



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

September 6, 2013

Honorable Steve Gunderson
President and CEO
Association of Private Sector Colleges and Universities
steve.gunderson@apsecu.org

Dear Mr. Gunderson:

Thank you for your e-mail to Secretary Arne Duncan regarding the negotiated rulemaking committee that will be meeting next week and in October to develop proposed regulations to establish standards for programs that prepare students for gainful employment in a recognized occupation. In your e-mail, you ask that the Department abandon its efforts to develop the gainful employment regulations in favor of working with Congress and others to develop new rules through the upcoming reauthorization of the Higher Education Act. In the alternative, you ask that we include additional representatives of private, for-profit institutions on the negotiated rulemaking committee. Your e-mail was forwarded to the Office of Postsecondary Education, and I am pleased to respond.

With respect to the request to abandon the gainful employment negotiated rulemaking process in favor of addressing the issue of gainful employment through the reauthorization of the Higher Education Act, the Department believes that it is constructive to consider new gainful employment regulations even if the upcoming reauthorization of the Higher Education Act addresses this subject area. In fact, moving forward with the regulatory process may inform the reauthorization of the Higher Education Act on this subject.

Further, addressing this issue through the negotiated rulemaking process will ensure that a broad range of interests is considered in the development of new regulations. Specifically, negotiated rulemaking seeks to enhance the regulatory process through the involvement of all parties who will be significantly affected by the topics for which the rules will be developed. Accordingly, section 492(b)(1) of the Higher Education Act requires the Department to choose negotiators from groups representing many different constituencies. The Department selects individuals with demonstrated expertise or experience in the relevant subjects under negotiation, reflecting the diversity of higher education interests and stakeholder groups, including large, small, national, State, and local participants. In addition, the Department selects negotiators with the goal of providing adequate representation for the affected parties while keeping the size of the committee manageable. We believe that the selection of the negotiators for the gainful employment committee achieves this goal and meets the statutory requirements.

The negotiated rulemaking committee's purpose is to develop proposed regulations that reflect a final consensus of the committee. Consensus means that there is no dissent by any member of the negotiating committee. Every member of the committee, therefore, has the ability to block consensus if he or she is dissatisfied with the proposed regulations developed through the negotiated rulemaking process. Given this, and the statutory requirements, we do not agree that certain groups should have greater representation on the gainful employment committee than others.

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www.ed.gov

We also note that while it is to be expected that some committee members will have interests that differ from other members and that consensus is not always reached, the negotiated rulemaking process is intended to provide stakeholders an opportunity to present alternative ideas, to identify areas where compromises can be reached, and to help inform the agency's views. Thus, we welcome a robust discussion of the draft regulations and anticipate that all committee members will provide their feedback and suggestions for modifying and improving the draft regulations with the goal of reaching consensus.

We are pleased that you chose to nominate several individuals to serve on the gainful employment committee to assist in the development of the proposed regulations. We look forward to working with all members of the committee, including your nominee, Mr. Justin Berkowitz, as well as the other representatives of for-profit institutions who are serving on the committee.

Any individual, including individuals who were not selected as negotiators, may seek to be added as a negotiator at the first meeting of the rulemaking committee. They may also engage in the rulemaking process in several other ways, such as by contacting the individual committee members representing their constituency to express their views and participating in informal working groups on issues between committee meetings. In addition, like any other member of the public, they can submit comments in response to the published notice of proposed rulemaking.

I thank you for your comments, and look forward to your engagement in this process.

Sincerely,

(b)(6)

Lynn B. Mahaffie
Acting Deputy Assistant Secretary
for Policy, Planning, and Innovation

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

July 11, 2013

Wendy Macias
U.S. Department of Education
1990 K Street NW., Room 8017
Washington, DC 20006

Docket ID ED-2013-OPE-0077

Dear Ms. Macias:

The U.S. Chamber of Commerce is the world's largest business federation, representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations. For the Gainful Employment Negotiated Rulemaking Committee, the Chamber nominates Cheryl Oldham, vice president of education policy at the U.S. Chamber of Commerce, to represent the interests of the business community and industry, and Vickie Schray, senior vice president of regulatory affairs and public policy at Bridgepoint Education, to represent the for-profit higher education sector.

