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President & CEO

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**MEMBERSHIP:**

**ALASKA**

Illisagvik College

**ARIZONA**

Diné College  
Tohono O'odham Community College

**KANSAS**

Haskell Indian Nations University

**MICHIGAN**

Bay Mills Community College  
Keweenaw Bay Ojibwa Community College  
Saginaw Chippewa Tribal College

**MINNESOTA**

Fond du Lac Tribal and Community College  
Leech Lake Tribal College  
Red Lake Nation College  
White Earth Tribal and Community College

**MONTANA**

Aaniih Nakoda College  
Blackfeet Community College  
Chief Dull Knife College  
Fort Belknap College  
Little Big Horn College  
Salish Kootenai College  
Stone Child College

**NEBRASKA**

Little Priest Tribal College  
Nebraska Indian Community College

**NEW MEXICO**

Institute of American Indian Arts  
Navajo Technical College  
Southwestern Indian Polytechnic Institute

**NORTH DAKOTA**

Cankdeska Cikana Community College  
Fort Berthold Community College  
Sitting Bull College  
Turtle Mountain Community College  
United Tribes Technical College

**OKLAHOMA**

College of the Muscogee Nation  
Comanche Nation College

**SOUTH DAKOTA**

Oglala Lakota College  
  
Sinte Gleska University  
  
Sisseton Wahpeton College

**WASHINGTON**

Northwest Indian College

**WISCONSIN**

College of Menominee Nation  
  
Lac Courte Oreilles Ojibwa Community College

**WYOMING**

Wind River Tribal College

**ALBERTA, CANADA**

Red Crow Community College

The Honorable Lamar Alexander  
Chairman  
Senate Committee on Health, Education, Labor, and Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Alexander:

The American Indian Higher Education Consortium (AIHEC) appreciates the opportunity to offer our insights on federal postsecondary data transparency and consumer information for our member institutions, the nation's Tribal Colleges and Universities (TCUs). AIHEC members share many of the views of the broader higher education community on many of these issues and will be commenting on those issues through our memberships and affiliations with the American Council on Education and the American Association of Community Colleges, among others. This letter will focus on issues of unique or significant importance to TCUs.

TCUs were created in response to the higher education needs of American Indians and Alaska Natives (AIs/ANs) and generally serve geographically isolated populations that have no other means accessing education beyond the high school level. These unique institutions have become increasingly important to educational opportunity for Native students. TCUs combine personal attention with cultural relevance to encourage AI/ANs—especially those living on reservations—to overcome the barriers they face achieving success in higher education.

TCU Specific Consumer & Data Issues

As with all aspects of HEA, any changes to consumer information and data transparency requirements must acknowledge the sovereignty of federally recognized Tribal governments and the institutions these tribes charter. In practice, this often means accounting for TCUs when utilizing State governments to enforce or develop regulatory or reporting requirements, accountability systems, data systems, and other aspects of the Act.

As they are tribally and federally chartered, TCUs are public institutions with no State. TCUs are generally not accounted for in State higher education data systems nor do they receive State funding. A federal higher education data framework solely reliant upon state data systems will not account for TCUs. Providing consumers with information on higher education outcomes based on state data simply will not work for TCUs.

Reporting and regulatory requirements reliant upon State regulatory bodies can also be highly problematic for TCUs. An excellent example is the October 2010 student (consumer) complaint regulations from the Department of Education "Program Integrity." These regulations require a State body independent of the institution to handle the following:

- Complaints that allege a violation of state consumer protection laws that include but are not limited to fraud and false advertising;
- Complaints that allege a violation of state law or rule relating to the licensure of postsecondary institutions; and/or
- Complaints relating to the quality of education or other State or accreditation requirements.

State departments of higher education have been handling these complaints for their institutions, but they cannot serve this role for TCUs. Of course TCU students deserve the protection of a formal complaint process; but, these regulations are unworkable for TCUs, as they rely on requirements for States that cannot be imposed upon federally recognized tribes. However, this type of civics lesson provides little solace for the TCU president and financial aid officer facing a Title IV program review and we are confident the Committee will work with AIHEC and TCUs in addressing this unique issue via HEA reauthorization.

#### Targeting the Appropriate Audiences: Comparability and "Education Deserts"

As the Obama Administration has continued to move forward with its proposed ratings system, the usefulness of comparable information between institutions of higher education for many consumers has been called into question. Dr. Nicholas Hillman of the University of Wisconsin-Madison released a paper last year profiling "education deserts," geographic locations with only one public college option. The research indicates roughly 10 percent of the population lives in such areas, but the problem is much more acute throughout Indian Country, areas TCUs primarily serve.

As the Committee considers the comparability of institutions, it is important to remember that many students may use these tools to simply learn more about the *only* option available to them. If the Committee is operating under a "First, do no harm" philosophy, there should be careful consideration given to how consumer data systems present information in these situations to avoid unintended consequences that might easily arise. The students living in these "education deserts," which include all of Indian Country, are the students who are still well-served by HEA's historical commitment to access.

#### Technical Assistance and Under-Resourced Institutions

Thank you for recognizing that many data collection requirements serve little purpose and for your efforts to reduce the reporting burden on institutions. However, in addition to changes to legislative requirements, technical assistance for under-resourced institutions, including the vast majority of TCUs, will bring additional efficiency to federal postsecondary data collection efforts, most quickly.

This area is ripe for changes that will ultimately help institutions. However, when combined with the Title IV modifications contemplated under the FAST Act, this reauthorization of HEA would bring significant changes in the requirements and expectations of financial aid offices. We are hopeful this reauthorization will bring a new level of efficiency to federal data collection efforts in higher education in the long-term, and an explicit call for technical assistance for the first two to three years after passage would be extremely helpful for under-resourced institutions in the short-term.

#### Conclusion

Thank you for the opportunity to provide input on these issues of great importance to TCUs. Please do not hesitate to contact me with any questions relating to how any aspect of HEA reauthorization may impact these unique public institutions – the nation's Tribal Colleges and Universities.

Respectfully,



Carrie L. Billy, J.D.