



April 24, 2023

Dr. Nasser Paydar, Assistant Secretary
U.S. Department of Education
Office of Postsecondary Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Re: Docket ID ED-2023-OPE-0039

Dear Secretary Paydar:

On behalf of the Software & Information Industry Association (SIIA), I write to comment on the proposed regulations under the Department of Education's (ED) negotiated rulemaking process ("neg reg").

SIIA is the principal trade association for the software and digital content industry. Our members include the nation's leading publishers and innovative developers of digital products and services for K-20 education, including digital instructional materials, education software and applications, online educational programs, professional development and related technologies and services for use in education. In addition, all of our 500+ members depend on the nation's schools to provide a skilled workforce with both academic proficiency in core subject areas and 21st century skills.

Ed Tech in Higher Education

Educational technology (ed tech) has been used by universities for decades. Ed tech software, services and tools are used to supplement the educational experience at institutions of higher education (IHE). Some ed tech tools, for example, deal directly with the administration and disbursement of Title IV dollars. There are others, however, that facilitate classroom collaboration, or provide avenues to tools that allow a student to move through a course at their own pace or provide access to high quality learning materials. Most of the services provided through ed tech tools do not directly deal with Title IV dollars and simply act at the direction of the IHEs to enhance the educational experience.

SIIA members believe strongly in the goal of promoting quality educational experiences for all students through ed tech. Increasing diversity in access points to higher education - whether that is live and online or on-demand - help address demands for a more accessible and convenient opportunity to earn a college degree. The ed tech industry has responded to the needs of our customers to create



more diverse digital options that are designed for many different institutions; whether they are private, public, or for-profit serving institutions.

Ed Tech Companies Must Not be Considered a Third-Party Servicer

The Department has recently sought feedback related to Third-Party Servicers (TPS), and what constitutes a TPS at an institute of higher education. As noted in SIIA's comments, ed tech companies should not be considered a TPS when not directly carrying out functions under Title IV. The original functions of a TPS, as provided by statute, are more specific to the focus being related to Title IV of the HEA.

The statute provides clear guidance to what functions and responsibilities are needed to be considered a TPS. Many of SIIA's member companies provide services that are non-Title IV functions, such as providing software, digital services, processing systems, and computer software equipment. SIIA recommends ED continue to abide by the original definition of TPS when going through the neg reg process.

Conclusion

We look forward to working with the Department as the neg reg moves forward.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Danny Bounds". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Danny Bounds
Counsel, Education Technology Policy