

**WRITTEN QUESTIONS FOR ROBERT KING
PART 2**

Questions from Senator Elizabeth Warren

1. If confirmed, you will be the highest-ranking Senate-confirmed appointee at the U.S. Department of Education (ED or “the Department”) exclusively focused on higher education. In your opinion, what is the most pressing issue facing higher education?

I believe increasing completion rates, especially for minority and low income students; encouraging innovation; and college and career readiness are the most urgent challenges facing higher education.

2. The Department serves a critical role in the program integrity triad – state, accreditors, and the education department—each with their unique role to play in holding colleges accountable to how they serve students. Can you describe what you believe the Department’s specific role (not states or accreditors) should be in the program integrity structure to hold schools accountable to delivering an affordable, quality education?

I believe states, accrediting agencies, and the federal government all play an important role in the higher education accountability triad. However, as these are issues on the agenda for negotiated rulemaking, it would not be appropriate for me to provide an opinion as to the proper balance of any of the three. If confirmed, I look forward to working with the Department, stakeholders, and Congress as we all seek to find the right balance through rulemaking and higher education reauthorization.

3. Can you describe what role you believe states should specifically play in the program integrity structure to hold schools accountable to delivering an affordable, quality education?

I believe states, accrediting agencies, and the federal government all play an important role in the higher education accountability triad. However, as these are issues on the agenda for negotiated rulemaking, it would not be appropriate for me to provide an opinion as to the proper balance of any of the three. If confirmed, I look forward to working with the Department, stakeholders, and Congress as we all seek to find the right balance through rulemaking and higher education reauthorization.

4. Can you describe what role you believe accreditation agencies should specifically play in the program integrity structure to hold schools accountable to delivering an affordable, quality education?

I believe states, accrediting agencies, and the federal government all play an important role in the higher education accountability triad. However, as these are issues on the agenda for negotiated rulemaking, it would not be appropriate for me to provide an opinion as to the proper balance of any of the three. If confirmed, I look forward to

working with the Department, stakeholders, and Congress as we all seek to find the right balance through rulemaking and higher education reauthorization.

5. Please share 3-5 of your *specific* ideas and plans for increasing higher education accountability at the Department.

It would be inappropriate, at this time, out of deference to the Secretary, for me to put forward specific policy ideas or proposals on issues, until I have an opportunity to have such discussions with her, should I be confirmed. Should I be confirmed, I will work with the Secretary and staff at the Department and look forward to working with Congress to address accountability in higher education.

6. What is the Department of Education's responsibility when it comes to protecting taxpayer dollars? In your answer, please describe your view on the Department's responsibilities when it comes dollars distributed under Title IV of the Higher Education Act.

I believe that the Department of Education and all federal agencies have an obligation to protect taxpayer dollars, including Title IV dollars. If confirmed, I will work diligently to ensure the Department manages its fiduciary responsibilities in accordance with the law.

7. What specific indicators would signal to you that a college or university is not providing a quality education to its students and veterans?

I believe quality in higher education is important for students, regardless of background or service. However, it would not be appropriate to provide my opinion before consulting with all stakeholders. Quality in education is the topic of current discussions across many sectors in the field of higher education as well as within the conversations around higher education reauthorization. If confirmed, I look forward to working with Congress, the Secretary, and stakeholders, on these important issues.

8. Do you believe that Department of Education should have a role in deciding which colleges can continue to receive Title IV aid based on how they are serving their students and veterans?

It would be inappropriate for me to provide an opinion before having full understanding of the aid and loan disbursement process from the federal perspective. If confirmed, I look forward to learning more about how the Office of Postsecondary Education can best serve the interests of students.

9. Should the Department of Education ever restrict or cut off access to Title IV aid based on how colleges and universities are serving their students and veterans?

There may be instances where access to Title IV funds should be restricted or cut off. However, it would be inappropriate for me to provide an opinion on such an impactful

issue that may be under consideration at the Department. Nor should I presume to speak for the Department without having access to full facts on a particular case, taking all aspects into consideration. Each potential case should be reviewed on its individual merits.

10. Do you believe the Department has a responsibility to ensure that Title IV institutions of higher education provide a good education for students that will not leave them drowning in debt for useless degrees?