Oldham oversees education and workforce policy for the Chamber and manages the Education, Employment, and Training Committee (EETC), which sets the policy agenda for the Chamber and its advocacy efforts. EETC directs Chamber policy related to all education and workforce development issues, including workforce development preparation, pre-K through 12 education, postsecondary education, career and technical education, incumbent worker training, and lifelong learning.

Oldham also oversees the programming work for the U.S. Chamber of Commerce Foundation's Education and Workforce Division, which conducts research, develops resources, and promotes policies to ensure that the business community will have an educated and skilled workforce necessary to remain competitive both locally and globally.

Oldham's experience includes six years in senior-level positions with the U.S. Department of Education, including executive director of the secretary's Commission on the Future of Higher Education, chief of staff to the under secretary, and acting assistant secretary for postsecondary education. At the Department, she was highly involved in negotiated rulemaking and therefore understands the process and importance of working collaboratively.

Schray is a member of the executive leadership team of Bridgepoint Education, a publicly traded corporation that is a corporate member of the U.S. Chamber. She is a visible and active

member representing her company as a member of the Chamber's EETC and the U.S. Chamber of Commerce Foundation's Advisory Board on Education and Workforce Development.

In her position at Bridgepoint, Schray is responsible for identifying, influencing, and managing federal and state regulations and public policy as they affect Bridgepoint, Ashford University, and University of the Rockies. In addition, she oversees and provides leadership for institutional compliance programs to ensure fulfillment of federal and state higher education laws and regulations. She has been actively involved in all aspects of implementing the program integrity regulations.

Schray has a long history of working with and on-behalf of the for-profit industry and has demonstrated her ability to go beyond the interests of her own institutions and represent the broader sector. She is a member of the Association of Private Sector Colleges and Universities, serving on a number of committees and presenting at association meetings.

Schray has an extensive background in higher education policy and federal compliance issues. Prior to her employment with Bridgepoint Education, she worked for the U.S. Department of Education and occupied a number of leadership and advisory positions with the secretary and under secretary of education. Schray served as a senior policy analyst in the Office of the Under Secretary and as the acting deputy assistant secretary in the Office of Postsecondary Education. During the Clinton administration, she was responsible for leading the creation of a performance accountability system for all states and institutions under the Carl D. Perkins Act which required building consensus among a diverse set of stakeholders.

At the U.S. Department of Education, Schray assisted in all aspects of negotiated rulemaking and served as the lead federal negotiator representing the federal government on a negotiated rulemaking panel.

Both Oldham and Schray understand the importance of working in good faith as members of a negotiated rulemaking committee to develop and reach consensus on proposed regulations that protect both the taxpayer investment in higher education and ensure student access and success. The Chamber has complete confidence that if selected as negotiators, Oldham and Schray will come to the table in good faith and with every intent to move toward consensus.

Sincerely,

(b)(6)

R. Bruce Josten

Contact information:

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CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
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September 6, 2013

Secretary Arne Duncan
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Secretary Duncan:

The U.S. Chamber of Commerce is deeply troubled that neither of its nominations to the Gainful Employment Negotiated Rulemaking Committee with extensive experience with issues important to the broad business community was selected to serve, and we urge you to reconsider these nominations. While the Rulemaking Committee does include a member of the U.S. Chamber with expertise in veterans employment issues, it does not have sufficient representation from industry to substantively add to the rulemaking process. The U.S. Chamber believes the Committee must not move forward with such a significant gap in representation. The Committee should be inclusive of a diversity of stakeholders necessary to achieve the objectives set forth by the rulemaking process. While we understand that you selected some participants for the panel with backgrounds in the private sector, you appointed no one that truly represents the employer community. This oversight is significant, and therefore the Chamber respectfully requests your reconsideration of our nominations.

