools for those teachers to then practice there. So, I think there could be some improvements this time around in getting some more sustainability by looking at it in that way.

And the next piece I'd like to address has to do with the transition programs for students with intellectual disabilities. I think this is a wonderful very, very much needed program, and I just want to bring to your attention that Massachusetts is entering the third year of what essentially is still a pilot program of providing college courses for credit at our community colleges for students who are still in the high school, have not been aged out yet and will not get a diploma because of their disabilities.

And I understand that Massachusetts is one of the only places in the country that's gotten quite this far yet. So, what I'm offering is some assistance from Massachusetts in this, having been involved in this as the--my previous position as Commissioner of Higher Education in Massachusetts--I know that it's a very needed but also very difficult kind of program to implement.

As you know, the K-12 sector has been involved in special education for about 30 years now. So, they're very well versed in it, but not so with higher education. So, it's not just a matter of getting the program going, but also thinking about how we train faculty to do the same kind of good job that our K-12 teachers have been doing. So, I offer up the good people from Massachusetts and some of our non-profit agencies that have been really pushing for this--our disabilities folks--to try and be of some assistance in--with the experience we've had in this area.

And the last I'd like to mention is the Title VIII nursing provisions. I think that is a great suggestion for a rewards system in increasing the production of nursing faculty. Again, I wonder if a multi-campus approach would make sense here, even though it's a great idea, really \$3,000 per student isn't

a huge amount of money for any one institution to go after, and the challenges of increasing the number of nursing students both for RN and also for faculty positions is quite expensive. I think that perhaps looking at a multi-campus approach--an example would be University of Massachusetts--all four of its institutions have baccalaureate, masters, and doctoral level programs that there may be a way to leverage some more success out of a program like this if it's looked at in the public system as a multi-campus.

So, those are my few comments, and I thank you for your attention.

MR. BERGERON: Thank you. You actually raised, I think, almost exclusively new items. So, thank you.

MS. PLUMMER: Oh, well, I'm glad I did that.

MR. BERGERON: The one area where we did some testimony this morning was around the transitions for students with intellectual disabilities program, where folks from Rhode Island were talking about their success with those programs. One of the issues raised by your testimony, for me, is that in the Higher Education Opportunity Act that Congress authorizes 69 new programs, only three of which are funded in the Bill. The three are a master's program for a predominantly black institution, a master's program for historically black colleges, and a postbaccalaureate program for Hispanic-serving institutions. The rest of the programs are all subject to the appropriations process. So, it's hard to know exactly how that will play out.

I know that the Congress passed the continuing resolution for 2009, which starts Wednesday for us at the federal level, and the new programs are, by and large--they're not included in that appropriations bill. So, we'll have to see how all that plays out going forward. So, I just thought I should put that on the record, that there is this issue that we have 69 new programs authorized, but only three are funded.

MS. PLUMMER: Well, thank you. That is very helpful. It does still help as we try to push this program in Massachusetts to know there's so much federal attention to it and the hope that there's going to be funding in the future. So, even from that point of view, it helps us to keep people working on what can be a difficult program to implement.

MR. BERGERON: And another part of that is that in the Title IV area, there is a provision that would allow students with intellectual disabilities to receive federal funds, which they can't--generally, can't currently, because there's, well, a couple things. One is there is a high school graduation requirement--or an ability to benefit. So, that's a --that's often a barrier. And on the other side, there, you know, you have to be enrolled in a career

certificate program in order to get financial aid. Well, if there isn't a recognized educational credential at the end, but there is that provision. So, even if there isn't--the program that is authorized, there is an opportunity for the students to receive federal funds for those programs and those activities--I think it's July 1, 2009 when that becomes available to students. So, that's something we need to be really focusing on, even if the new program isn't funded because of that particular provision in the student aid program area.