As the Secretary has stated, students are her first priority and should have multiple pathways to pursue postsecondary education. Should I be confirmed, that will also be my mission and I look forward to working with the Secretary on policies that will put students' education first.

11. What do you think the Department (not Congress) can do to help make college more affordable?

College affordability is an important issue facing students and families across the Nation. Whatever the federal government might do, it would need to recognize work going on across the nation in the states that range from supporting the expansion of dual credit and dual enrollment programs in high schools, encouraging attending community colleges to fulfill the first two years of a baccalaureate education, and growing scholarship and work study opportunities. At this time, however, it would be inappropriate for me to put forward specific ideas for the Department before such time as I may be honored with confirmation. If confirmed, I look forward to working with the Secretary and Department staff on this issue.

12. Please describe the role you believe that state disinvestment in higher education plays in college affordability.

From my time in the New York and Kentucky, I know firsthand the difficult financial decisions state officials are faced with and the impact those decisions can have on students. I believe that institutions, states, and the federal government have a shared responsibility to support college affordability, and if confirmed, I look forward to working with the Secretary on the issue of rising college costs and debt. I also look forward to working with Congress to address this issue in the upcoming reauthorization of the Higher Education Act.

13. Please describe any personal or professional experience you have with federal TRIO programs.

While I have not had any significant direct interaction with TRIO programs, I am familiar with the programs and their importance to students and institutions across the Nation. If confirmed, one of my top priorities would be to ensure the proper administration of TRIO programs and their competitions, in accordance with the laws, regulations, and policies of the Department.

14. Please describe any personal or professional experience you have with the GEAR Up program.

In contrast with the TRIO programs, I am substantially aware of and have direct experience with the GEAR Up Program. We used the program in Kentucky to significant effect, improving both the “go to college rate” and the persistence rates for low income and minority students in our state. I can assure you that one of my top priorities, should I be confirmed, would be to ensure the proper administration of these programs and their competitions, in accordance with the laws, regulations, and policies of the Department.

15. Please describe any personal or professional experience you have with the CCAMPIS program.

I have not had any direct experience with CCAMPIS. However, I am aware of the program, and if confirmed, I would ensure the proper administration of grant programs and their competitions, in accordance with the laws, regulations, and policies of the Department.

16. What do you think the Department (not Congress) could do to help people who are currently struggling with student loan debt?

Student loan debt is a very real concern for many Americans. The availability of income-driven repayment plans provides every borrower the ability to sign up for an affordable monthly payment. I understand the Department is undertaking an effort to simplify and modernize the student loan repayment system. Recently the Secretary has also spoken to the need to improve student financial literacy as a way to increase awareness of borrowing and debt. If confirmed, I look forward to learning more about these efforts.

17. What do you think the Department (not Congress) could do to hold college accreditors more accountable for ensuring quality in higher education?

I understand that these are issues currently on the agenda for negotiated rulemaking. It would not be appropriate for me to provide an opinion until that process has been completed.

18. What do you think the Department can do to better protect student veterans?

All students, regardless of background or service, must be protected and no student should be taken advantage of. If confirmed, I will work diligently to ensure the Department fulfills its duty in these matters in accordance with the law.

19. What do you think the Department can do to protect students from colleges with abysmal graduation rates, low loan repayment rates, and incredibly high default rates?

Under current law, schools are prohibited from receiving Title IV due to high default rates. I am commuted to following the law. It would be inappropriate, at this time, out of deference to the Secretary, for me to put forward any additional specific policy ideas or proposals on issues, until I have an opportunity to have such discussions with her, should I be confirmed.

20. Secretary DeVos has stated that students should have “multiple pathways to pursue postsecondary education.” Should pathways that leave students deep in debt for credentials and degrees that do not lead to gainful work be included in “multiple pathways”?

I too support providing multiple pathways for postsecondary education. I believe student and families should have information that will allow them to decide what options are available to pursue the program best suited for them. If confirmed, I look forward to working in my capacity to help students achieve success through their chosen pathway.

21. How should the Department ensure that career education programs lead to jobs that can allow people to manage their student debt burdens?