The U.S. Chamber believes very strongly in higher education reform and has worked extensively on issues impacting access and affordability, as well as transparency and accountability. The U.S. Chamber represents the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations. The issues to be addressed through the Committee are critically important to our members and we are very interested in taking part in the process and contributing to the discussion.

Please find attached the original nomination letter submitted to the U.S. Department of Education on behalf of the U.S. Chamber of Commerce. Thank you for your continued consideration of our nominations and we look forward to your response.

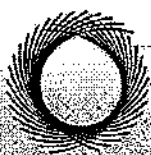
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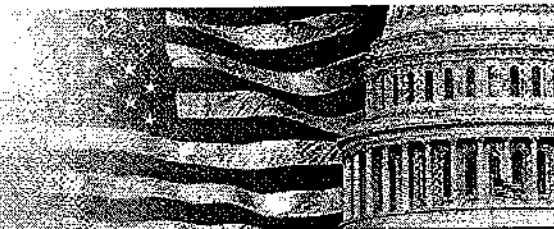
R. Bruce Josten

Enclosure

cc: Wendy Macias



APSCU
ASSOCIATION OF
PRIVATE SECTOR COLLEGES
AND UNIVERSITIES



July 12, 2013

Ms. Wendy Macias
U.S. Department of Education
1990 K Street NW
Room 8017
Washington, DC 20006

Via email: Wendy.Macias@ed.gov

Dear Ms. Macias:

This letter is in response to the U.S. Department of Education's request for nominees to participate in the upcoming negotiated rulemaking sessions to be conducted later this year. 78 Fed. Reg. 35,179. We believe this proposed negotiated rulemaking process is misguided and at odds with the recent judicial decision vacating the Department's previous attempt to adopt gainful employment regulations, and with the broader ongoing legislative efforts affecting higher education.

Accordingly, on June 3, 2013, the Association of Private Sector Colleges and Universities (APSCU), on behalf of its member institutions that educate over four million students each year in over 200 occupational fields, asked the Department to postpone convening negotiated rulemaking until Congress acts on the reauthorization of the Higher Education Act, an effort that is currently underway. A copy of that June 3 statement is attached. Similarly, on April 18, 2013 a bipartisan group of Members of the House of Representatives sent to Secretary Duncan a letter asking that the Department abandon its regulatory effort in this area in favor of more comprehensive legislative action.

Unfortunately, the Department has ignored these requests and has chosen to proceed with this flawed regulatory process. Although we continue to have fundamental concerns with the process—and reserve all rights APSCU and its members have to object to that process—we are nonetheless responding to the Department's request for proposed nominations.

APSCU on behalf of its member institutions, which are licensed by the state in which they are located and accredited by accrediting agencies recognized by the U.S. Department of Education, submits the nominations listed below for inclusion on the negotiated rulemaking committee.

Our member institutions include large, publicly held college systems; small multi-campus institutions; and family owned single-campus schools. APSCU members offer programs ranging from short-term career-specific certificate and diploma programs to associate and bachelor's degrees, master's degree, doctoral, and professional degree programs in more than 200 fields.

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These institutions operate on a "traditional" semester basis; year-round rolling starts; clock hours; and virtually every schedule in between. Additionally, our representation includes brick-and-mortar institutions, online colleges, and hybrid programs.

We strongly believe our institutions have been underrepresented at past negotiated rulemaking sessions, including those during which the gainful employment regulations were first considered. That flawed process resulted in regulations that were vacated by the United States District Court for the District of Columbia as being arbitrary and capricious and in excess of the Department's statutory authority. To the extent the Department does not address our concerns with this negotiated rulemaking, we believe the result will be another flawed rulemaking process and another set of legally deficient final regulations.

