

**REGULATORY REFORM TASK FORCE
PROGRESS REPORT**



MAY 2017



UNITED STATES DEPARTMENT OF EDUCATION

MEMORANDUM FOR THE SECRETARY

From: Robert S. Eitel
Co-Chair, Regulatory Reform Task Force
Regulatory Reform Officer
Senior Counselor to the Secretary

Elizabeth A. M. McFadden
Co-Chair, Regulatory Reform Task Force
Regulatory Policy Officer
Deputy General Counsel for Ethics, Legislative Counsel, and Regulatory Services

Date: May 25, 2017

Re: Regulatory Reform Task Force Progress Report

This memorandum provides the progress report to the Secretary required by the President's Executive Order 13777, *Enforcing the Regulatory Reform Agenda* (the "Order"), to reduce regulatory burdens on the American people through regulatory reform.¹ We set forth below the Department of Education's ("Department") work to date and the plan to implement the requirements of the Order.

REQUIREMENTS OF THE ORDER

In order to "alleviate unnecessary regulatory burdens placed on the American people," the Order directs the appointment of a Regulatory Reform Officer and the establishment of a Regulatory Reform Task Force (the "RRTF") to oversee the implementation of the Department's regulatory reform initiatives. Reporting periodically to the Secretary and regularly consulting with agency leadership, the RRTF must evaluate existing regulations and guidance and make recommendations to the Secretary regarding any repeal, replacement, or modification.

Consistent with applicable law, the Order requires the RRTF to identify regulations that (i) eliminate jobs or inhibit job creation; (ii) are outdated, unnecessary, or ineffective; (iii) impose costs that exceed benefits; (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (v) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) or the guidance issued pursuant to that provision (especially those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility); or (vi) derive from or

¹ The Order is attached at Appendix 1.

implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

The Order directs the RRTF to seek input and other assistance from entities “significantly affected” by the agency’s regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations. When implementing the regulatory offsets required by Executive Order 13771 (the “two-for-one order”), the Order also directs the Secretary to prioritize those regulations that the RRTF has identified as being outdated, unnecessary, or ineffective.

The Order further mandates that the RRTF provide a progress report to the Secretary by no later than May 25, 2017, detailing progress on (i) improving the implementation of regulatory reform initiatives and policies and (ii) identifying regulations for repeal, replacement, or modification.

COMPLIANCE WITH THE ORDER

The Department has taken the following steps to comply with the Order.

1. Appointment of Regulatory Reform Officer

On April 25, 2017, in accordance with Section 2 of the Order, the Chief of Staff to the Secretary appointed Robert S. Eitel as the Department’s Regulatory Reform Officer.

2. Establishment of Regulatory Reform Task Force

On the same date, adhering to Section 3 of the Order, the Chief of Staff established the RRTF, designated its members, and appointed Mr. Eitel and Elizabeth McFadden, the Department’s Regulatory Policy Officer (RPO), as Co-Chairs of the RRTF.² The RRTF, which meets weekly, convened on May 4, 11, and 18, 2017, and includes the RRO (Mr. Eitel), the Department’s RPO (Ms. McFadden), and representatives of the Department’s central policy office (OPEPD) and its relevant Principal Offices (encompassing at least three senior agency officials). As required by the Order, Mr. Eitel as RRO serves as a Co-Chair of the RRTF, sharing those duties with Ms. McFadden as RPO.

3. Stakeholder Outreach Plans

To comply with the Order’s requirement at Section 3(e) to seek input from the public, the RRTF has created a two-pronged strategy that allows for outreach not only by the Department to the general public but also by each Principal Office to the constituencies that each serves.

a. Outreach by the Department

With reference to a general Department-wide outreach plan, the RRTF intends to publish (likely in June of 2017) a notice in the *Federal Register* inviting the public to provide

² A list of the RRTF’s members is attached as Appendix 2.

comments on identifying regulations for repeal, replacement, or modification. This general notice will provide guidance to the public on how to provide their recommendations.

b. Outreach by Principal Offices

After the publication of the Department-wide *Federal Register* notice seeking public comment, Principal Offices will also ask for the views of their constituencies in a variety of ways. The method will depend on the Principal Office.

For example, the Office of Elementary and Secondary Education (OESE) intends to identify up to nine stakeholder groups to work with Department staff across its programs. Staff from various program offices will hold focused conversations (either in-person or by phone) with each group (including the Council of Chief State School Officers, National Governors Association, Council of Great City Schools, National Association for Indian Education, School Superintendents Associations, and the like). Separately, each OESE program office will identify key stakeholders for its programs and conduct focused conversations with each program specific stakeholder group (such as the National Association of State Title I Directors, Migrant Education Directors, and 21st CLCC coordinators). Because of their overlapping constituencies, the Office of Innovation and Improvement and the Office of English Language Acquisition (OELA) will coordinate their outreach efforts with OESE. These offices will also reach out to additional groups, such as charter school associations and representatives of independent and religious schools.