We need to ensure students have the opportunity to pursue the path of postsecondary education that best fits their needs. Students and families should have access to appropriate, accurate, and timely information in order to help them make informed decisions about their postsecondary options.

22. What penalties do you believe are appropriate for an institution of higher education that is deliberately misleading students with inaccurate statistics, inaccurate job placement rates, or false marketing?

While I cannot respond to hypothetical questions, the Higher Education Act is clear that institutions may not deliberately mislead students. Should I be confirmed, I would work, within my role, with my colleagues at Federal Student Aid and the General Counsel’s Office to evaluate the specific circumstances and ensure any appropriate action is taken.

23. For-profit colleges are businesses that are largely driven by the personal financial interests of investors or private owners rather than by accountability to state taxpayers or volunteer boards of trustees. For-profit colleges:

- often spend more money on marketing and recruitment than they spend on instruction;
- enroll less than 10% of students, but are responsible for nearly a third of all student loan defaults;
- are regularly under investigation by state and federal authorities for defrauding students;
- often pay their executives millions of dollars a year while counting on federal taxpayer dollars for nearly all their revenue;
- often force their students to sign away their legal rights through forced arbitration agreements;

- produce particularly high default rates among all students when compared to other sectors, but especially students of color; and,
- according to a new Century Foundation report¹, are responsible for 98.6% of all borrower defense fraud claims from students who allege their school defrauded them.

Assuming that all institutions of higher education should be held to the highest standards of quality regardless of sector, given the fundamentally different incentive structure, data on the dramatically different student outcomes, and the well-publicized fraud concentrated in the for-profit sector of higher education, do you think the federal government should disregard the real differences in sectors mentioned above?

All institutions of higher education should be held to standards of quality regardless of ownership structure. We should ensure the availability of affordable and accessible education for all students so they may select the pathway that best fits their needs.

24. Should for-profit colleges be treated the same as nonprofit and public colleges and universities by federal regulators, or should the federal government act with respect to the differences mentioned above?

I believe that the Department of Education and all federal agencies have an obligation to ensure that the laws are followed, that taxpayer dollars are not wasted, and that agencies take appropriate action when circumstances dictate.

25. Are there risks in treating all sectors of higher education the same? If so, how would you propose to mitigate those risks?

All sectors of higher education should be held to high standards. I do not believe it would be appropriate for me to speculate without having a specific set of facts before me. If confirmed, I will work with the Secretary and Congress to mitigate risks in higher education.

26. What do you believe the Department should do to hold for-profit colleges more accountable for delivering a good, affordable education for their students, which will help students get jobs in their field?

All institutions of higher education should be held to high standards of quality regardless of sector. We should ensure the availability of affordable and accessible education for all students ensuring their opportunity so they may select the pathway that best fits their needs.

27. Do you believe that aggressive marketing and false advertising have been problems in the for-profit college sector?

¹ <https://tcf.org/content/report/college-complaints-unmasked/>

I believe the Department of Education and all federal agencies have an obligation to manage their roles as fiduciary agents of the taxpayer with integrity, ensure the laws are followed, and take such action as appropriate to ensure these are the case.

28. *MarketWatch* recently published a report about a National Bureau of Economic Research study,² which concluded that “Students who attend four-year, for-profit colleges take out one more federal loan on average than their public school counterparts and borrow at least \$3,300 more...Students who attend four-year, for-profit colleges take out one more federal loan on average than their public school counterparts and borrow at least \$3,300 more. Despite that extra money, these students are 11% less likely to be employed than students in public schools. They also and earn less. What’s more, among four-year students, attending a for-profit college increases the likelihood that a student loan borrower will default by about 11 percentage points, the study found.”³ What are your reactions to the information presented in this report? Would this information inform your policy decisions?

I am not familiar with this report and therefore could not comment on this information. However, if confirmed, I look forward to familiarizing myself with research on student success and debt to better inform my role in the Office of Postsecondary Education.

29. Recently, a senior higher education official at the Department reportedly said, "We do not think it's the role of the federal government to make this decision [of whether a specific college is worth attending] on behalf of students."⁴ Do you agree with this statement?