For purposes of discussing gainful employment, it is our institutions that are most directly impacted as nearly all our programs are subject to the requirement that "programs prepare students for gainful employment in a recognized occupation." For all other higher education institutions such as public and nonprofit schools, only a subset of programs is covered. Institutions where virtually all programs are subject to the rule will undoubtedly be affected to a much greater extent than institutions with only a handful of programs subject to the regulation. Nevertheless, the Department has reserved slots for representatives from four-year public institutions of higher education, two-year public institutions of higher education, and private, non-profit institutions of higher education, while allocating only a single slot to for-profit schools. The greater impact that our students and schools will face under this proposed regulatory regime clearly warrants increased representation of our interests in the upcoming negotiations.

APSCU believes that slots on the negotiated rulemaking committee reserved for representatives of private sector colleges and universities should be given to someone from an APSCU member institution. Of course, other associations count for-profit institutions among their members, but unlike APSCU, they also represent other interests and thus do not always speak on our behalf and, in many instances, may ignore issues of great importance to our institutions. We believe representatives from our institutions should be given representation on the negotiated rulemaking committee to speak for themselves and the students they serve.

Based on the views expressed above, we believe the nominees submitted by APSCU will represent every constituency of the for-profit sector of higher education and the students they serve. We have listed two outstanding nominees in alphabetical order for each category and each nominee has agreed to attend all negotiated rulemaking sessions, as well as to participate in any needed working groups or conference calls held outside of the regularly scheduled sessions.

Constituency: Private, For-profit Institutions of Higher Education

Issues faced by for-profit institutions can be broken down into several special constituencies based on the manner in which institutions offer educational programs, the duration of those programs of study, and the students served by those institutions. Just as public two-year institutions have different viewpoints than their four-year counterparts, so do for-profit institutions. In that regard, we respectfully nominate the following persons to represent constituencies within the for-profit educational community:

Bachelor and Graduate Degree-Granting Institutions

Mr. Thomas Babel
Vice President, Regulatory Affairs
DeVry Inc.
3005 Highland Parkway
Downers Grove, IL 60515

Office: 630.515.3133
Mobile: (b)(6)
Email: tbabel@devry.edu

As Vice President of Regulatory Affairs for DeVry, Tom Babel is responsible for assuring that DeVry's institutions operate in compliance with all federal, state and provincial regulations affecting school operations and student financial assistance programs. Tom's responsibilities include interacting with federal and state lawmakers as well as the agencies that regulate school operations.

Prior to his appointment as Vice President of Regulatory Affairs, Tom was Vice President of Student Finance for DeVry University, and was responsible for compliance with U.S. and Canadian federal, state and provincial financial assistance regulations, delivery of federal and state financial aid, policy development, student finance systems development and maintenance and staff training and quality assurance for DeVry University.

Since joining DeVry in 1984, Mr. Babel has held a number of positions with DeVry University including Dean of Student Finance, Director of Administrative Services and Director of Student Accounts. Prior to 1984, he was a financial analyst and an actuarial mathematician for United Insurance Company of America.

He served as a Director for the National Student Clearinghouse from 2000 to 2009 and the National Student Loan Program from 2001 to 2007. He has also served on many technology and financial aid advisory councils.

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He has worked extensively with the U.S. Department of Education on a number of program and modernization initiatives, including chairing Project EASI - a national program to reengineer the student aid delivery process. He was a nonfederal negotiator in the 2007 and 2009 negotiated rulemaking sessions. Mr. Babel has served as a presenter at numerous financial aid and higher education conferences. He has held several elected and appointed positions with state, regional and national associations.

Mr. Babel received his master of business administration from Keller Graduate School of Management of DeVry University and his bachelor of arts in mathematics from Wabash College. He and his wife Rebecca currently reside in Batavia, IL and are the parents of six children.

Mr. Anthony Guida Jr.