In a similar vein, the Office of Special Education and Rehabilitation Services (OSERS) and its units will use a combination of blog posts, newsletters, focus groups at conferences, and regularly scheduled calls with state officials to obtain input. Along a different path, the Office of Career, Technical, and Adult Education (OCTAE) will conduct much of its stakeholder outreach through in-person contact during the fall, such as outreach at the National Coalition for Literacy Fall Quarterly Meeting, discussions with the Adult Education State Directors at the National Adult Education Professional Development Consortium November National Training Institute, and consultations with the Executive Board of Coalition of Adult Basic Education. The Office for Civil Rights also plans to conduct public outreach sessions during the summer of 2017.

To obtain the views of the higher education community, during the fall of 2017, the Office of Postsecondary Education (OPE) plans to convene meetings with higher education associations, such as the American Council on Education (ACE), and with Historically Black Colleges and Universities, as well as possibly conduct hearings on the broader topic of regulatory relief. In December of 2017, during the Federal Student Aid Annual Conference in Orlando, OPE also intends to convene multiple breakout sessions to obtain the views of financial aid administrators. For any specific regulation relating to the student financial aid programs or other programs authorized under Title IV of the Higher Education Act, as amended (HEA), that OPE identifies

for repeal, replacement, or modification, the HEA requires the Department to engage the public through at least two public hearings and negotiated rulemaking committees.

4. Regulatory Canvass

The RRTF, through each Principal Office, has conducted an initial canvass of the Department's regulations and policy-oriented guidance.

a. Regulations

There are over 150 departmental regulations, ranging from matters of general applicability (the Department Seal, Service of Process, Freedom of Information Act, Privacy Act, and the like) to the privacy of education records (FERPA) to Title IX to Gainful Employment that will be reviewed by Principal Offices.³ OPE has already identified two sets of burdensome, significant, and complex regulations for repeal, replacement, or modification and is continuing its review of its other regulations. Other Principal Offices are currently reviewing their regulations for repeal, replacement, or modification. To further these efforts, OPEPD will facilitate discussions about Department-wide regulations, such as the Education Department General Administrative Regulations (EDGAR).

b. Policy-oriented Guidance

There are numerous policy-oriented guidance documents across the Department, including Dear Colleague Letters, Questions and Answers or Frequently Asked Questions, policy memos, and the like; each Principal Office is reviewing these as well. Those materials number as follows: OESE (244); OII (22); OELA (4); OSERS (177); OCTAE (17); OCR (84); OM (53), and OPE (1,171) – a total of 1,772 items of policy-related guidance.

NEXT STEPS: CONTINUED IMPLEMENTATION OF THE ORDER

The RRTF's next steps for compliance with the Order constitute the hard work of reviewing, analyzing, and prioritizing the voluminous regulations and guidance that have been identified for review. This effort will serve as the focus of the RRTF's next phase of work, which will require each Office to make initial recommendations to the RRTF whether the regulations and the guidance meet the Order's criteria for repeal, replacement, or modification. The RRTF expects for Principal Offices to make initial recommendations by June 30. The RRTF will review these proposals and in turn provide its additional recommendations to the Secretary.

Working with senior Department leadership, OPE has already identified two regulations – Gainful Employment and Borrower Defense to Repayment – for consideration. OPE expects to commence in July of 2017 the arduous task of conducting dual track negotiated rulemaking proceedings for each of these complex regulations. It is presently preparing the necessary *Federal Register* notices for Department and OMB clearance and scheduling the appropriate

³ A list of the Department's regulations (by Principal Office) is attached as Appendix 3.

public hearings. This rulemaking will be a major effort for the Department requiring significant oversight and resources.

ACCOUNTABILITY AND PUBLIC REPORTING REQUIREMENTS

The Order and Office of Management and Budget M-17-23 also direct the Department to include in its FY 2019 Annual Performance Plan the following performance indicators: (i) number of evaluations to identify potential deregulatory actions that included the opportunity for public input or peer review; (ii) number of deregulatory actions recommended by the RRTF to the agency head, consistent with applicable law; (iii) number of deregulatory actions issued that address recommendations by the RRTF; (iv) number of regulatory actions and, separately, deregulatory actions issued; and (v) total incremental cost of regulatory actions and deregulatory actions (including costs or cost savings carried over from previous fiscal years). Beginning with its FY 2018 Annual Performance Reports, the Department must also report the appropriate performance data for each performance indicator and goal. To this end, the RRTF will continue to work and coordinate with the Department's Agency Reform Steering Committee, which has responsibility for enforcing the President's Executive Order 13781, *Comprehensive Plan for Reorganizing the Executive Branch*. This order requires the Department to develop and create a plan to maximize employee performance.

The RRTF will provide the Secretary with reports concerning its progress under the Order periodically or upon request.

Federal Register

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Presidential Documents

Title 3—

Executive Order 13777 of February 24, 2017

The President

Enforcing the Regulatory Reform Agenda

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to lower regulatory burdens on the American people by implementing and enforcing regulatory reform, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.

Sec. 2. Regulatory Reform Officers. (a) Within 60 days of the date of this order, the head of each agency, except the heads of agencies receiving waivers under section 5 of this order, shall designate an agency official as its Regulatory Reform Officer (RRO). Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. These initiatives and policies include:

(i) Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs), regarding offsetting the number and cost of new regulations;

(ii) Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), as amended, regarding regulatory planning and review;

(iii) section 6 of Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review), regarding retrospective review; and

(iv) the termination, consistent with applicable law, of programs and activities that derive from or implement Executive Orders, guidance documents, policy memoranda, rule interpretations, and similar documents, or relevant portions thereof, that have been rescinded.