Not knowing the facts or the specific context in which this statement was made, it would be inappropriate for me to weigh-in on this statement. Should I be confirmed, I will work with staff at the Department of Education and do my due diligence to ensure I have all the necessary and appropriate information prior to rendering an opinion.

30. Should the Department of Education send federal taxpayer dollars to any specific college that a student wants to attend?

No, however, as the Secretary has stated, students are her first priority, and should have multiple pathways to pursue postsecondary education. Should I be confirmed, I look forward to working with the Secretary to ensure students have many options for quality education.

31. If the Department of Education has data about whether a specific college is worth the investment, should the Department share those data with students and families? If so, how and in what format?

² <https://www.nber.org/papers/w25042>

³ <https://www.marketwatch.com/story/students-do-better-at-public-colleges-than-for-profit-colleges-just-dont-blame-the-students-2018-09-18>

⁴ <https://www.educationdive.com/news/ed-department-officials-say-their-focus-is-on-better-college-data-less-reg/533153/>

I believe it is important for students and families to have information on all types of programs so they can make informed decisions about their postsecondary options. I understand the Department is working towards adding program-level data information to the College Scorecard and I look forward to help supporting that effort if confirmed.

32. What specific pieces of information do you think students and families need to make informed choices about which colleges and programs to attend? Please provide examples.

While in Kentucky we developed with USDOEd grant dollars, a robust longitudinal data system. I would hope every state would undertake a similar effort. We provided data that describes success rates and income data by degree program and occupation, over time. As mentioned previously, I believe it is important for students to have key information so they are able to make informed decisions. It is my understanding that the Department is in the process of adding program-level data including earnings information to the College Scorecard. I believe this will greatly help students make informed decisions and look forward, if confirmed, to working with the team at the Department to continue to improve higher education transparency.

33. If you were helping a high school student select a college or program, what specific information would you advise that student consider before making a choice?

Every student is different. That is why I believe it is important for students of all types to have key information available so they can make informed decisions based on their specific and personal needs.

34. If you were helping a working adult—a single mother with small children, for example—select a college or program, what specific information would you advise that working adult consider before making a choice?

Every student is different. That is why I believe it is important for students of all types to have key information available so they can make informed decisions based on their specific and personal needs.

35. If you were helping a recent veteran select a college or program, what specific information would you advise that veteran consider before making a choice?

Every student is different. That is why I believe it is important for students of all types to have key information available so they can make informed decisions based on their specific and personal needs. For Veterans access to the GI Bill helps reduce the financial challenge. Veterans, however, often bring with them military training that can and needs to be converted to academic credit. To that end, having the veteran explore whether or not a campus in which they have an interest has the capacity and is willing to do this conversion would be an important consideration.

36. What could the Department do to help students, working adults, and veterans make more informed choices?

The federal government should ensure students and families have access to appropriate, accurate, and timely information in order to help them make informed decisions about their postsecondary options.

37. What improvements do you believe should be made to the College Scorecard?

I understand the Department is in the process of adding program-level data including earnings information to the College Scorecard. I believe this will greatly help students make informed decisions and look forward, if confirmed, to working with the team at the Department to continue to improve higher education transparency.

38. Do you believe that the federal government can provide all the information necessary for students and families to make informed choices? What helpful information can't it provide?

I believe the federal government is an important, but certainly not exclusive, source of key information that will enable student and families to make informed decisions about their postsecondary options. If confirmed, I look forward to working with the team at the Department to continue to improve higher education transparency.

39. How should the federal government ensure that the information it provides about colleges and universities ends up in the hands of students and families? Please provide some ideas.

The Department makes information publicly available through the College Scorecard, College Navigator and National Center for Education Statistics, to name a few. If confirmed, I look forward to working with my colleagues in the Office of Planning, Evaluation and Policy Development and Institute of Education Sciences to continue to make meaningful information available for students and families.

40. Should colleges and universities be required to provide prospective students and families with certain information? If so, what?

The Higher Education Act requires institutions to provide prospective students and families with a number of pieces of information. Should I be confirmed, I look forward to working with the Secretary and my colleagues in the Department to ensure institutions are following through on their responsibility under the law to provide required information to prospective students and families as well as to better understand how the Department can continue to improve data transparency efforts in higher education.

