



American Federation
of Teachers, AFL-CIO

AFT Teachers
AFT PSRP
AFT Higher Education
AFT Public Employees
AFT Healthcare

555 New Jersey Ave. N.W.
Washington, DC 20001
202/879-4400
www.aft.org

Randi Weingarten
PRESIDENT

Antonia Cortese
SECRETARY-TREASURER

Lorretta Johnson
EXECUTIVE VICE PRESIDENT

VICE PRESIDENTS

Shelvy Y. Abrams
Mary J. Armstrong
Barbara Bowen
Linda Bridges
Kenneth Brynien
Elsie P. Burkhalter
Stacey Caruso-Sharpe
Kathy Chavez
Lee Cutler
Edward Doherty
Kathleen M. Donahue
Thomas A. Dooher
Eric Feaver
Andy Ford
Ed Geppert, Jr.
David Gray
Judy Hale
David Hecker
Richard Iannuzzi
Jerry T. Jordan
Dennis Kelly
Ted Kirsch
Francine Lawrence
Alan Lubin
Louis Malfaro
Merlene Martin
Michael Mulgrew
Maria Neira
Ruby Newbold
Candice Owley
Sharon M. Palmer
Marcia B. Reback
Laura K. Rico
Pat Santeramo
Sandra Schroeder
Phillip H. Smith
Marilyn Stewart
Ann Twomey
Adam Urbanski



October 31, 2008

Ms. Sara Martinez Tucker
Under Secretary
Office of the Under Secretary
400 Maryland Ave. S.W.
Washington, DC 20202

Dear Under Secretary Tucker:

On behalf of the more than 1.4 million members of the American Federation of Teachers (AFT), including 165,000 higher education professionals, we urge the Department of Education to honor the inclusive tradition of negotiated rulemaking by inviting representatives from a wide spectrum of institutions to participate in upcoming negotiations concerning the "90-10 rule" in Title IV of the Higher Education Act (HEA).

This is a specific response to the testimony given by Harris N. Miller, president of the Career College Association, to the Education Department at the public hearing in Washington, D.C. on the rulemaking process for the HEA. In his testimony, Mr. Miller asked that the department include in the negotiated rulemaking process "only those higher education institutions affected by the 90-10 restrictions." In his view, career colleges would be deemed to be the only interested stakeholders in the process.

We find this request to be self-serving at best because it fails to recognize that institutions of higher education other than career colleges also are affected by the 90-10 rule. The rule is one of the key consumer protection clauses in the Higher Education Act; its inclusion is aimed at stemming fraudulent and abusive practices and thereby protects students and the integrity of the student aid programs.

Negotiators selected for this process should include representatives from the broad range of constituencies that will be significantly affected by the regulations, as recognized by the Education Department in its initial missive on the HEA



Tucker/Page 2

rulemaking process. This will enable the department to be fully informed on the views of all affected parties as it drafts the HEA regulations in the coming months.

Thank you for considering our views.

Sincerely,

Kristor W. Cowan
Director, Legislation Department

Larry Gold
Director, Higher Education