Senior Vice President for External Affairs
Education Management Corporation
210 6th Avenue, Floor 33
Pittsburgh, PA 15222-2602

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Mobile: 412-901-4037

Email: tony.guida@edmc.edu

Anthony J. Guida Jr. serves as Senior Vice President for External Affairs at Education Management Corporation (Nasdaq: EDMC) (www.edmc.edu), the parent company of The Art Institutes, Argosy University, Brown Mackie College, and South University. With 110 locations in 32 U.S. states and Canada, the company has been headquartered in Pittsburgh, Pennsylvania for more than 40 years, and is the second largest provider of private, post-secondary education in North America enrolling 132,000 students as of Fall, 2012. EDMC employs approximately 25,000 full-, part-time and adjunct faculty and staff as of June 2012. Offering a broad range of academic programs concentrated in the creative and applied arts, behavioral sciences, education, health sciences, law, and business fields, EDMC schools are regionally and nationally accredited, and approved by the U.S. Department of Education with degree-granting authority to award associate's through doctoral-level degrees.

A member of EDMC's Executive Leadership Team, Guida's current responsibilities include oversight of regulatory affairs and compliance, government and public affairs, and strategic development. Prior to joining EDMC in 2002, Guida served as the Chief Financial Officer and General Counsel of Pennsylvania Culinary Institute from 1999 to 2001. He also was an attorney with Pittsburgh-based law firm Buchanan Ingersoll from 1986 to 1999, being elected a shareholder in 1994. Guida is admitted to practice law before the United States Supreme Court and various federal and state courts, and has passed the CPA licensure examination in the Commonwealth of Pennsylvania.

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Guida is a member of the Board of Directors of the Association of Private Sector Colleges and Universities, and he currently serves as chair of its Federal Legislative Committee. Previously, he served on the Advisory Committee on Student Financial Assistance, having been appointed by the Speaker Pro Tempore of the U.S. House of Representatives from 2009-2012. Guida speaks frequently at higher education events and conferences on issues concerning higher education policy, regulations and compliance. He is lead author on an article entitled *Higher Education's Gainful Employment and 90/10 Rules: Unintended "Scarlet Letters" for Minority, Low-Income, and Other At-Risk Students*, published as part of a University of Chicago Law Review Symposium: Understanding Education in the United States, 79 U. Chi. L. Rev. 131 (2012).

Guida is a graduate of the University of Dayton (B.S., Accounting, 1982, *magna cum laude*) and the University of Cincinnati College of Law.

Associate Degree-Granting Institutions

Mr. Norman Blome

Chief Compliance Office

Alta Colleges

7604 Technology Way

Suite 400

Denver, CO 80237-3015

Office: 303-846-1700

Email: nblome@westwood.edu

Norm has been with Alta Colleges since May 2003. Norm was Alta's Chief Financial Officer until 2010 when he moved into a compliance role and in 2012 became the Chief Compliance Officer. In Norm's various roles in the organization he has had oversight of both the financial aid and the business office functions for Westwood College and Redstone College in addition to other areas of Title IV compliance. During the 2009-2010 Program Integrity and Gainful Employment rulemaking, Norm attended public hearings and the final negotiation session and led the implementation of those rules at Alta. Norm also has been involved in extensive analysis of the impact of the original gainful employment rules on the schools' programs. He recently attended the Department's public hearings in Minnesota and California.

Norm also works closely with the schools' accrediting body, ACICS, and has participated on ACICS advisory committees dealing with standards of employment outcomes. In addition, Norm has worked directly with the Colorado Attorney General on Westwood matters and as a result has gained understanding of the Colorado AG's views on the reporting of employment outcomes. Those positions have been shared with the Department in written comments by the Colorado AG, and are consistent with the written comments and testimony offered by other states AGs.

Norm is a Certified Public Accountant and he worked for nine years as an auditor with Arthur Andersen & Co. in Denver. Prior to joining Alta, Norm worked in accounting and finance roles for two other corporations.

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Ms. Nicole Elam

Vice President of Government Affairs

ITT Educational Services, Inc.

20 F Street NW, Suite 850

Washington, DC 20001

Office: 202-888-2331

Mobile: 202-590-6880

Email: nelam@itt-tech.edu

Ms. Nicole A. Elam is the Vice President of Government Affairs at ITT Educational Services, Inc. Ms. Elam directs ITT/ESI's legislative and regulatory activities and represents the interests of the Company and its students at over 140 campuses and online during the reauthorization of the Higher Education Act and before legislative bodies, as well as before the U.S. Department of Education, accrediting agencies and state regulatory bodies. Additionally, Ms. Elam establishes a comprehensive government affairs strategy to ensure ITT/ESI's continued compliance with applicable regulations and to build positive reputational awareness of the Company with key constituencies.