(b) Each agency RRO shall periodically report to the agency head and regularly consult with agency leadership.

Sec. 3. Regulatory Reform Task Forces. (a) Each agency shall establish a Regulatory Reform Task Force composed of:

(i) the agency RRO;

(ii) the agency Regulatory Policy Officer designated under section 6(a)(2) of Executive Order 12866;

(iii) a representative from the agency's central policy office or equivalent central office; and

(iv) for agencies listed in section 901(b)(1) of title 31, United States Code, at least three additional senior agency officials as determined by the agency head.

(b) Unless otherwise designated by the agency head, the agency RRO shall chair the agency's Regulatory Reform Task Force.

(c) Each entity staffed by officials of multiple agencies, such as the Chief Acquisition Officers Council, shall form a joint Regulatory Reform Task Force composed of at least one official described in subsection (a) of this section from each constituent agency's Regulatory Reform Task Force. Joint Regulatory Reform Task Forces shall implement this order in coordination with the Regulatory Reform Task Forces of their members' respective agencies.

(d) Each Regulatory Reform Task Force shall evaluate existing regulations (as defined in section 4 of Executive Order 13771) and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law. At a minimum, each Regulatory Reform Task Force shall attempt to identify regulations that:

- (i) eliminate jobs, or inhibit job creation;
- (ii) are outdated, unnecessary, or ineffective;
- (iii) impose costs that exceed benefits;
- (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- (v) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- (vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

(e) In performing the evaluation described in subsection (d) of this section, each Regulatory Reform Task Force shall seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.

(f) When implementing the regulatory offsets required by Executive Order 13771, each agency head should prioritize, to the extent permitted by law, those regulations that the agency's Regulatory Reform Task Force has identified as being outdated, unnecessary, or ineffective pursuant to subsection (d)(ii) of this section.

(g) Within 90 days of the date of this order, and on a schedule determined by the agency head thereafter, each Regulatory Reform Task Force shall provide a report to the agency head detailing the agency's progress toward the following goals:

- (i) improving implementation of regulatory reform initiatives and policies pursuant to section 2 of this order; and
- (ii) identifying regulations for repeal, replacement, or modification.

Sec. 4. Accountability. Consistent with the policy set forth in section 1 of this order, each agency should measure its progress in performing the tasks outlined in section 3 of this order.

(a) Agencies listed in section 901(b)(1) of title 31, United States Code, shall incorporate in their annual performance plans (required under the Government Performance and Results Act, as amended (see 31 U.S.C. 1115(b))), performance indicators that measure progress toward the two goals listed in section 3(g) of this order. Within 60 days of the date of this order, the Director of the Office of Management and Budget (Director) shall issue guidance regarding the implementation of this subsection. Such guidance may also address how agencies not otherwise covered under this subsection should be held accountable for compliance with this order.

(b) The head of each agency shall consider the progress toward the two goals listed in section 3(g) of this order in assessing the performance of the Regulatory Reform Task Force and, to the extent permitted by law, those individuals responsible for developing and issuing agency regulations.

Sec. 5. Waiver. Upon the request of an agency head, the Director may waive compliance with this order if the Director determines that the agency generally issues very few or no regulations (as defined in section 4 of Executive Order 13771). The Director may revoke a waiver at any time. The Director shall publish, at least once every 3 months, a list of agencies with current waivers.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 24, 2017.

APPENDIX 2
LIST OF REGULATORY REFORM TASK FORCE MEMBERS

Robert S. Eitel
Senior Counselor to the Secretary
Regulatory Reform Officer

Elizabeth McFadden
Deputy General Counsel for Ethics, Regulatory Services, and Legislative Counsel and
Regulatory Policy Officer

Ebony Lee
Deputy Chief of Staff for Policy

Joe Conaty
Senior Policy Advisor, Delegated to Perform the Duties of the Deputy Secretary

Jim Manning
Acting Under Secretary, Senior Advisor to the Under Secretary

Margo Anderson
Acting Assistant Deputy Secretary (OII), Associate Assistant Deputy Secretary

Jennifer Bell-Ellwanger
Director, Policy and Program Studies Service, Delegated to Perform the Duties of the Assistant
Secretary, OPEPD

Jason Botel
Acting Assistant Secretary (OESE), Principal Deputy Assistant Secretary

Kim Ford
Acting Assistant Secretary (OCATE), Deputy Assistant Secretary for Management and Planning

Holly Ham
Assistant Secretary (OM)

Candice Jackson
Acting Assistant Secretary (OCR), Deputy Assistant Secretary for Strategic Operations and
Outreach

Hilary Malawer
Assistant General Counsel, Division of Regulatory Services

Lynn Mahaffie

Deputy Assistant Secretary for Policy, Planning and Innovation (OPE), Delegated the Duties of Assistant Secretary for Postsecondary Education

Ruth Ryder

Deputy Director, Special Education Programs (OSERS), Delegated to Perform the Duties of the Assistant Secretary