41. Is providing information alone sufficient accountability for colleges and universities? Should steps be taken to hold schools accountable to their outcomes besides simply providing information?

I do not have the all the information I need to assess this question, nor would it be appropriate to provide an opinion before learning more about all of the Department's

accountability policies. If confirmed, I look forward working with the Secretary, Congress and the Office of Postsecondary Education staff on this issue.

42. Please describe any personal or professional experience you have with higher education accreditation.

My interaction with accrediting agencies goes back to my time at SUNY. There, I participated in the site visit and re-accreditation at SUNY Albany in the early 2000's. Thereafter, I participated in discussions within the Middle States Association on Higher Ed Re-Authorization issues. More recently, I have been quite actively engaged with SACS-COC regarding the termination of probationary status at the University of Louisville. I engaged with the Executive Director regarding pending legislation in Kentucky, and later testified before a SACS-COC site visit team considering UofL's reinstatement. In addition, we have had discussion with SACS-COC regarding their larger relationship with all the state coordinating and governing boards in the SACS region, and have advocated successfully for establishing regular meetings of the TRIAD to enhance communication and coordination of activities. Finally, I attended a meeting sponsored by the Lumina Foundation where state agency heads and accreditors discussed the challenge of assessing academic quality, and who is best situated to do so.

43. What are some challenges facing college accreditation?

As accreditation is on the agenda for negotiated rulemaking and therefore it would not be appropriate for me to provide an opinion until that process has been completed. If confirmed, I look forward to hearing more from stakeholders on their challenges and working with the Department and Congress on this issue.

44. What are some weaknesses in the American system of college accreditation?

As accreditation is on the agenda for negotiated rulemaking it would not be appropriate for me to provide an opinion until that process has been completed. If confirmed, I look forward to hearing more from stakeholders about the American accreditation system and working with the Department and Congress on this issue.

45. What are some strengths in the American system of college accreditation?

As accreditation is on the agenda for negotiated rulemaking it would not be appropriate for me to provide an opinion until that process has been completed. If confirmed, I look forward to hearing more about the American accreditation system from stakeholders and working with the Department and Congress on this issue.

46. Do you believe college accreditation has been successful at ensuring high-quality higher education in the past decade?

It would not be appropriate for me to proclaim success before having more facts, other than my own experiences. Additionally, as accreditation is on the agenda for negotiated

rulemaking and it would not be appropriate for me to provide an opinion until that process has been completed. If confirmed, I look forward to working with the Department, stakeholders, and Congress on these issues.

47. The *Wall Street Journal* once called college accreditors, the “watchdogs” that “rarely bite”. Do you agree with the assessment in the *Wall Street Journal* that college accreditors “hardly ever kick out the worst-performing colleges and lack uniform standards for assessing graduation rates and loan defaults”?⁵

I am familiar with the article and the author’s point of view. It would not, however, be appropriate to comment since accreditation is on the agenda for negotiated rulemaking until that process has been completed. If confirmed, I look forward to working with the Department, stakeholders, and Congress on this issue.

48. How do you think college accreditation should be improved?

I believe quality in higher education is important; however, as the Department has included this issue as one of the agenda items for upcoming negotiated rulemaking, it would be inappropriate for me to provide my opinion on this matter until that process has been completed. This is also an important topic of discussion that should be had in the context of higher education reauthorization and, if confirmed, I look forward to working with Congress on this issue.

49. Recently, a senior higher education official at the Department reportedly said accreditors should “tolerate some risk”.⁶ Do you agree with this statement? If so, please elaborate.

It would be inappropriate for me to weigh-in on this statement before having the same benefit of experience in the Department. Additionally, accreditation is one of the agenda items for upcoming negotiated rulemaking and therefore it would be inappropriate for me to provide an opinion on this matter before that process has been completed.

50. This same official reportedly said, “We need to have the back of our accreditors.” Do you agree with this statement? If so, please elaborate.