Ms. Elam was the Senior Director of Federal Affairs at Ice Miller Strategies LLC (IMS), where her practice focused on strategy development, legislative and regulatory counseling, coalition building, and government relations. Ms. Elam advised clients on a range of issues, including higher education, homeland security, energy, transportation, small business, and appropriations. Her work with IMS encompassed dealing with the U.S. Department of Education, congressional committees, and many federal and state authorities.

Prior to joining IMS, Ms. Elam was an associate in the public law and policy practice group at Akin Gump Strauss Hauer & Feld LLP. There, she represented individuals and corporations before U.S. House and Senate Committees and the U.S. Department of Justice. She also represented clients in civil and white-collar criminal litigation.

Ms. Elam began her career in civil rights as the Communications Director at the Black Leadership Forum, Inc. (BLF), where she communicated and coordinated the domestic and foreign policy initiatives for the thirty-member association. Prior to BLF, she was a law clerk at the NAACP Legal Defense Fund, Inc. and a legislative assistant at the NAACP Washington Bureau.

Ms. Elam received a Juris Doctorate, *cum laude*, from Howard University School of Law, where she was an Executive Solicitations and Submissions Editor of the *Howard Law Journal*, and a Bachelor of Arts from DePauw University in Political Science and Economics. Ms. Elam is a member of the Maryland and District of Columbia Bars.

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Certificate and Diploma Programs

Mr. Justin Berkowitz

Vice President of Operations

Daytona College

425 South Nova Road

Ormond Beach, FL 32174-8449

Office: 386-267-0565

Email: JBerkowitz@daytonacollege.edu

Justin Berkowitz currently serves as Vice President of Operations of Daytona College, based in Ormond Beach, Florida. He possesses seventeen years of experience in postsecondary education. Justin achieved a Master of Business Administration from the University of Phoenix and a Bachelor's in Business Administration from Everglades University. His experience includes management of both ground and online educational operations. Prior to beginning his professional career, Justin excelled in both culinary and academics.

As Daytona College's Vice President of Operations, he manages the overall responsibility of the colleges operations which has grown in size and diversification. Prior to becoming Vice President of Operations, Justin managed numerous postsecondary institutions in the United States. Justin is also a proud member of the Florida Association of Post-Secondary Schools and Colleges for the State of Florida.

Justin is married with three children, and he and his family reside in Flagler Beach, Florida.

Mr. Joseph Cicchetto

Chief Financial Officer

Porter and Chester Institute

30 Waterchase Drive

Rocky Hill CT 06067

Office: 860-529-2519 x239

Mobile: (b)(6)

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Joseph Cicchetto has worked in the education space for more than fifteen years, bringing with him his experience from previous lives in manufacturing, franchising, service based industries and public accounting where he earned his CPA. Within the education space, he has worked at the corporate level for large aggregators such as Kaplan and Laureate and mid-level/multi campus operations with Daymar Colleges Group and Porter & Chester. He has worked at the senior management level developing, facilitating and executing strategic initiatives at the \$60m to \$800m revenue level, and has been responsible for board presentations with investors and owners, and has sat on education boards of colleges at the director level. Cicchetto has senior

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management experience at both for-profit and not-for-profit institutions. He is a collaborative, communicative, straight forward speaker with strong negotiating skills and participates as a team player who enjoys building consensus to seek solutions to current issues at hand.