José A. Viana

Assistant Deputy Secretary and Director, Office of English Language Acquisition

APPENDIX 3
LIST OF EDUCATION REGULATIONS

List of ED Regulations

	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
1	Official Seal (Part 3)	2000		ED		
2	Service of Process (Part 4)	1982		ED		
3	Availability of Information to the Public (FOIA) (Part 5)	2010		ED, all stakeholders, general public		
4	Privacy Act Regulations (Part 5b)	1980		ED, all stakeholders, general public		
5	Inventions and Patents (Part 6)	1980		ED employees		
6	Employee Inventions (Part 7)	1980		ED employees		
7	Demands for Testimony or Records in Legal Proceedings (Part 8)	2008		ED		

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8	Disposal and Utilization of Surplus Federal Real Property for Educational Purposes (Part 12)	1992		ED		
9	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (Part 15)	1987 cross reference to 49 CFR Part 24		ED		
10	Equal Access to Justice (Part 21)	1993		ED, prevailing parties in adjudications by ED		
11	Debt Collection (Part 30)	1989		ED, parties owing debt to ED		

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12	Salary Offset for Federal Employees Who are Indebted to the United States under Programs Administered by the Secretary of Education (Part 31)	1989		ED, indebted ED employees		
13	Salary Offset for Recover Overpayments of Pay or Allowances from Department of Education Employees (Part 32)	1987		ED, indebted ED employees		
14	Program Fraud Civil Remedies Act (Part 33)	1988		ED, parties making fraudulent statements to ED		
15	Administrative Wage Garnishment (Part 34)	2003		ED, delinquent debtors		

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16	Tort Claims Against the Government (Part 35)	1980		ED, ED employees, parties with tort claims against ED		
17	Adjustment of Civil Monetary Penalties for Inflation (Part 36)	2017	OGC	ED	K	
18	Indemnification of Department of Education Employees (Part 60)	1989		ED, ED employees		
19	Standards of Conduct (Part 73)	1995 – cross reference to standards of conduct		ED, ED employees		
21	Direct Grant Programs (Part 75)	2016	OEL A ODS- RMS	ED, grantees	K	
22	State-Administered Programs (Part 76)	2016	OEL A ODS- RMS	ED, state grantees	K	

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23	Definitions that Apply to Department Regulations (Part 77)	2015	OEL A ODS- RMS	ED, grantees	K	
24	Intergovernmental Review of Department of Education Programs and Activities (Part 79)	1986	OEL A ODS- RMS	ED, state and local governments that apply for ED grants	K	
26	General Education Provisions Act Enforcement (Part 81)	1996	OEL A ODS- RMS	ED, ED grantees	K	
27	New Restrictions on Lobbying (Part 82)	1990 government wide	OEL A ODS- RMS	ED, ED grantees	K	
28	Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) (Part 84)	2003 government wide	OEL A ODS- RMS	ED, ED grantees	K	

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29	Drug and Alcohol Abuse Prevention (Part 86)	1996	OEL A ODS-RMS	ED, IHEs	K	
30	Protection of Human Subjects (Part 97)	2017 (final rules published 11/29/2016 delayed until 3/21/2017.	OEL A ODS-RMS	ED, research grantees	K	
31	Student Rights in Research, Experimental Programs, and Testing (Part 98)	1984	ODS-RMS OM	ED, students, research grantees ED, educational agencies and institutions, contractors, vendors, researchers, entities wishing to survey students, parents and students (OM)	K M (OM)	Commonly known as the Protection of Pupil Rights Amendment (PPRA) regulations. Regulations need updating to reflect changes made by Congress in 1994 and 2001. (OM)

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32	Family Educational Rights and Privacy (FERPA) (Part 99)	2017	ODS-RMS OM	ED, educational agencies and institutions, contractors, students and families ED, educational agencies and institutions, contractors, vendors, researchers, parents, and students	K M	Regulations need updating to reflect changes made by Congress in 2010 and 2013 and to update definitions and clarify provisions to reflect developments in the nature and use of education technology.
33	Nondiscrimination Under Programs Receiving Federal Assistance Through The Department Of Education Effectuation Of Title VI Of The Civil Rights Act Of 1964 (Part 100)	2000	OCR			

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34	Practice And Procedure For Hearings Under Part 100 Of This Title (Part 101)	2014	OCR			
35	Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance (Part 104)	2000	OCR			
36	Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Education (Part 105)	1990	OCR			

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37	Nondiscrimination on the Basis of Sex In Education Programs Or Activities Receiving Federal Financial Assistance (Part 106)	2006	OCR			
38	Equal Access To Public School Facilities For The Boy Scouts Of America And Other Designated Youth Groups (Part 108)	2006	OCR			
39	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance (Part 110)	2000	OCR			

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40	Title I Improving The Academic Achievement Of The Disadvantaged Part 200	2016; 2017 (on 1/30/17, effective date of final rules amending 200.73 was delayed until 3/21/17).	OES E	<p>States, LEAs, public schools, public IEP teams and teachers, low-income public school students, parents, supplemental educational service providers, paraprofessionals, private school students , private school teachers/families, Migrant Education programs, national rural organizations, neglected/delinquent children/youth</p> <p>Advocacy groups: Council of Chief State School Officers, American Association of School Administrators, NSBA, Association of Elementary School Principals, Association of Secondary School Principals, National Association of Federation Education Program Administrators, National Council of I</p>		

