



Office of the Provost

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Subject: Response to Federal Register Notice, Docket ID ED-2023-OPE-0089

On behalf of George Mason University, I am submitting comments to the Department of Education's Federal Register notice, Docket ID ED-2023-OPE-0089. Thank you for the opportunity to raise some concerns over the proposed regulations.

George Mason University, an R1 research university, is the largest, most diverse public institution in the Commonwealth of Virginia, serving over 40,000 students from 130 countries and 50 states. Offering more than 200 undergraduate and graduate degrees, along with numerous minors and certificate programs, Mason has grown rapidly over the past fifty years and is recognized for its innovation, entrepreneurship and commitment to providing academic opportunities for students of all backgrounds. Mason's six-year graduation rate exceeds the national average, with no disparity based on ethnicity or economic status. Like many other institutions across the country, Mason has worked diligently to ensure accurate professional licensure disclosures are provided to students, ensuring that they can make informed decisions about their education and future career plans. Yet, the proposed updates, especially those related to the administration of Title IV funds and the additional state-specific, licensure-preparation requirements far exceed the bounds of what institutions can reasonably accomplish with any degree of consistency and certainty.

Given the extensive nature of the proposed rule, at the least, we request an extension of the comment period for an additional 30 days. This will allow our administrative teams to undertake a thorough review of the proposed changes. However, despite the time constraints, we have identified several areas of concern and propose recommendations for your consideration.

Section 668.403, which discusses the debt to earnings ratio, would especially disadvantage part-time students, approximately 35% of our student body. When a student is enrolled in both a degree program and a certificate, debt would be attributed to the highest-level program, in this case their degree program, but only if the student is enrolled full time. Using the language "Full Time" focuses specifically on the debt-to-earnings ratio of full-time students. Thus, many graduate students who enroll half time (6 credits) would have their debt attributed to their certificate, not to their degree program. Further, undergraduate students who opt to attend half-time would be disadvantaged in that their debt could be attributed to a certificate they are earning at the same time as their degree, whereas their full-time counterparts would have their debt attributed to their degree, not their certificate.

We recommend proposed language to be inclusive of part-time students in the calculation of a student's debt-to-income ratio.

Section 668.605, which would require institutions to disclose the debt-to-earnings ratio and the earnings premium to students could severely delay aid to over 20,000 students who rely on financial aid. This proposal is part of the Financial Value Transparency and Gainful Employment (GE) component of the regulations that would require institutions to disclose out-of-pocket costs and financial outcomes of all undergraduate and graduate degree (not just GE) programs to students before receiving financial aid.

The required student acknowledgment(s) of disclosure of program information prior to enrollment will delay registration pending receipt and recording of acknowledgement, impede or prevent distribution of aid to students in need, as well as necessitate creation of reporting systems. The challenge of inconsistent review and documentation of information by individual students for the state, jurisdiction or territory in which they reside at time of application, and inappropriate and inequitable implementation across IHEs is most problematic.

In addition, data collection of this magnitude would require extensive and ongoing effort from university staff. We have not had the opportunity to undertake a complete analysis of additional FTEs needed for compliance, but it would certainly add to the cost of operations at a time when we are trying to hold tuition in check for our students and families and provide competitive remuneration for instructional and research faculty.

The requirement under section 668.16(r) to provide students with accessible and state or territory-appropriate clinical or externship opportunities within 45 days of the successful completion of other required coursework would impose a costly burden on our institution. Those units preparing licensed professionals in the highest need areas (e.g., Nursing, Teaching) will effectively need to cap enrollments. Additional staff or private agencies will need to be hired in support of extensive, out-of-state clinical placements. The magnitude of impact, sustainability, operational logistics, and cost implications are being further considered.

Section 668.14, would require institutions to not only comply with all state consumer protection laws related to closure, recruitment, and misrepresentations, but also ensure licensure programs meeting state-specific educational requirements for license. State reciprocity agreements, more specifically the National Council for State Authorization Reciprocity Agreements (NC-SARA), was specifically established to help expand students' access to educational opportunities and ensure more efficient, consistent, and effective regulation of distance education programs across the country. Creating exceptions where states could mandate higher education consumer standards beyond the NC-SARA standards not only undermines the purpose of the inter-state compact, but would require institutions to maintain a constantly evolving record of ever-changing state policies. In addition, the proposed changes would further limit student flexibility in multiple areas such as choice of institution, ability to adapt to workforce demand, and lack of adaptability to life changes.

Beyond consumer protection, section 668.14 also addresses state-specific licensure requirements. With 84 separate programs for which we provide licensure disclosures, spanning all 50 states, the District of Columbia, and eight U.S. territories, Mason has 4,956 separate licensure disclosure statements that must be maintained. Should the proposed changes be ratified, an additional three to five full-time positions, at minimum, would be necessary, not including the additional effort

faculty and academic units would need to invest in on-going research. The cumulative cost of regulations such as this would be borne by either taxpayers or students, further increasing overall cost of attendance.

Requiring institutions to guarantee that their programs meet licensing requirements for all states/territories places an incredible burden on institutional resources, when in fact that burden should belong to the state licensing boards themselves to improve consistency among and transparency within their licensure standards. Because state boards change licensure requirements with great frequency and without significant notice, it is nearly impossible for institutions of higher education to ensure reliable compliance. Further, such assurances make institutions liable for their students' and graduates' performance on professional examinations, leading to exam-driven or restrictive curricula that only serves the most stringent state requirements or reduces potential enrollments, further exacerbating resource and funding constraints. It should be noted that the state in which the program is delivered, for example where a student may reside especially if they are a virtual student, may not be the state in which the student will seek to reside or practice with a state license. Finally, if an institution were to modify its curriculum to ensure it meets the myriad of licensure requirements of each state or territory, the number of credits to be completed for the program would far exceed the minimum numbers required by accrediting entities. Total credit hours, time to degree, and cost of attendance would all increase (and financial aid may fail to cover the degree) as a result of the proposed regulations.

We hope you will consider our concerns and recommendations. Please note that our observations are not exhaustive and might entail additional concerns with additional time to review. We look forward to engaging in further discussions to ensure the best outcomes for our students and institutions.

Thank you for your consideration of our concerns. We ask that you keep in mind that our observations are not exhaustive and might entail additional concerns with additional time to review.

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