Online Programs

Mr. Steve Cotton

Vice President, Legal and Regulatory Affairs
American National University
1813 East Main Street
Salem, VA 24153-4524

Office: 540- 444-4103

Email: scotton@national-college.edu

Steve Cotton is the Vice President of Legal and Regulatory Affairs at American National University. Cotton came to National University from the New England Institute of Technology and Florida Culinary institute, where he served as Vice President and General Counsel. During his more than 25 years working in postsecondary education, Cotton has served on many boards and committees, including the Virginia Career College Association, the Career College Advisory Board for the State Council of Higher Education of Virginia, the SCHEV Task Force on Diploma Mills, and the Tennessee Joint Legislative Committee on Proprietary Education.

Prior to his career in postsecondary education, Mr. Cotton served as a Staff Judge Advocate at the National Medical Command, National Naval Medical Center in Bethesda, Maryland, and for Naval Support Activity at Mare Island, California.

He holds a BA from Denison University and a JD from Ohio State University, as well as a postgraduate diploma from the Naval Justice School. Mr. Cotton is admitted to the Bar in Florida and Ohio.

Ms. Vickie Schray

Senior Vice President, Regulatory Affairs & Public Policy
Bridgepoint Education
1455 Pennsylvania Avenue NW, Suite 800
Washington, DC 20004

Office: 202-349-9040

Mobile: (b)(6)

Email: VSchray@bpiedu.com

Vickie Schray joined Bridgepoint Education, a provider of innovative solutions that advance learning, in January, 2011. As Senior Vice President, Regulatory Affairs & Public Policy, Ms. Schray's primary responsibility is to identify, influence and manage federal and state regulations and public policy as they affect Bridgepoint Education, Ashford University and University of the Rockies.

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Prior to her employment with Bridgepoint Education, Ms. Schray worked for the U.S. Department of Education. Since 1998, she occupied a number of leadership and advisory positions with the Secretary and Under Secretary of Education. She served as a Senior Policy Analyst in the Office of the Under Secretary, and as the Acting Deputy Assistant Secretary in the Office of Postsecondary Education. Before her work with the Department of Education, Ms. Schray consulted for National School-to-Work Opportunities and was Deputy Director of the National Skill Standards Board. Previously, she worked for Mt. Hood Community College and Portland Public Schools where she began her career in education as a marketing teacher.

Ms. Schray is a member of the Board of Directors for the Institute for a Competitive Workforce, U.S. Chamber of Commerce. This committee directs U.S. Chamber policy relating to all issues that affect education and workforce development policy, including workforce development preparation, Pre-K through 12 education reform, postsecondary education, career and technical education, incumbent worker training, and lifelong learning. Ms. Schray is also a member of the Institute for a Competitive Workforce Advisory Board.

Ms. Schray earned her BS in Marketing Education at Oregon State University, her MS in Teaching at Portland State University, and has received her Key Executive Leadership Program and SES Candidate Development Program certifications.

Constituency: Financial Aid Administrators at Postsecondary Institutions

The members of APSCU have a variety of ways programs are offered at their institutions, including term-based, modular, semester, and clock-hour programs, creating a multitude of issues surrounding the counseling about, packaging and disbursing of Federal financial aid. The student population served by career colleges tends to exhibit one or more independent student characteristics, be first-generation, and lower income, resulting in the need for additional in-depth counseling on all aspects of the financial aid process, from filling out the FAFSA through accepting aid, as well as entrance and exit loan counseling.

Ms. Elizabeth Kiefer Herron
Executive Vice President
PEAC Student Loan Assistance
500 Century Park S
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Birmingham, AL 35226-3950

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Email: ekherron@peaccorp.com

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Elizabeth Keifer Herron is a founding partner of PEAC Student Loan Assistance and a member of the executive management team of CARS. Ms. Keifer-Herron provides client services, community outreach and is the chief compliance specialist for the family of companies. She serves on numerous committees for higher educational associations, presents at many workshops and conferences, including providing default prevention and loan management training for ACCSC, and her presence in Washington, DC enables her to have up-to-the-minute information on a variety of legislative and regulatory issues affecting the industry.

Ms. Keifer-Herron is a leading expert in the field of student loan repayment and default prevention, has provided expert testimony in state and federal courts on the subject, previously served as a federal negotiator and also served on the Department of Education task force on best practices in student loan repayment and default prevention.

