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February 24, 2012

The Honorable Virginia Foxx  
United States House of Representatives  
1230 Longworth House Office Building  
Washington, DC 20515-3305

Dear Representative Foxx,

I am writing to thank you for the legislation you reintroduced this week, which will prohibit the Department of Education from imposing a federal definition of a credit hour and enable institutions such as Duke University to continue to offer distance education programs across the United States without unnecessary involvement by the federal government.

We support federal, state, institutional, and other appropriate mechanisms for identifying and eliminating abuse in federal student aid programs. Indeed, the core reasoning behind the credit hour regulation may have some merit as a mechanism to reduce the practice of inconsistently assigning credit hours to courses, with little agreement on the meaning of those credit hours. Clarity in this matter is, of course, important in the allocation of federal financial aid funds. This rule will have only limited impact on the process that Duke and similar universities employ for assessing credit hours. It is, however, one more in a series of regulatory and legislative proposals that will add considerably to the administrative and financial burden we face in trying to comply with federal regulations. It also further escalates the federal government's role in day-to-day decision-making about academic programs and priorities, which we can both agree is not desirable.

Further, the state authorization regulations are even more burdensome, and in some cases will inject state governments directly into academic programs offered through Duke and other institutions. Given the depth and breadth of our current offerings and future plans, we will have to seek separate authorization in all 50 states, resulting in an estimated cost of more than \$100,000 in fees alone, plus the associated time and labor. While some states simply require a fee and the submission of appropriate paperwork, other states require reviews of the course syllabuses and the CVs of participating instructors. The paperwork will be substantial, and there will be potential for even more inappropriate governmental intrusion in academic decision-making at independent institutions such as Duke.

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These new rules may appear minor within the broader context of federal regulations that apply to institutions of higher education, but we are concerned about the incremental increase in compliance costs that these and similar rules would add to the existing mountain of paperwork we submit each year. Over time, we have been forced to divert resources to compliance, raising the price of higher education for students and families. Your legislation provides the opportunity to stop something before it is written into the annual Title IV compliance ritual. For that, I thank you and heartily endorse this legislation.

With best wishes,

A handwritten signature in black ink that reads "Dick Brodhead". The signature is written in a cursive, slightly slanted style.

Richard H. Brodhead

cc: Michael Schoenfeld  
Chris Simmons