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41	Special Educational Programs For Students Whose Families Are Engaged In Migrant And Other Seasonal Farmwork-- High School Equivalency Program And College Assistance Migrant Program (Part 206)	2014	OES E	Students who are family members of migrant or seasonal farmer workers, workers themselves, IHEs		

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42	Impact Aid Programs (Part 222)	2016	OES E	<p>Federally connected children (dependents of members of Armed Forces living near/on military base, Indian children), LEAs, SEAs, Department of Defense, Indian tribes</p> <p>Advocacy Groups → National Association of Federally Impacted Schools (NAFIS), Military Impacted Schools Association (MISA)</p>		
43	Credit Enhancement For Charter School Facilities Program (Part 225)	2014	OII	Charter schools, states (as public entities) and private nonprofit entities, loan providers	K	

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44	State Charter School Facilities Incentive Program (Part 226)	2014	OII	Charter schools, states (as public entity), nonprofits, consortia of nonprofits and public entities Advocacy Groups → National Alliance for Public Charter Schools	K	
45	Innovation for Teacher Quality (Troops to Teachers) (Part 230)	2005	OII	Department of Defense (DOD program Defense Activity for Non-traditional Education Support), military service members, high-need LEAs, states, state teacher certification/licensure agencies	R	This program was transitioned over to the Department of Defense

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46	Christa McAuliffe Fellowship Program (Part 237)	1992	OES E	This program is <u>no longer funded</u> . Teachers, selection panel members (IHEs, school administrators, teachers, parents)		

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47	Indian Education Discretionary Grant Programs (Part 263)	2015	OES E	IHEs, Indian IHEs, Indian tribes/org., BIE, Indian tribes/organizations, LEAs, Indian students , tribal education agencies (TEAs), National Advisory Council on Indian Education (NACIE), Department of the Interior Advocacy Groups→ , National Congress of American Indians (NCAI), National Indian Education Association (NIEA), Tribal Education Departments National Assembly (TEDNA)		

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48	Equity Assistance Center Program (Part 270)	2016	OES E	There are currently <u>no</u> grants for SEAs. Schools, State Educational Agencies (SEAs), Equity Assistance Centers (EACs), LEAs, public agencies, and private, non-profits		
51	Magnet Schools Assistance Program (Part 280)	2014	OII	LEAs/LEA consortia, magnet schools	K	

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52	General Provisions (Part 299)	2016	OES E	SEAs, LEAs, private-school teachers/students (General provisions, as per 299.6, also pertain to the following programs: Part C of Title I (Migrant Education), Title II (Prof. Development), Title III (Tech. for Education), Part A of Title IV (Safe and Drug-Free Schools and Comms.), Title VI (Innovative Education Program Strategies), Title VII (Bilingual Education)		

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53	Assistance to States for the Education of Children with Disabilities (Part 300)	2015	OSE RS	Students with disabilities, states, SEAs, LEAs, ESAs, non-ESA/LEA public charter schools, state/local juvenile/adult correctional facilities, private school students, teachers, paraprofessionals, and personnel working with disabled students, parents, contracted programs/services, BIA, teachers, paraprofessionals, and personnel at BIA schools, Indian children		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
54	Early Intervention Program for Infants and Toddlers with Disabilities (Part 303)	2014	OSE RS	States, State lead agencies, Early Intervention Service (EIS) programs and EIS providers, parents of infants, toddlers, and children with disabilities, SEAs, LEAs, Head Start/Early Hard Start programs, and tribes, tribal organizations, and consortium of tribal organizations		

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55	Service Obligations under Special Education Personnel Development to Improve Services and Results for Children with Disabilities (Part 304)	2006	OSE RS	LEAs, SEAs, other authorized state entities, IHEs (esp. those educating reg./special ed. teachers to work with disabled students), scholarship recipients (who must work in field of teaching infants/toddler s/children with special needs or other capacity focused on special education)		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
56	Disability and Rehabilitation Research Projects and Centers Program (Part 350)	2014	OSE RS	States, public/private agencies and organizations, including for-profit agencies/orgs., IHEs, Indian tribes and tribal organizations, rehabilitation research and training centers, rehabilitation engineering research centers, disability and rehabilitation research projects and participants (including field-initiated projects, advanced rehabilitation research training projects)	R (entire part)	Program transferred to HHS.

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57	Disability and Rehabilitation Research: Research Fellowships (Part 356)	1995	OSE RS	Merit Fellowship and Distinguished Fellowship recipients	R (entire part)	Program transferred to HHS.
58	Disability and Rehabilitation Research: Special Projects and Demonstrations for Spinal Cord Injuries (Part 359)	1985, 1993	OSE RS	States, Public or private agencies, including for-profit agencies, Public or private organizations, including for-profit organizations, IHEs, Indian tribes and tribal organizations, individuals with spinal cord injuries, research projects on spinal cord injuries	R (entire part)	Program transferred to HHS.