MS. PLUMMER: Well, I'll make sure that those in Massachusetts know about that. Right now, we have \$2 million for this fiscal year to run this program. I don't know what will happen after that, but knowing that that financial aid is available will be very helpful.

MR. BERGERON: Okay. Thank you. And I think that that's the last person that we have on the schedule to testify right now. So, we're going to go ahead and take a break until we have someone available.

[Brief recess.]

MR. BERGERON: Good afternoon, again. We're going to reconvene to hear testimony from Matthew Buchanan. Matthew, welcome.

MR. BUCHANAN: Thank you. Good afternoon. My name is Matthew J. Buchanan, an ETS alum, born and raised in Providence, Rhode Island, a product of the public schools, the target schools that ETS works, Hopkins Middle High School, Central High School.

My senior year of high school was a difficult transition. I was a senior, you know, very excited, but I didn't know what my life was after high school. I met an ETS counselor, Mr. Gerald Williams, who is now the Director of Talent Development at the University of Rhode Island. He just recruited me. I wanted to get out of class, he needed more students, so it was a perfect match.

[Laughter.]

MR. BUCHANAN: I'm looking for guidance, he's looking for students: again, perfect match. He said, "You want to take a visit to college?" I said, "Do I get to miss school?" He said, "Yes." I said, "Yes, I'll go to school. Sounds good to me." First trip was to the University of Connecticut. Looked good, like, you know, sounded good, but I just didn't think college was in my plans. None of my parents went to college, my siblings didn't go to college, so I was just going to visits just to get out of school. Lucky for me, ETS was there. They supported me through my college academic process, the application process, the fees--I didn't even know we had to pay for college applications. So, as I'm filling them all out--filling them out--I come across a \$50 payment, and I'm like, "Wait a minute." So, I brought it back to ETS and said, "Look, this application cost

\$50." "Don't worry about it. We're going to give you a waiver." I said, "All right. I thought maybe because it was URI, a local school, so I applied to Yukon and Virginia and all these schools down South, knowing I didn't want to go there, but I figure if they're going to pay for it, let me just apply anyway.

So, they end up paying for all of them. I got accepted to University of Rhode Island and Hampton University of Virginia. But again, being born and raised in Providence, Virginia was just way too far for me. I took it to my ETS counselor, and they recommended the Talent Development Program. Mr. G, coincidentally enough, is actually the Director there, so it was pretty crazy.

So, again, without ETS, God knows where I'd be. I can't stress enough the importance of it. The target schools--the people they target is me. The people they target, first generation, low-income, I fit the description. Unfortunately for me, at ten years old, I was shot with a stray bullet. So, looking at myself at ten years old to where I am now at 32, I earned my degree from University of Rhode Island in 1998 with a bachelor's in human development and family studies.

Currently, I am enrolled at the Education and Leadership Program at Rhode Island College. I tutor up at URI every summer, Talent Development. I also work now at CCRI for the EOC, another one of the TRIO programs.

So, when I came early and I just heard about, kind of heard kind of about the passions and I heard about the students, for me, ETS was my springboard to working human services and education. Without having had a job--not one job have I had that hasn't impacted some youth lives, from working at youth problems to community prep, to the MET high school, and now at CCRI, every one of my jobs I've had, I've been given back somehow, some way, I think a large part to Educational Talent Search. So, I plead that, whatever we do, we definitely, you know, we kind of--not necessarily cut down the numbers, but you know, there are 700 kids, \$500 a pupil just isn't enough. I didn't realize it was \$500. I didn't realize so little money in there doing so many good things. So, if you don't remember anything I say, remember that, again, twenty years ago, you couldn't have paid me to bet that I'd be up here talking, representing myself, representing my family, representing Educational Talent Search. So, I try to--every time I go out, everyday I'm out with the community talking to youth about just going to school, you know, bettering their lives. And college doesn't make you successful. College isn't the end-all, be-all to--everyone has their own road, whether it's college, whether it's work, whether it's learning a skill. For me, it was college, but, you know, when I talk to the youth in the street, I'm like, "Just find something you're into. Find something you're passionate about. And ETS was key with, you know, "Find your passions. Find your passion.