It would be inappropriate for me to weigh-in on this statement before having the same benefit of the same benefit of experience in the Department. Additionally, accreditation is one of the agenda items for upcoming negotiated rulemaking and therefore it would be inappropriate for me to provide an opinion on this matter before that process has been completed.

51. How do you think the Department should ensure quality in online higher education programs?

⁵ <https://www.wsj.com/articles/the-watchdogs-of-college-education-rarely-bite-1434594602>

⁶ <https://www.insidehighered.com/news/2018/07/30/trump-administration-official-describes-plan-rethink-higher-education-through>

I understand this is one of the topics slated for upcoming negotiated rulemaking, and, as such, it would be inappropriate for me to put forward my opinion here; however, should I be confirmed, I look forward to working with the Department and Congress as they work through this important issue.

52. What are the characteristics of a high-quality online higher education program?

I understand this is one of the topics slated for upcoming negotiated rulemaking, and, as such, it would be inappropriate for me to put forward my opinion here; however, should I be confirmed, I look forward to working with the Department and Congress as they work through this important issue.

53. What are the characteristics of a low-quality online higher education program?

I understand this is one of the topics slated for upcoming negotiated rulemaking, and, as such, it would be inappropriate for me to put forward my opinion here; however, should I be confirmed, I look forward to working with the Department and Congress as they work through this important issue.

54. What are the risks of online higher education? Do you believe there are more opportunities for abuse in online higher education? If so, how should that impact policy?

I understand this is one of the topics slated for upcoming negotiated rulemaking, and, as such, it would be inappropriate for me to put forward my opinion here; however, should I be confirmed, I look forward to working with the Department and Congress as they work through this important issue.

55. Just last week, Secretary DeVos announced her decision to extend the federal recognition of the Accrediting Council for Independent Colleges and Schools (ACICS) for 12 months to allow them to come into compliance with two federal standards the agency failed – “competency of representatives” and “conflict of interest.” Regarding the “competency of representatives” requirement, the Secretary noted that ACICS could not yet demonstrate that its new training procedures for volunteers, the new Ethics Review Board, and its new data verification regime were effective. As Assistant Secretary of Postsecondary Education what specific institutional and student outcomes would you evaluate to determine the effectiveness of how ACICS ensures the “competency of representatives” requirement?

It would be premature to speculate what specific actions I would take regarding these matters before knowing the specifics of this case. However, if confirmed, I will ensure that I am well versed in the law and regulations regarding the issue.

56. Secretary DeVos also required ACICS to submit to additional monitoring regarding four criteria: administrative and financial resources; student achievement accreditation standards; recruiting and admissions practices, academic calendars, catalogs, publications, grading and advertising; and monitoring. As Assistant Secretary of

Postsecondary Education what specific institutional and student outcomes will you evaluate to determine the agency is appropriately meeting these four criteria?

It would be premature to speculate what specific actions I would take regarding these matters before knowing the specifics of this case. However, if confirmed, I will ensure that I am well versed in the law and regulations regarding the issue.

57. How should the Department consider the student outcomes data of institutions accredited by a particular accreditor when evaluating that accrediting agency?

Because accreditation is one of the agenda items for upcoming negotiated rulemaking, it would be inappropriate for me to provide an opinion on this matter before that process has been completed.

58. Does the public deserve to know the student outcomes data associated with each particular accrediting agency?

As mentioned, because accreditation is one of the agenda items for upcoming negotiated rulemaking, it would be inappropriate for me to provide an opinion on this matter before that process has been completed. However, I understand that many are interested in student outcomes data in the context of higher education reauthorization and if confirmed I look forward to working with Congress and stakeholders as they undertake that process.

59. Please discuss your views on the role of Congress in conducting oversight of the Department of Education.

I appreciate and respect the oversight responsibilities of members of Congress and committees. If confirmed, I will work with the Office of Legislation and Congressional Affairs to be as responsive as possible to all Congressional inquiries in a timely and thoughtful way, regardless of party.

60. Please share what you hope to accomplish in the student listening tour you committed to in the Democratic staff interview.

If confirmed, I look forward to speaking with students about their goals, education experiences, and the tools they need to be successful in their education and career.

If you have any questions, then please contact Josh Delaney in my office at (202) 224 – 4543.