Prior to founding PEAC in 1992, Ms. Keifer-Herron was the chief lobbyist for the Career College Association (now APSCU). Ms. Keifer-Herron received her BA with honors in political science and economics from Douglass College of Rutgers University, and resides in Washington, DC with her husband and two boys.

Mr. David M. Peters

Vice President, Student Aid Solutions
Career Education Corporation
231 N. Martingale Rd
Schaumburg, IL 60173

Telephone: 630-777-7513

David Peters is a results-oriented executive with over 12 years of financial aid, regulatory, and operational experience in a higher education industry. He currently leads Career Education Corporation's Student Aid Solutions Division, with over 600 professionals and an annual operating budget of \$40 Million.

He has the ability to effectively grow teams with a focus on scalable organizational structure, long term leadership development, streamlined and effective decision making, and efficient process controls and measurements

David earned an MBA with honors from the University of Chicago Booth School of Business.

Constituency: Business and industry

At the most basic level, the Department's interpretation of "gainful employment" centers on jobs. As such, it makes sense to include on the negotiating panel representatives from business and industry who both work with institutions in setting up programs, and who hire graduates of gainful employment programs.

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Mr. John F. Carter

President and CEO

Carter Brothers Security Services

100 Hartsfield Center Parkway

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Email: JCarter@carterbrothers.com

John F. Carter is the President and Chief Executive Officer of Carter Brothers Security Services, LLC (CBSS) a leading provider of security integration solutions with a specialization in project management.

As President and CEO, John oversees the strategic direction and acts as the steward of the Atlanta-based, multi-million dollar company. With employees and offices across the United States, Carter Brothers Security Services is a top provider of video surveillance, access control and security management solutions, providing some of the most respected brands around the globe. His strategic vision for CBSS focuses on three fundamental aspects: integrated project delivery to give each client a single point of accountability; fostering innovation and utilizing the latest technology; and expanding into new markets around the world. John will integrate and continue the legacy built on the Carter Brothers rich history of providing unparalleled customer service into Carter Brothers Security Services. Always one to embrace new technology, John has made the Carter Brothers Security Services name synonymous as an industry leader at the forefront of offering its services across new and multiple platforms.

Before taking the helm at Carter Brothers Security Services in 2012, John held the position of President and CEO, Carter Brothers, LLC a \$70 million fire, life safety, and security, company founded in 2001 by John and his brother, former NFL wide receiver, Cris Carter. The award-winning company served clients nationally through relationships with blue chip corporations. John partnered with his brother, Cris in 2001 after serving as VP of Barton Malow Company, Design/Construction Services. During his tenure at Barton Malow, John was successful in leading the construction giant in the acquisition of over \$5 billion worth of construction projects.

John has received recognition for his leadership in many national news and business publications including Fortune, Black Enterprise, MBE, SDM to name a few. Some of the articles on Carter Brothers success story are profiled in: "Top Diverse Businesses," "Top Small Businesses in the USA," and "Top African American Owned Businesses in the USA" from DiversityBusiness.com, Fortune's magazine's "America's Largest Corporations Top 500," Black Enterprise magazine's "Nations Top 100 Largest Black Businesses," and "Top US Security System Integrators" from SDM magazine.

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John sits on the board of: Wilberforce University, a founding member of Carter Brothers Charities, National Minority Supplier Development Council, and the Northwestern University's Kellogg School of Business Alumni Board. He is a previous member of the Hampton University Sports Advisory Board.

John attended West Liberty State College and is a graduate of the Advanced Management Education Program at Northwestern University's Kellogg School of Business.

Thank you for considering APSCU's nominations to serve on the upcoming negotiated rulemaking team. I would be happy to provide you with any additional information or answer any questions you may have. I can be reached at 202-336-6701 or via email at Steve.Gunderson@apscu.org.

Sincerely,

(b)(6)

Steve Gunderson
CEO and President
Association of Private Sector Colleges and Universities

Attachments (2)