



National Association for  
College Admission Counseling

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July 11, 2017

The Honorable Betsy DeVos  
Secretary  
Department of Education  
400 Maryland Ave, SW  
Washington, DC 20202

Dear Secretary DeVos:

On behalf of the National Association for College Admission Counseling (NACAC), I write to express our deep disappointment about your decision to delay and renegotiate the "defense to repayment" and gainful employment rules.

Founded in 1937, NACAC is an association of close to 16,000 members, including school counselors and college admission staff, who work with students making the transition from high school to postsecondary education ("college"). NACAC is committed to maintaining professional standards that foster ethical and social responsibility among those involved in the college application and enrollment process, as outlined in the NACAC Statement of Principles of Good Practice, which may be accessed on our website ([www.nacacnet.org](http://www.nacacnet.org)). Through our advocacy efforts, we are also dedicated to ensuring that all students have access to high quality school counseling to help them make informed decisions as they prepare for and pursue college or career.

In light of serious abuses by unscrupulous colleges, NACAC supported the existing gainful employment regulation, which provides important protections against predatory programs that participate in Higher Education Act Title IV programs on the statutory condition that they train students for gainful employment in a recognized occupation. Based on implementation to date, it is clear that the regulation has helped to alert students to institutions that are not providing such training. We believe that this regulation is critical to helping students make informed enrollment decisions and protecting students and taxpayers from unscrupulous colleges. Numerous investigations have shown that such colleges aggressively recruit students but often fail to provide a sound education. Too often, students either drop out, or graduate with a credential that few employers value or that is insufficient to qualify them to take state licensing exams. Consequently, students are unable to repay the loans they took out to pay to enroll at the institution. Such students are left worse off than if they never



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enrolled in the first place, with defaulted loans that cost taxpayers, at a minimum, hundreds of millions of dollars.

We also supported the defense to repayment regulation that was intended to help students defrauded by these colleges by forgiving their federal loans and allowing them take out new ones to enroll in a college where they are more likely to succeed. Importantly, this regulation included a provision that forbade colleges from using forced arbitration clauses in their enrollment agreements. Forced arbitration requires parties to resolve their disputes through an arbitration process, which often favors the company over the consumer, in this case students. Such forced agreements are not standard practice among NACAC member institutions.

To delay and renegotiate these critical regulations is a failure to students and taxpayers. We strongly urge you to reconsider and allow these regulations to proceed. Please contact our Director for Government Relations Michael Rose ([mrose@nacacnet.org](mailto:mrose@nacacnet.org)) if you have any questions about NACAC or our legislative priorities.

Sincerely,

A handwritten signature in black ink that reads "Joyce K. Smith". The signature is written in a cursive, flowing style.

Joyce Smith, CEO