

**U.S. Department of Education  
Institutional and Programmatic Eligibility Committee  
Negotiated Rulemaking**

**Meeting Summary  
January 18-21, 2022 (First Session)**

**Welcome**

Department of Education Under Secretary of Education James Kvaal welcomed and thanked the Institutional and Programmatic Eligibility Committee (“Committee”) members for agreeing to assist the Department in developing the proposed regulations.

Gregory Martin, Department of Education’s federal negotiator, welcomed the Committee members, advisors, and facilitators to the negotiated rulemaking session.

**Introductions**

The Committee members, advisors, and facilitators introduced themselves.

**Overview of the Negotiated Rulemaking Process**

Commissioners Cynthia Jeffries, Brady Roberts, Rozmyn Miller and Kevin Wagner, facilitators from the Federal Mediation and Conciliation Service (FMCS), explained and reviewed the negotiated rulemaking process, the virtual meeting technology, the protocols, consensus, and how to submit information requests to the advisors via the FMCS team

**Review and Adopt Protocols**

The Committee approved the organizational protocols.

**Membership**

The following individuals are the Members of the Institutional and Programmatic Eligibility Committee:

<u>Community of Interest</u>	<u>Primary Negotiator</u>	<u>Alternate Negotiator</u>
Accrediting Agencies	Jamienne S. Studley, WASC Senior College and University Commission (WSCUC)	Dr. Laura Rasar King, Council on Education for Public Health
Civil Rights Organizations and Consumer Advocacy Organizations	Carolyn Fast, The Century Foundation	Jaylon Herbin, Center for Responsible Lending

<u>Community of Interest</u>	<u>Primary Negotiator</u>	<u>Alternate Negotiator</u>
Civil Rights Organizations	Amanda Martinez, Unidos US	N/A
Financial Aid Administrators at Postsecondary Institutions	Samantha Veeder, University of Rochester	David Peterson, University of Cincinnati
Four Year-Year Public Institutions of Higher Education	Marvin Smith, University of California, Los Angeles (UCLA)	Deborah Stanley, Bowie State University
Legal Assistance Organizations That Represent Students and/or Borrowers	Johnson Tyler, Brooklyn Legal Services	Jessica Ranucci, New York Legal Assistance Group
Minority -Serving Institutions	Dr. Beverly Hogan, Tougaloo College (retired)	Ashley Schofield, Claflin University
Private, Non-profit Institutions of Higher Education	Kelli Perry, Rensselaer Polytechnic Institute	Emmanuel A. Guillory, National Association of Independent Colleges and Universities (NAICU)
Proprietary Institutions of Higher Education	Bradley Adams, South College	Michael Lanouette, Aviation Institute of Maintenance/Centura College/Tidewater Tech
State Attorneys General	Adam Welle, Minnesota Attorney General's Office	Yael Shavit, Office of the Massachusetts Attorney General
State Higher Education Executive Officers, State Authorizing Agencies, and/or State Regulators of Institutions of Higher Education and/or Loan Servicers	Debbie Cochrane, California Bureau of Private Postsecondary Education	David Socolow, New Jersey Higher Education Student Assistance Authority (HESSA)
Students and Student Loan Borrowers	Ernest Ezeugo, Young Invincibles	Carney King, California State Senate

<u>Community of Interest</u>	<u>Primary Negotiator</u>	<u>Alternate Negotiator</u>
Two-Year Public Institutions of Higher Education	Dr. Anne Kress, Northern Virginia Community College	William S. Durden, Washington State Board for Community and Technical Colleges
U.S. Military Service Members, Veterans, or Groups Representing Them	Travis Horr, Iraq and Afghanistan Veterans of America	Barmak Nassirian, Veterans Education Success

**Additional Participants**

Two non-voting advisors spoke and presented to the Committee. At various times throughout the week, they participated in discussions and shared information. They were David McClintock, Compliance Auditor, McClintock & Associates, P.C., who is a compliance auditor with experience auditing institutions that participate in the Title IV, HEA Programs; and Dr. Adam Looney, David Eccles School of Business at the University of Utah, who is a Labor economist with experience in policy research, accountability, and/or analysis of higher education data.

Five non-voting Department Office of General Counsel officials--Steve Finley, Donna Mangold, Denise Morelli, Alejandro Reyes, and Ron Sann--were present and participated in discussions at various times during Session 1.

**Petitions for Membership**

Amanda Martinez, Senior Education Policy Analyst at Unidos US, was nominated by Mr. Johnson Tyler and approved by consensus of the Committee during Session 1 Day 1 to participate as a negotiator to represent Civil Rights Organizations for the duration of the Negotiated Rulemaking.

Michael Almond was nominated by Mr. Bradley Adams but not approved by consensus of the Committee during Session 1 Day 1 to participate as a negotiator to represent Proprietary Institutions.

Susan Menditto, Director of Accounting Policy for the National Association of College and University Business Officers (NACUBO) was nominated by Mr. Emmanuel Guillory but not approved by consensus of the Committee during Session 1 Day 2 to participate as a non-voting advisor.

## **The Agenda**

The first session's agenda included discussion of the following issues in order of discussion:

- Issue #1: Ability to Benefit
- Issue #2: Standards of Administrative Capability
- Issue #3: Gainful Employment
- Issue #4: Financial Responsibility
- Issue #5: Changes of Ownership and Control in Chance
- Issue #6: Certification Procedures
- Issue #7: Title IV Revenue and Non-Federal Education Assistance Funds 90/10

## **Discussion of Issues**

The Committee discussed the above substantive issues in detail. Discussion of each issue began with the Department reviewing each issue paper and associated proposed solutions and/or questions. Committee members had the opportunity to pose additional questions as well as offer their interests, concerns, and preferences relative to each issue. Temperature checks for tentative agreement were taken, where appropriate, regarding the proposed text and/or concepts with respect to each issue.

## **Public Comment**

The Committee provided opportunity for public comment at the end of each day. Public comment was received virtually on all four days of the session.

## **Next Meeting**

The next meeting will be held virtually February 14-18, 2022.

## **Next Steps**

The facilitators will distribute a draft summary of the session, and a draft agenda for the next session. In addition, the Department will distribute draft regulatory text related to the issues discussed one week prior to the February session. Any documents or information that members want to share with the Department, or the Committee as a whole, should be sent to the facilitators for subsequent distribution. Additionally, any questions or information requests that members have should be directed to the facilitators. The Committee members should also visit the Department's Institutional and Programmatic Eligibility Committee webpage to review the updated issues papers, proposed regulatory text changes, and other information.

Committee members will communicate with others within their communities of interest to inform and get feedback from them.

## **Attendance**

All the members of the Committee were present for the first session.