What do you need? If not college, what can we do? What trade can we help you perfect? What skill can we help you craft?"

I mean, from helping with my resume to--I wrote my college essay probably--you know, it seemed 200 times. It was probably 5 times, but it seemed 200 at the time at 18 years old, I was like, "I don't know why I'm still writing the same essay over and over again," but they wanted it right. They knew I was representing them. I knew I was representing them as well. I was representing them, they were representing me. So, they said, "Look, if ETS is on it, we want to make sure it's perfect." So, with that said, I thank you for your time. I appreciate your efforts, and please keep the ETS thing going. Thank you.

MR. BERGERON: Thank you, Matthew. We'll adjourn again until we have somebody else who is available to speak. Thank you.

[Brief recess.]

MR. BERGERON: Okay. Good afternoon. We're going to go back on the record again. We have a couple of people who have signed up to testify. Jarso Sageby? Could you come to the microphone please. Thank you. Good afternoon.

MS. SAGEBY: Good afternoon.

MR. BERGERON: Welcome.

MS. SAYGBY: Thank you. Basically, I was here to speak a little bit about Talent Search and what it's meant to me as a counselor, and what I see I doing to my students. I brought with me a student who graduated two years ago from the Talent Search Program, but also from Mt. Pleasant High School. He's a student from Liberia. He came--we recruited him in the 9th grade. And if it wasn't for the program, I don't think the track that he's had with the support of the program--he would have landed where he is currently.

He's going to speak to you about that, his process and transition in the program. But for most of these students that we do service, some of them oftentimes don't realize their own potential, and it takes us meeting with them consistently--even sometimes more than what is legislated that we meet--you know, the times that is legislated that we meet with them. It's that extra mile that we go, seeing our students, providing them with the services, and telling them, "Yes, maybe your parents might not have gone to college, but the college possibility is there for you if you want to work hard in providing them"--usually, what I tell them is you are going to learn so much and financial aid. You're going to be so interested that the only thing for you to do is go to this college that we keep talking about. And it is so particularly important for these students because, when they get home, no one is looking at their report card at times. There's no accountability home. Sometimes you might get

accountability from the teachers, but if you're in an inner city school where there are hundreds and thousands of students, the commitment that teachers might want to have or take in their student is sometimes--it's a bit lacking. And even with the guidance counselors, they want to, you know, have the need to meet with students, but there are so many of them that these pre-college programs are the students best chances at getting into a postsecondary institution.

For me, for example, I'm a student from Africa who really was not exposed to the program, and I struggled along with connecting in high school, even graduating valedictorian in my high school, I still struggled to get information, getting my applications in on time. And I felt, if I was in a pre-college program that really directed my efforts, knowing my potential, I would have ended up--I love Rhode Island College, don't get me wrong, but I would have ended up somewhere even more prestigious and what have you. But because I didn't have that, I lost that momentum or that extra push that could have gotten me somewhere. And my concerns for the legislation now is that there--we're going to be held to having more service--providing more services, and with a less amount of money. From my perspective, that's a difficult task, because if we're going to expected to give more services to students, at least reduce the number of students that we do service. Currently, we are regulated to serve 750 in Rhode Island, which I know the minimum number from our legs and regs is 600 students. So, if that number is lowered, and the amount allotted for cost per student increased, I think we're going to have even more phenomenal results from what we currently have in the Talent Search Program.

Thank you for having me.

MR. BERGERON: Thank you. I appreciate it. Thank you. Where'd you go to high school?

MS. SAGEBY: Hope High School.

MR. BERGERON: Oh, Hope. Okay. Tito, welcome. So, you're at Providence College.

MR. SCIANI: Yes.

MR. BERGERON: Go ahead.