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
59	State Vocational Rehabilitation Services Program (Part 361)	2016	OSE RS	States, DSAs and DSUs, state rehabilitation councils, individuals with disabilities, Council of State Administrators for Veteran Rehabilitation (CSAVR), client assistance programs (CAP), National Disability Rights Network (NDRN)		
60	The State Supported Employment Services Program (Part 363)	2016	OSE RS	States, DSAs and DSUs, individuals with disabilities, Council of State Administrators for Veteran Rehabilitation (CSAVR), client assistance programs (CAP), National Disability Rights Network (NDRN)		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
61	State Independent Living Services Program and Centers for Independent Living Program: General Provisions (Part 364)	2014	OSE RS	Individuals with significant disabilities, centers for independent living, state VR agencies, Statewide Independent Living Councils, individuals who are blind or have severe visual impairments and are age 55 or older	R (entire part)	Program transferred to HHS.
62	State Independent Living Services (Part 365)	2014	OSE RS	Individuals with significant disabilities, centers for independent living, state VR agencies, Statewide Independent Living Councils	R (entire part)	Program transferred to HHS.
63	Centers For Independent Living (Part 366)	1995	OSE RS	Individuals with significant disabilities, centers for independent living, state VR agencies, Statewide Independent Living Councils	R (entire part)	Program transferred to HHS.

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
64	Independent Living Services for Older Individuals Who Are Blind (Part 367)	2016	OSE RS	Individuals who are blind or have severe visual impairments and are age 55 or older, centers for independent living, state VR agencies, Statewide Independent Living Councils		
66	Client Assistance Program (Part 370)	2016	OSE RS	Client Assistance Programs (CAP), states, and individuals with disabilities served by CAP, National Disability Rights Network (NDRN)		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
67	Vocational Rehabilitation Service Projects for American Indians with Disabilities (Part 371)	2016	OSE RS	Governing bodies of Indian tribes and consortia of those governing bodies located on Federal and State reservations, tribal vocational rehabilitation service programs, American Indians with disabilities		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
68	Special Demonstration Projects (Part 373)	2016	OSE RS	State vocational rehabilitation agencies, community rehabilitation programs, Indian tribes or tribal organizations, public or nonprofit agencies or organizations (including IHEs), certain for-profit organizations and consortia, other organizations identified by the Secretary and published in the Federal Register		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
73	Protection and Advocacy of Individual Rights (Part 381)	2016	OSE RS	Protection and advocacy systems (developed under part C of the Developmental Disabilities Assistance and Bill of Rights Act (DDA), 42 U.S.C. 6041-6043), individuals with disabilities served by systems, National Disability Rights Network (NDRN)		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
74	Rehabilitation Training (Part 385)	2016	OSE RS	States, public or nonprofit agencies and organizations, including Indian tribes and institutions of higher education *This regulation is umbrella under which Parts 386-390 operate, meaning stakeholders for those respective regulations may be affected by significant changes in Part 385.		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
75	Rehabilitation Training: Rehabilitation Long-Term Training (Part 386)	2016	OSE RS	States, public or nonprofit agencies and organizations, including Indian tribes and IHEs; students studying in training areas identified as suffering from personnel shortages (beneficiaries of the financial support for identified programs)		
76	Experimental and Innovative Training (Part 387)	2016	OSE RS	States, public or nonprofit agencies and organizations, including Indian tribes and IHEs, rehabilitation personnel (those already working in the field)		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
79	Rehabilitation Short-Term Training (Part 390)	2016	OSE RS	States, public or nonprofit agencies and organizations, including Indian tribes and IHEs; vocational, medical, social, and psychological rehabilitation programs, supported employment programs, independent living services programs, and client assistance programs		
80	Vending Facility Program for the Blind on Federal and Other Property (Part 395)	1981	OSE RS	State vocational rehabilitation agencies, state licensing agencies, blind vendors (who are certified and US citizens), state committees of blind vendors		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
81	Training of Interpreters for Individuals who are Deaf and Individuals who are Deaf-Blind (Part 396)	2016	OSE RS	Public and private nonprofit agencies/organizations, IHEs, deaf and deaf-blind individuals, interpreters		
	Limitations on Use of Subminimum Wage (Part 397)	2016	OSE RS			
82	Vocational and Applied Technology Education Programs; General Provisions (Part 400)	1992	OCTA E	States (and outlying areas), IHEs, SEAs, LEAs, CTSOs (student organizations), local business and industry, students (in vocational programs)	Rescind	Sections 400.1-400.10 have been superseded by statutory language in Carl D. Perkins Career and Technical Education Act of 2006. (Perkins IV).
83	Indian Vocational Education Program (Part 401)	1992	OCTA E	*Regulations are <u>not used</u> (program is implemented through statute).	Rescind	Part 401 has been superseded by sections 116 of Perkins IV enacted in 2006.

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84	Native Hawaiian Vocational Education Program (Part 402)	1992	OCTA E	*Regulations are <u>not used</u> (program is implemented through statute).	Rescind	Part 402 has been superseded by section 116 of Perkins IV enacted in 2006.

