

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

**Meeting Summary
March 14-18, 2022 (Third Session)**

Welcome

Gregory Martin, Department of Education’s federal negotiator, welcomed the Institutional and Programmatic Eligibility Committee (“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), reviewed the technological, procedural, and information-sharing protocols along with the Session Three Agenda.

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
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
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
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Additional Participants

Two non-voting advisors provided expertise, shared information, and participated in discussions during the second session. 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.

Brian Fu from the Department of Education staff gave a presentation to the Committee on the topic of Gainful Employment.

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 3.

The Agenda

The third 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 Control
- 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 the updated issue paper and associated proposed regulatory text. For each, Committee members engaged in productive discussion, considering draft language, questions, concerns, preferences, and alternatives.

All issues were discussed during this third session.

Consensus Decision-Making

The Committee engaged in consensus-decision making on each of the seven (7) issues separately. Per the protocols, consensus could be reached for some issues, and not others. This is what occurred in Session 3. The Committee reached consensus on the following issues:

- Issue #1: Ability to Benefit
- Issue #7: Title IV Revenue and Non-Federal Education Assistance Funds 90/10

The Committee did not reach consensus on the following issues:

- Issue #2: Standards of Administrative Capability
- Issue #3: Gainful Employment
- Issue #4: Financial Responsibility
- Issue #5: Changes of Ownership and Control in Control
- Issue #6: Certification Procedures

Public Comment:

There was no public comment for this third session.

Attendance

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