MR. SCIANI: The Talent Search Program has been a very good inspiration in my life. Both the staff and the programs that--emigrating from Liberia to the United States and going to school was very difficult.

MR. BERGERON: If you could talk just a little bit louder.

MR. SCIANI: Emigrating from Africa and going to school in the United States was difficult for me. It was hard adjusting to the programs, adjusting to the classes and going about doing things. So, when I met this wonderful lady

through the Talent Search Program, she taught me and gave me inspiration that I myself couldn't believe that I could do. And she pushed me to the point that I sometimes wanted to give up, but she was there with me, giving me the courage and the motivation. And as God would have it, I graduated in 2007, number 1 in the class of 280, which I am very proud of, because she was on my back. Not only because she was on my back, it's also because of the way the program is run. There are a lot of caring individuals, and I think if you're going to give them more work to do, I say you give them the resources that they will be able to perform their task, because their task is not easy. We are from inner cities, and a lot of the kids--most of them are minorities, and they are at the lowest state of society. And if you are going to treat them lowly, it is going to be difficult for them to do the work, because I would say, for one, I was a pain to her all the time, but she kept with me, and that's how most of the kids are. Once they find a place where they feel comfortable, they're going to keep going back and keep going back. Even being a second-year student in college, I still come back to her for that motivation, because that's where my root is at.

And just, I am pleading with you guys, whatever decision you guys come up with, make it possible that kids like me, kids that are in Mount Pleasant and kids that are in inner city schools, we have the opportunity to go to Providence College and even better schools. So, I'm asking that you guys choose wisely, because we are the future for this country and the future for the world. So, our input and our education matters. Thank you.

MR. BERGERON: Thank you. Bill Talbot. Hello, Bill.

MR. TALBOT: Good afternoon. My name is Bill Talbot. I'm the Assistant Director for Rhode Island Educational Talent Search. I'm also the counselor at Hope High School and Central High School. And the reason why I'm here today is, looking over a little bit of the new regulations, we were a little bit concerned about a couple of areas. One would be the tracking students in college. Right now, we are compared to another college program in doing that, and we serve about five times as many students. So, one area was the amount of students that we be required to meet with.

Another one, too, is the rigorous programs of study. Right now, I have a lot of ESL students--or some ESL students, I might say. Some of them might start in high school taking ESL classes, but then moving right up into an English 12 later on. But because they might have come in from another country like the Dominican Republic, they might not--they have the potential, and I actually have had some--or a lot that have gone on to college and done great, but if we're required to more or less cream or to look at just a certain amount of students

that they--have that, that might be a big problem in just these students not being served. So, that was one thing where--I don't know if they can either change the language or something, but--or how they want to do that. I know, obviously, we want to encourage every student to take the hardest courses they have, but a few of our schools, you know, might not offer the AP--or how many AP courses they have. So, that's a concern for us. Also, tutoring sessions. Tutoring, as you know, costs money. And right now, of course, with the budgets being flat for a number of years, that--and the amount of students that we'd have to do that to could be a problem.

So, you know, I know the purpose of this legislation is excellent. I mean, we should try to do as much as we can. It's just that, with the limited amount of funds that we have to do what we currently do, I'm not sure if they want to change the amount of students that we meet with. You know, I think that's very important. We service a lot of students, and I think we do a very good job.

As you can tell, Tito is obviously one of the best students we've had, but we have so many others that are just as good as Tito. And you know, I really like serving as many students as we have. But like I said, if they do implement this or how much they do it--it would be good if they'd look at that.

Thank you.

MR. BERGERON: Thank you very much. And I think that may be all we have for the moment, so we'll take a break until we have more people available to talk. So, just stand by and we'll reconvene as we need to. Thank you. Okay. Our next witness is Donald Hayes. Welcome, Donald.

