

June 29, 2021

Attn: Vanessa Gomez, U.S. Department of Education
400 Maryland Avenue SW, Room 2C179
Washington, DC 20202

Re: Docket ID ED-2021-OESE-0077

To Whom it May Concern:

The Institute for Higher Education Policy (IHEP) hereby submits the following response to the recent Federal Register notice soliciting input on the Department of Education’s intent to begin the next round of negotiated rulemaking.

IHEP is a nonpartisan, nonprofit research and advocacy organization committed to improving college access and success for all students—with a special focus on students of color, students from low-income backgrounds, and other historically marginalized populations—by providing timely research to inform public policy decisions. Higher education holds enormous potential to transform individual lives, strengthen our communities, build a more robust workforce, catalyze economic mobility, and address persistent inequities in our society. Yet, without deliberate attention to equity, this potential will not be realized.

Ensuring that everyone can reap the full benefits of a college education will require an intentional focus on **equity, engagement, and evidence**; the system of higher education needs equity-driven, evidence-based policies and practices informed by the engagement of impacted stakeholders to promote attainment, strong outcomes, and postsecondary value for Black, Latinx, Indigenous, and underserved Asian American Pacific Islander (AAPI) students and students from low-income backgrounds.

Negotiated rulemaking presents an important opportunity to ensure that federal policies and practices focus on **equity, engagement, and evidence** at each stage of the rulemaking process, including consideration of testimony, selection of additional topics, formation of committees, moderation of negotiations, proposal of new rules, and consideration of public comments:

- 1. Equity** – It is incumbent upon ED to approach each stage of the rulemaking process with an expressed and unwavering focus on strengthening outcomes for Black, Latinx, Indigenous, and underserved AAPI students and students from low-income backgrounds. This equity intention should be clearly stated in ED materials, it should

guide the rulemaking committees' discussions, and each potential policy change should be interrogated to assess its equity impact.

2. **Engagement** – ED should seek to engage, amplify, and listen to the voices and perspectives of communities that have historically been excluded from higher education, including students of color and students from low-income backgrounds, and the institutions and organizations that serve these communities. Members of historically marginalized communities should be brought to the table and given a say in decision making.
3. **Evidence** – We strongly urge the Department of Education (ED) to approach each stage of the rulemaking process based on evidence that assesses outcomes for marginalized and minoritized students, informed by the expertise of racially diverse researchers, and supported by disaggregated data to maximize the impact that new rules will have on promoting success for today's students.

ED has proposed a robust and ambitious set of topics for negotiated rulemaking. Regulations on all proposed topics can have a significant impact on the value that higher education delivers for today's students, particularly students of color and students from low-income backgrounds. To ensure those impacts increase opportunity, we recommend deliberate attention to equity at every step of the process.

Beyond just the topics considered and rules proposed, this round of negotiated rulemaking will set the tone for which voices are heard, which perspectives are considered, and what outcomes are prioritized for regulatory processes moving forward over the next four years.

ED should set a clear precedent that the goal of each negotiated rulemaking will be to identify evidence-based, community-informed, and equity-driven policies to promote college access and success for today's students, with an intentional focus on the experiences of students of color and students from low-income backgrounds.

Sincerely,

Mamie Voight
Interim President and CEO
Institute for Higher Education Policy (IHEP)