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May 28, 2008

Congressman Thomas Petri
2462 Rayburn Office Bldg.
Washington, DC 20515

Dear Congressman Petri:

Recently, the House and Senate Higher Education Act (HEA) conference committee made available a draft conference bill which we have had an opportunity to review. Our initial analysis indicates that a number of our prior concerns have been addressed, and we appreciate your assistance in that regard. However, this draft contains many issues of concern, some of which are new and others that we have shared with you previously.

We have three overriding concerns with the HEA conference bill as it is written: the enormous expansion of the federal government's involvement in postsecondary education; the huge number of new, unfunded mandates; and college cost provisions.

Federal Involvement

- The language on accreditation could be interpreted to mean that the federal government could insert itself into truly academic matters, such as decisions involving faculty. This is particularly troubling for our UW institutions where we have a strong system of shared governance.
- Another example of federal involvement is a requirement for institutions to annually "certify" to the Secretary of Education that no federal funds were inappropriately used for lobbying purposes. Institutions are already prohibited from such practices and, in Wisconsin, our lobbying laws are clear.
- The current version of the bill would require institutions to provide "nonbinding" tuition and fee estimates for future years. Such a requirement could create false expectations among the public. This would be even more unjustifiable for our public institutions, as tuition and fee levels are very dependent on state funding and, more often than not, unpredictable.
- The bill also includes language that would require institutions to notify the campus community within 30 minutes of an emergency situation, regardless of the quality or quantity of information that university or law enforcement officials

may have available to them. We understand that this issue may be resolved by the time you receive this letter. Nevertheless, I want you to know that our UW System institutions take very seriously our responsibility to maintain secure and safe learning environments for our faculty, staff, and students, and that we have formal and informal relationships with local and state emergency response and law enforcement agencies in place, and will continue to provide both resources and training needed to effectively deal with all security threats, absent a 30 minute directive.

Unfunded Mandates

- The legislation would call on institutions to track and disclose information about their alumni, including information about their employment and enrollment in graduate education. While our UW alumni offices do a good job at tracking alumni, employment data is compiled through self-reporting. A mandate that expands how our alumni organizations track students would be costly and would not necessarily provide a better narrative than what is currently available.
- Another example of a costly, unfunded mandate is the requirement that institutions report on the percentage of students enrolled who are Pell Grant *eligible*. UW System does collect information on students who received Pell Grants. However, if institutions are required to determine those students who are eligible, institutions would be required to obtain from students, even those who do not apply for student financial aid, information about their personal financial circumstances. Many students and families who do not apply for financial aid may find this requirement to be an intrusion upon or erosion of their privacy rights.
- Just recently, the UW System announced it will participate in the new national “Voluntary System of Accountability,” designed to provide greater, more uniform accountability across all public universities and colleges, with the goal of improving public understanding of how public colleges and universities perform, based on standardized student data. One of the components of the Voluntary System of Accountability will be the collection of information for students and their families on costs of attendance, degree offerings, living arrangements, student characteristics, graduation rates of individual institutions, and data about student progress through the entire UW System.

College Cost Provisions

- We view the new reporting requirements on institutions with tuition or tuition increases that are determined to be excessive as highly problematic. According to the National Association of State Universities and Land Grant Colleges

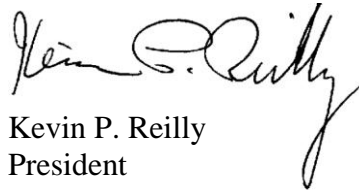
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(NASULGC), theoretically the bill could produce in excess of 400 different price lists designed to “shame” institutions with respect to their prices and price increases. This is a key concern for our public institutions in Wisconsin that have worked hard to maintain low tuition levels and where decisions regarding tuition are not exclusively within the control of the institutions. It also does not take into consideration the impact of state funding or other decisions on tuition beyond the control of the institutions.

Again, the HEA Conference bill as it is currently written gives us great concern. Kris Andrews, from my staff, will be following up with your staff to seek your reactions to the provisions and what you are hearing from your colleagues on the committee.

Your efforts, and that of your staff, to improve this Act have been greatly appreciated and I hope that you can support changes to the current draft legislation to remedy the concerns that we have raised. Thank you very much for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kevin P. Reilly". The signature is written in black ink and is positioned above the printed name and title.

Kevin P. Reilly
President