

Congress of the United States
House of Representatives
Washington, DC 20515-0545

August 1, 2019

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

Secretary DeVos,

We are happy to see that the Department of Education is working to finally implement the 2016 State Authorization Regulations rule as a result of the decision made in *National Education Association v. Betsy DeVos*. This rule will provide essential protections to students who attend out-of-state public and non-profit institutions. However, we are concerned about the effects that this may have on students in our state of California. We request that you immediately clarify that California's newly approved plan is in compliance with the rule, and we ask that you do not withdraw federal aid under Title IV from students in our state.

The 2016 State Authorization Regulations require that distance education providers document that every state with students enrolled in their program has a complaint system established to resolve student concerns. Alternatively, states can have a reciprocity agreement with other states for approving online colleges and addressing complaints. As of July 22, 2019, California did not have such a system established and was not a part of any reciprocity agreements. Therefore, the Education Department said in a noticed published on that day:

“...students residing in California receiving distance education or correspondence courses from out of-state public or non-profit institutions are ineligible for Title IV programs until such time as the State of California provides those institutions with an appropriate complaint process or enters into a reciprocity agreement.”

In response, California has rapidly instituted a plan to come into compliance with the rule, but until the Department approves this plan, there are 80,000 California students enrolled in online programs who could lose access to their Pell Grants and federal student loans.

In less than one month, most students enrolled in higher education institutions will begin their classes. These students have already received notice regarding their financial aid packages, including Title IV aid, and many have made their postsecondary education decisions based on this information. Ripping away critical financial support now could force students to drop out of classes, cutting short their pursuit of an education that we know is essential to their future

mobility. For many students in this position, this will likely be a deterrent from reengaging with the financial aid system and postsecondary education process in the future.

California has provided the Department of Education the notice of the development of a complaint process for Californian students who are enrolled in online programs at public or private nonprofit colleges and universities that are physically located in other states. Students were able to begin filing complains online and via telephone on July 29, 2019. We are grateful that California acted so quickly to protect students and come into compliance with the 2016 State Authorization Regulations rule.

We understand that the Department of Education is required to implement this rule as a result of the decision in *National Education Association v. Betsy DeVos*, and we recognize the limitations placed on your office in ensuring compliance nationwide with the decision. Still, in the guidance your office issued on July 22, 2019, you wrote:

“As a result, **until California establishes such a process for out-of-state public and non-profit institutions or enters into an appropriate reciprocity agreement**, those institutions will be unable to comply with the now-effective 2016 regulation if they provide distance education or correspondence courses to students residing in California.”

The state of California has now fulfilled this requirement and established such a process, and so we urge the Department to immediately accept California’s plan for compliance and reinstate Title IV aid for students who are pursuing online education offered by out-of-state public and non-profit institutions.

Sincerely,



Katie Porter
Member of Congress



Mike Thompson
Member of Congress



Ro Khanna
Member of Congress



Jimmy Panetta
Member of Congress

Nanette Diaz Barragan

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Mike Levin

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