**[Insert date]**

Senator Pat Toomey  
248 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Toomey:

[**Insert a brief opening paragraph introducing yourself and your school. Mention something positive about how your school benefits students, your community, and/or employers**]

Our school is dedicated to its students and making sure their education and training is always our top priority. However, as a result of over-regulation by the federal government in recent years, our school has had to divert countless additional resources every year now to federal regulatory compliance. Although the goals of the various regulations may be noble, our experience is the reality of the regulations and their practical implementation are often counterproductive and do more harm than good for students and institutions.

Although the federal government has issued several regulations in recent years, the “Gainful Employment (GE)” Regulation has been one of the most problematic. As you may know, higher education institutions across the country have been advocating against this regulation for several years. This regulation is of particular concern for private sector technical colleges and career schools because other sectors of higher education are exempted out of many provisions of the regulation, even though many of the other sectors’ schools or programs would fail the metric if it were applied to all schools.

Many of the initial concerns predicted with this regulation still exist today, and have been proven true in many cases now that it is being partially implemented. In addition, there are significant additional concerns that have developed since implementation.

[**Insert a paragraph or several paragraphs citing example(s) of specific concerns you or your school have. Also, if there are any direct experiences you can cite regarding how your students, institution, and/or employers are being harmed by the regulation, please cite those. Some examples would be; data errors, miscommunications from the Department, quality programs having problems passing the arbitrary metrics, problems in the appeals process, metric not factoring in tips and other non-reported wage income in some careers, how the regulation specifically harms certain career fields based on the nature of the metric, etc…**]

The final GE Regulation was published in late 2014 and was over 800 pages long. The goal of the original regulation was simply to define two words in the Higher Education Act. Those two words were “Gainful Employment.” Thus, an attempt to define only two words turn into over an 800-page regulation with complex rules and metrics built within it. This is a clear example of over-regulation.

To make it worse, since the regulation was published, the US Department of Education has subsequently released 104 different “Electronic Announcements” on GE to the schools impacted. Each of these announcements were meant to either clarify questions, redefine original pieces of the regulation, provide additional information, or give other updates to the regulation for schools. Thus, the initial 800 pages of regulation were not enough. New pages of rules and information have been released (on average) approximately once every 1-2 weeks for more than the last two years. How is a school focused on the education of students supposed to keep up with this amount of complex regulation?

It is my understanding the Senate may consider changes to the regulation as part of the pending reauthorization of the Higher Education Act (HEA) and/or through the appropriations process. In addition, the US Department of Education has significant discretion in its implementation of the GE Regulation. Thus, I respectfully request you consider doing two things to help students and institutions being impacted by this complex and cumbersome over-regulation:

1. Please share our school’s concerns with the appropriate Chairs and staff of the Senate Health, Education, Labor, and Pension Committee, along with the Appropriations Committee. Please ask them to address regulatory relief in the HEA reauthorization or the appropriations process, particularly regarding the GE Regulation.
2. Please share our school’s concerns with Secretary Betsy DeVos and other appropriate leaders in the US Department of Education. Please request they consider all potential options within their discretionary power to provide relief to schools from this onerous regulation.

Thank you for your consideration of these requests. Accountability measures are very important in higher education, but they need to be applied across all sectors of higher education fairly, consistently, and rationally. The GE Regulation does none of the above.

Sincerely,

**[Insert your name]  
[Insert your school]**