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
85	State Vocational and Applied Technology Education Program (Part 403)	1992	OCT AE	States (and outlying areas) Students (in CTE programs), SEAs, LEAs, IHEs, local business and industry	Rescind	<p>Part 403 has been superseded by the enactment of Perkins IV in 2006. The Division of Academic and Technical Education (DATE) issued non-regulatory guidance and program memoranda and to help states effectively implement Perkins IV. For example, the following non-regulatory guidance(s) were issued: (1) Perkins IV Non-Regulatory Guidance Versions 1.0, 2.0 and 3.0 were issued in 2007; and (2) Perkins IV Non-Regulatory Guidance Versions 4.0 and 5.0 were issued in 2015.</p> <p>The purpose of the above non-regulatory guidance was to address any relevant issues from Part 403 that remained as part of Perkins IV. Please note that non-regulatory guidance was issued for “Accountability for Student Definitions and Measurement Approaches for the Core Indicators of Performance” under Perkins IV.</p> <p>In addition, the following Program Memoranda were issued in 2016: (1)</p>

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
86	State-Administered Tech-Prep Education Program (Part 406)	1992	OCTA E	*Regulations are <u>not used</u> (program is implemented through statute).	Rescind	Part 406 has been superseded by Title II of Perkins IV enacted in 2006.
87	Tribally-Controlled Postsecondary Vocational Institutions Program (Part 410)	1992	OCT AE	*Regulations are <u>not used</u> (program is implemented through statute).	Rescind	Part 410 has been superseded by section 117 of Perkins IV enacted in 2006.
88	Vocational Education Research Program (Part 411)	1992	OCT AE	None - not authorized	Rescind	Part 411 has been superseded by section 114 of Perkins IV enacted in 2006.
89	National Network for Curriculum Coordination in Vocational and Technical Education (Part 412)	1992	OCTA E	None - not authorized	Rescind	Not part of Perkins IV

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
90	National Center or Centers for Research in Vocational Education (Part 413)	1992	OCTA E	*Regulations are <u>not used</u> (program is implemented through statute).	Rescind	Part 413 has been superseded by section 114(d)(4) of Perkins IV enacted in 2006
91	Demonstration Centers for the Training for Dislocated Workers Program (Part 415)	1992	OCTA E	None - not authorized	Rescind	Not part of Perkins IV
92	Business and Education Standards Program (Part 421)	1992	OCTA E	None - not authorized	Rescind	Not part of Perkins IV
93	Demonstration Projects for the Integration of Vocational and Academic Learning Program (Part 425)	1992	OCTA E	None - not authorized	Rescind	Not part of Perkins IV

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
95	Bilingual Vocational Training Program (Part 427)	1992	OCTA E	None - not authorized	Rescind	Not part of Perkins IV
96	Bilingual Vocational Instructor Training Program (Part 428)	1992	OCTA E	None - not authorized	Rescind	Not part of Perkins IV
97	Bilingual Vocational Materials, Methods, and Techniques Program (Part 429)	1992	OCTA E	None - not authorized	Rescind	Not part of Perkins IV
99	Adult Education State-Administered Basic Grant Program (Part 461)	1992	OCT AE	None	Rescind	Outdated rule 2016 OCTAE

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100	Measuring Educational Gain in the National Reporting System for Adult Education (Part 462)	2016	OCT AE	None —not authorized states, test publishers	K	
	Adult Education and Family Literacy Act (Part 463)	2016	OCT AE	States, adult education providers, low skilled adults	K	
108	Institutional Eligibility under the Higher Education Act of 1965, as amended (Part 600)	2014; Some updates to take effect 2018.	OPE	IHEs, proprietary IHEs, lenders, students (postsecondary)		
109	Institution and Lender Requirements Relating to Education Loans (Part 601)	2009	OPE	IHEs, accrediting agencies		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
110	The Secretary's Recognition of Accrediting Agencies (Part 602)	2010	OPE	IHEs, state agencies, accrediting agencies		
111	Secretary's Recognition Procedures for State Agencies (Part 603)	2010	OPE	IHEs, states		
112	Federal-State Relationship Agreements (Part 604)	1980	OPE	Hispanic-serving institutions, Hispanic students		
113	Developing Hispanic-Serving Institutions Program (Part 606)	2014	OPE	IHEs serving low-income students, low-income students		
114	Strengthening Institutions Program (Part 607)	2014	OPE	Historically Black Colleges and Universities, students attending HBCUs		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
115	Strengthening Historically Black Colleges and Universities Program (Part 608)	2014	OPE	Historically Black Colleges and Universities with graduate programs, graduate students attending HBCUs		
116	Strengthening Historically Black Graduate Institutions Program (Part 609)	2014	OPE	States, IHEs and their teacher preparation programs, high-need LEAs, prospective teachers, prospective school principals		
117	Teacher Quality Enhancement Grants Program (Part 611)	2014	OPE			

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
	TITLE II REPORTING SYSTEM (Part 612)	2016	OPE	*This program is <u>not currently funded</u> . Any entity contributing to teacher preparation program reforms producing technology efficient teachers		
118	Preparing Tomorrow's Teachers to Use Technology (Part 614)	2014	OPE	*These regulations are <u>not used</u> . HBCUs, Hispanic-serving institutions, IHEs making contributions to postgraduate medical opportunities for minorities or the economically disadvantaged		

