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RE: **ED-2010-OPE-0012**

September 8<sup>th</sup>, 2010

The Honorable Arne Duncan  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary Duncan:

I would like to submit for the record my concerns with the proposed gainful employment regulation currently being considered by the U.S. Department of Education (ED).

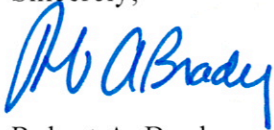
The Higher Education Act requires for-profit colleges to provide “an eligible program of training to prepare students for gainful employment in a recognized occupation,” but does not further define “gainful employment.” Historically, institutions have met this requirement by demonstrating that their programs train students for a profession listed on the Department of Labor’s Occupation Informational Network. Currently ED is considering a regulation to define “gainful employment” by establishing an arbitrary eight percent debt-to-earnings threshold based on student debt for recent graduates of each program offered by the institution.

I have concerns that the calculation required of each program at each school is too complex and runs in conflict with other accountability requirements already in place for these schools. Furthermore, the proposed definition will force schools to reduce spending on equipment, faculty and programming, but does nothing to address student over-borrowing.

If the “gainful employment” regulation is approved, some educational programs will not be able to continue and more importantly fewer students will have access to career education. This would occur at a time when the U.S. is aiming to increase its credentialed workforce in the competitive global marketplace and when more Americans are finding themselves in need of new or additional training to find employment in their local communities.

I believe the Department should delay adoption of the proposed rule until the GAO completes its review of the proprietary sector that was requested by Chairman Harkin, Chairman Miller, and other leaders in the Senate and House. This prudent course of action would avoid the unintended consequences of the proposed rule and allow for a thoughtful and comprehensive review of the issues raised about proprietary schools.

Sincerely,



Robert A. Brady  
Member of Congress