MR. HAYES: Good afternoon. Thank you for the opportunity to share some perspectives relevant to the Higher Education Opportunity Act of 2008. Welcome, also, to the fine State of Rhode Island, the Ocean State, one of the greenest states in the nation, and home to former Senator Pell, who was Rhode Island's longest-serving senator. Senator Pell's wisdom and passion for education led, of course, to the establishment of the Pell Grant Program, which has created a legacy of educational opportunity for many thousands of young Americans.

For so many of us involved in higher education, the rising cost of college represents an enormous concern and frustration, especially for those of us in public land grant institutions, who value deeply access to education and the role of university education, research, and outreach programs at enhancing the greater good and economic opportunity for our citizens. As we struggle to contain our costs in higher ed., we encounter numerous external forces that result in steady increases in the cost of delivering a meaningful educational experience for our students. In particular, the escalating cost of energy,

health care, and other benefits for our faculty and staff, advanced technology expected and needed by our students and faculty, and the rapidly escalating costs of competitiveness of financial aid.

However, here in Rhode Island, far and away the largest financial challenge facing higher education is the rapidly declining investment on the part of the state in higher education. Over the past two years, the University of Rhode Island has seen its state appropriation reduced by \$23 million, from about \$85 million to \$62 million, and we expect additional cuts this year. The challenge associated with this is compounded when considering the context of those previously mentioned cost increases. A major implication of this disinvestment on the part of our state is both reduced affordability and access to higher education for Rhode Island citizens.

Right now, our university has the lowest in-state tuition and fees among the New England land grant institutions. However, at current levels of state appropriation and in-state tuition, the university currently loses about \$6,000 per year on every Rhode Island student attending our university. As such, we are forced to seek greater-than-normal tuition increases for Rhode Island residents to make up the decrease in state subsidy. In addition, we must recruit and enroll non-resident students who pay the full cost of their education, which can compromise access to Rhode Island students. I commend Congress for including the maintenance of effort language in the legislation, which urges states to maintain a level of expenditure for its public universities equal to the average provided over the five most recent academic years. To be effective, however, there will need to be an enforcement mechanism that is substantive and creates appropriate incentives for state governments.

While I'm also supportive of the legislation's efforts to promote affordability and transparency, and note that the University of Rhode Island is pleased to participate in the voluntary system of accountability, I also urge you to consider very carefully criteria used in the development of national lists of expensive universities, criteria such as the largest percentage increase for such lists, may have the unintended, I presume, consequence of selecting against institutions with a disproportionately low tuition who are trying to catch up in order to remain vital and deliver a meaningful educational experience for its students. I'm also pleased to note the inclusion of quantifiable goals for increase in the number of teachers in high-need areas, such as the STEM disciplines. I am pleased to report that there is extraordinary work underway in our state, being led by our university, and numerous partners throughout the state.

I wish to emphasize, however, the importance of multicultural inclusion in this arena, as well. Programs to support access to excellence in science, math, and engineering disciplines aimed at inner city students will be necessary to transform teaching, learning, and educational quality for all students in all communities, and to ensure inclusion in the knowledge innovation, and information economies of the future.

Finally, I note with enthusiasm the increase in the maximum Pell Grant Award, and its availability on a year-round basis. Also, given the importance of energy to the future of our economy and well being, I commend Congress on the passing of the Higher Education Sustainability Act as part of this reauthorization. On all of these provisions, I urge you to move forward swiftly to aggressively seek appropriations to truly advance these important initiatives.

Thank you very much, and if you'd like, I'd be happy to share a copy of this testimony.

MR. BERGERON: Thank you. We would like to have a copy. We will take another break until we see if we have any more witnesses. Thank you.

[Brief recess.]

MR. BERGERON: We're going to go ahead and close out the hearing. It is 4:00. I appreciate everybody who made it possible for us to be here at the University at Rhode Island. So, thank you, and we'll continue with our hearings in California at Pepperdine on Thursday. Thank you.

[Whereupon, at 4:00 p.m., the public hearing was adjourned.]