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119	Endowment Challenge Grant Program (Part 628)	2014	OPE	*This program is <u>not currently funded</u> . Urban IHEs, urban areas		
121	Minority Science and Engineering Improvement Program (Part 637)	2014	OPE	IHEs, TRIO Grantees: Nonprofit organizations providing training for the TRIO programs		
122	Training Programs for Federal TRIO Programs (Part 642)	2014	OPE	IHEs , secondary schools in low-income areas, organizations, secondary students in low-income areas		
123	Talent Search (Part 643)	2014	OPE	IHEs, secondary schools in low-income areas, organizations, secondary students in low-income areas		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
124	Educational Opportunity Centers (Part 644)	2014	OPE	IHEs, secondary schools in low-income areas, organizations, secondary students in low-income areas		
125	Upward Bound Program (Part 645)	2014	OPE	IHEs, Secondary schools in low-income areas, organizations, secondary students in low-income areas		
126	Student Support Services Program (Part 646)	2014	OPE	IHEs (graduate programs), secondary schools in low-income areas, organizations, secondary students in low-income areas		
127	Ronald E. McNair Postbaccalaureate Achievement Program (Part 647)	2014	OPE	IHEs with graduate programs in areas of national need, graduate students in areas of national need		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
128	Graduate Assistance in Areas of National Need (Part 648)	2014	OPE	*No funding last year IHEs, doctoral students in the arts, humanities, and social sciences		
129	Jacob K. Javits Fellowship Program (Part 650)	2014	OPE	States, IHEs, students		
120	Robert C. Byrd Honors Scholarship Program (Part 654)	2014	OPE	International IHEs, international students, IHEs, foreign language and area studies students		
131	International Education Programs; General Provisions (Part 655)	2014	OPE	IHEs, foreign language and area studies students		

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132	National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies (Part 656)	2009 (technical edits only)	OPE	IHEs, foreign language and area studies students		
133	Foreign Language and Area Studies Fellowship Program (Part 657)	2009 (technical edits only)	OPE	IHEs (undergraduate foreign language programs), international studies and foreign language students, nonprofit organizations contributing to foreign language programs		

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134	Undergraduate International Studies and Foreign Language Program (Part 658)	2009 (technical edits only)	OPE	IHEs conducting research contributing to international education programs, organizations and agencies conducting research contributing to international education programs		
135	The International Research and Studies Program (Part 660)	2009 (technical edits only)	OPE	IHEs partnering with businesses, trade organizations, or associations engaged in international trade activity; businesses, trade organizations, or associations engaged in international trade activity		

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136	Business and International Education Program (Part 661)	2014	OPE	IHEs, doctoral candidates conducting research abroad in modern foreign languages and area studies		
137	Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program (Part 662)	2014	OPE	IHEs, faculty members conducting research abroad in modern foreign languages and area studies		
138	Fulbright-Hays Faculty Research Abroad Fellowship Program (Part 663)	2014	OPE	IHEs, departments, or organizations conducting overseas group projects in research, training, and curriculum development		

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139	Fulbright-Hays Group Projects Abroad Program (Part 664)	2014	OPE	IHEs, proprietary IHEs, postsecondary vocational institutions, accrediting agencies, states, students		
140	Student Assistance General Provisions (Part 668)	As needed (GE 2017 Delayed)	OPE	IHEs contributing to the nation's capacity for teaching and learning foreign languages		
141	Language Resource Centers Program (Part 669)	2005	OPE	IHEs, students (with need)		

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142	General Provisions for the Federal Perkins Loan Program, Federal Work-Study Program, And Federal Supplemental Educational Opportunity Grant Program (Part 673)	2009	OPE	IHEs, students (with need)		
143	Federal Perkins Loan Program (Part 674)	- 2013; (scheduled amendments to take effect 7/1/2017)	OPE	IHEs, students (with need)		
144	Federal Work-Study Programs (Part 675)	- 2009	OPE	IHEs, students (with need)		
145	Federal Supplemental Educational Opportunity Grant Program (Part 676)	- 2008	OPE	IHEs, lenders, guaranty agencies, students (with need)		

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146	Federal Family Education Loan (FFEL) Program (Part 682)	2015; (scheduled amendments to take effect 7/1/2017)	OPE	IHEs, students (with need)		
147	William D. Ford Federal Direct Loan Program (Part 685)	2015; (scheduled amendments to take effect 7/1/2017)	OPE	Students who intend to teach in high-need fields serving low-income students		
148	Teacher Education Assistance for College and Higher Education (TEACH) Grant Program (Part 686)	2010	OPE	IHEs, students (with need)		
149	Federal Pell Grant Program (Part 690)	2009, 2012	OPE	IHEs, students (with need) from rigorous secondary programs, students (with need) pursuing majors in the sciences, math, technology, engineering, or critical foreign language		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
150	Academic Competitiveness Grant (ACG) and National Science and Mathematics Access to Retain Talent Grant (National Smart Grant) Programs (Part 691)	2010	OPE	IHEs, states, students (with need)		
151	Leveraging Educational Assistance Partnership Program (Part 692)	2014	OPE	States, IHEs, LEAs, low-income middle and secondary students		
152	Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) (Part 694)	2014	OPE	Students pursuing careers in adult education or adult literacy		

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	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
154	Enforcement of Nondiscrimination on the Basis of Handicap Programs or Activities Conducted by the National Council on Disability (Part 1200)	1993				

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ED Regulations in Title 2 of the CFR

	Title of ED Regulation (CFR part)	Most Recent Amendments	POC	Stakeholders Affected by Regulations	Specify whether you will keep (K), modify (M), or Rescind (R) the entire part or specific sections.	Notes
1a	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (current version) (Part 3474)	2017	OET	ED, grantees	K	
2a	Nonprocurement Debarment and Suspension (Part 3485)	2012	ODS-RMS	ED, grantees	K	