



October 8, 2008

Ms. Wendy Macias
U.S. Department of Education
1990 K Street NW
Room 8017
Washington, DC 20006

Dear Ms. Macias:

On behalf of the more than 1.4 million members of the American Federation of Teachers (AFT), including 165,000 higher education professionals, I offer our views on the regulations that will be promulgated by the Department of Education on the Higher Education Opportunity Act (P.L. 110-315).

Title II

The Adjunct Teacher Corps. Title II includes a new competitive grant program, which is subject to collective bargaining, for local education agencies to form partnerships to help recruit and train math, science and foreign language specialists to serve as adjunct content specialists in support of teachers. The law stipulates that these specialists are “not the primary providers of instructional services to a student, unless the adjunct content specialist is under the direct supervision of a teacher who meets the requirements of section 9101(23)” under the No Child Left Behind Act. The AFT believes this provision is important because it ensures that all students have access to a highly qualified teacher, and we urge the department to interpret the law as stated.

Collective Bargaining. Title II also offers an opportunity to improve teacher quality by providing resources to schools of education so they can refine current teacher preparation programs to ensure that prospective teaching candidates are properly trained for the classroom. Because Title II deals in part with compensation and staffing issues, we are pleased that the law utilizes collective bargaining, where applicable, as the mechanism for implementation. The law acknowledges that compensation is a mandatory matter of collective bargaining subject to state and local, not federal, law and was drafted to recognize such mutual agreements. The regulations should adhere to this language, which is clearly designed not to disturb local law. The fundamental policy cannot, consistent with congressional intent or constitutional teachings, be reversed by administrative regulation. Many of our local union affiliates have worked on reform plans modifying compensation and other conditions of employment. Based on their experience, we know the most successful reforms in boosting achievement are those that were locally negotiated and which sought input from the people who work most closely with students.

American Federation
of Teachers, AFL-CIO

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AFT PSRP
AFT Higher Education
AFT Public Employees
AFT Healthcare

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Title IV

Extended Loan Forgiveness. The AFT supports the new loan forgiveness program for teachers, early childhood educators, higher education faculty, nurses, speech-language pathologists and audiologists, school counselors, mental health professionals and others serving the public interest. Under the law, these individuals, who also serve in high-needs areas, are eligible for up to \$2,000 in loan forgiveness each year for five years. We are confident that this financial assistance will be an incentive and help attract and retain qualified individuals interested in public service. We encourage the department to publicize this program so that it can help provide an incentive to individuals who want to serve their communities and their states.

Accreditation on Distance Education Programs. We support the provisions of the law concerning the accreditation process, which affirm the role of accreditation in our higher education system and create a more balanced appointment and oversight process. In particular, the new law requires an accrediting agency to demonstrate the standards it will use to address the quality and effectiveness of distance education programs. The AFT urges the department to ensure that standards for distance education are on par with classroom-based programs. Specifically, we urge department rule makers to consult a number of faculty-developed guidelines of good practice for distance education, such as the AFT's "*Distance Education, Guidelines for Good Practice.*" (http://www.aft.org/pubs-reports/higher_ed/distance.pdf)

90/10 . The AFT has serious concerns about the law's changes to the 90/10 rule. The law provides for-profit institutions new flexibility in meeting the 90/10 rule and could inadvertently cause the same fraud and abuse the provision was created to stop. The AFT believes the new rule is a giant step backward. To this end, we urge the department to use the authority in the law to ensure rigorous monitoring and reporting requirements. This will help prevent another round of abuse from taking place.

Thank you for considering our views on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Cowan', with a stylized flourish at the end.

Kristor Cowan
Director, Legislation

KWC : emc opeiu#2 afl-cio